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HOUSE BILL NO. 1556

Offered January 12, 2020

A *BILL to amend and reenact §§ 24.2-956, 24.2-956.1, 24.2-957.1, 24.2-958.1, and 24.2-959 of the Code of Virginia, relating to political campaign advertisements; disclosures; authorization statement, name of candidate as it appears on the ballot.*

Patron—Watts

Referred to Committee on Privileges and Elections

Be it enacted by the General Assembly of Virginia:

1. That §§ 24.2-956, 24.2-956.1, 24.2-957.1, 24.2-958.1, and 24.2-959 of the Code of Virginia are amended and reenacted as follows:

§ 24.2-956. Requirements for print media advertisements sponsored by a candidate campaign committee.

It shall be unlawful for any candidate or candidate campaign committee to sponsor a print media advertisement that constitutes an expenditure or contribution required to be disclosed under Chapter 9.3 (§ 24.2-945 et seq.) unless all of the following conditions are met:

1. It bears the legend or includes the statement: "Paid for by _____ [Name of candidate as it appears on the ballot or campaign committee]." Alternatively, if the advertisement is supporting a candidate who is the sponsor and the advertisement makes no reference to any other clearly identified candidate, then the statement "Paid for by _____ [Name of sponsor]" may be replaced by the statement "Authorized by _____ [Name of sponsor]."

2. In an advertisement sponsored by a candidate or a candidate campaign committee that makes reference to any other clearly identified candidate who is not sponsoring the advertisement, the sponsor shall state whether it is authorized by the candidate not sponsoring the advertisement. The visual legend in the advertisement shall state either "Authorized by [Name of candidate as it appears on the ballot], candidate for [Name of office]" or "Not authorized by any other candidate." This subdivision does not apply if the sponsor of the advertisement is the candidate the advertisement supports or that candidate's campaign committee.

3. If an advertisement is jointly sponsored, the disclosure statement shall name all the sponsors.

4. Any disclosure statement required by this section shall be displayed in a conspicuous manner in a minimum font size of seven point.

5. Any print media advertisement appearing in electronic format shall display the disclosure statement in a minimum font size of seven point; however, if the advertisement lacks sufficient space for a disclosure statement in a minimum font size of seven point, the advertisement may meet disclosure requirements if, by clicking on the print media advertisement appearing in electronic format, the viewer is taken to a landing page or a home page that displays the disclosure statement in a conspicuous manner.

§ 24.2-956.1. Requirements for print media advertisements sponsored by a person or political committee, other than a candidate campaign committee.

It shall be unlawful for any person or political committee to sponsor a print media advertisement that constitutes an expenditure or contribution required to be disclosed under Chapter 9.3 (§ 24.2-945 et seq.) unless the following requirements are met:

1. It bears the legend or includes the statement: "Paid for by _____ [Name of person or political committee]."

2. In an advertisement supporting or opposing the nomination or election of one or more clearly identified candidates, the sponsor states whether it is authorized by a candidate. The visual legend in the advertisement shall state either "Authorized by [Name of candidate as it appears on the ballot], candidate for [Name of office]" or "Not authorized by a candidate."

3. In an advertisement that identifies a candidate the sponsor is opposing, the sponsor must disclose in the advertisement the name of the candidate, as it appears on the ballot, who is intended to benefit from the advertisement, if the sponsor coordinates with, or has the authorization of, the benefited candidate.

4. If an advertisement is jointly sponsored, the disclosure statement shall name all the sponsors.

5. Any disclosure statement required by this section shall be displayed in a conspicuous manner in a minimum font size of seven point.

6. Any print media advertisement appearing in electronic format shall display the disclosure statement in a minimum font size of seven point; however, if the advertisement lacks sufficient space for

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59 a disclosure statement in a minimum font size of seven point, the advertisement may meet disclosure
60 requirements if, by clicking on the print media advertisement appearing in electronic format, the viewer
61 is taken to a landing page or a home page that displays the disclosure statement in a conspicuous
62 manner.

63 **§ 24.2-957.1. Requirements for television advertisements sponsored by a candidate or candidate**
64 **campaign committee.**

65 It shall be unlawful for any candidate or a candidate campaign committee to sponsor a television
66 advertisement that constitutes an expenditure or contribution required to be disclosed under Chapter 9.3
67 (§ 24.2-945 et seq.) unless the following requirements are met:

68 1. It bears the legend or includes the statement: "Paid for by _____ [Name of candidate
69 *as it appears on the ballot* or campaign committee]." Alternatively, if the advertisement is supporting
70 that candidate and the advertisement makes no reference to any other clearly identified candidate, then
71 the statement "Paid for by _____ [Name of sponsor]" may be replaced by the statement
72 "Authorized by _____ [Name of sponsor]."

73 The disclosure shall be made by visual legend, which shall constitute 20 scan lines in size. The
74 content of these visual legends is specified by the Communications Act of 1934, 47 U.S.C. §§ 315 and
75 317 and this section.

76 2. If the advertisement sponsored by the candidate or the candidate campaign committee makes
77 reference to another clearly identified candidate, it must include a disclosure statement spoken by the
78 sponsoring candidate containing at least the following words: "I am _____ (or 'This is
79 _____') [Name of candidate *as it appears on the ballot*], candidate for [Name of] office, and
80 I (or 'my campaign') sponsored this ad."

81 The candidate or the candidate campaign committee may provide the oral disclosure statement
82 required by this section at the same time as the visual disclosure required under the Communications
83 Act of 1934, 47 U.S.C. §§ 315 and 317, is shown.

84 3. The advertisement shall include throughout the disclosure statement an unobscured, full-screen
85 picture containing the candidate, either in photographic form or through the actual appearance of the
86 candidate on camera.

87 4. The candidate or the campaign committee may place the disclosure statement required by this
88 section at any point during the advertisement, except if the duration of the advertisement is more than
89 five minutes, the disclosure statement shall be made both at the beginning and end of the advertisement.

90 5. In its oral disclosure statement, the sponsor may choose to identify an advertisement as either
91 supporting or opposing the nomination or election of one or more clearly identified candidates.

92 6. If an advertisement is jointly sponsored, the disclosure statement shall include the names of all the
93 sponsors and the candidate shall be the disclosing individual. If more than one candidate is the sponsor,
94 at least one of the candidates shall be the disclosing individual.

95 **§ 24.2-958.1. Requirements for radio advertisements sponsored by a candidate or candidate**
96 **campaign committee.**

97 It shall be unlawful for a candidate or a candidate campaign committee to sponsor a radio
98 advertisement that constitutes an expenditure or contribution required to be disclosed under Chapter 9.3
99 (§ 24.2-945 et seq.) unless all of the following requirements are met:

100 1. The advertisement shall include the statement "Paid for by..... [Name of candidate *as it appears*
101 *on the ballot* or candidate campaign committee]." Alternatively, if the advertisement makes no reference
102 to any clearly identified candidate other than the candidate who is sponsoring the advertisement or
103 whose campaign committee is sponsoring the advertisement, then the statement "Paid for by..... [Name
104 of candidate *as it appears on the ballot* or candidate campaign committee]" may be replaced by the
105 statement "Authorized by..... [Name of candidate *as it appears on the ballot* or candidate campaign
106 committee]."

107 2. If the advertisement supports or opposes the election or nomination of a clearly identified
108 candidate other than the sponsoring candidate or supports or opposes the election or nomination of the
109 sponsoring candidate and makes reference to another clearly identified candidate, it must include a
110 disclosure statement spoken by the sponsoring candidate containing at least the following words: "I am
111 (or 'This is.....') [Name of candidate *as it appears on the ballot*], candidate for [Name of office], and
112 this ad was paid for by (or 'sponsored by' or 'furnished by') [Name of candidate *as it appears on the*
113 *ballot* or candidate campaign committee]."

114 3. The disclosure statement shall last at least two seconds and the statement shall be spoken so that
115 its contents may be easily understood. The placement of the oral disclosure statement shall also comply
116 with the requirements of the Communications Act of 1934, 47 U.S.C. §§ 315 and 317.

117 4. In its oral disclosure statement, the candidate or the candidate campaign committee may choose to
118 identify an advertisement as either supporting or opposing the nomination or election of one or more
119 clearly identified candidates.

120 5. If an advertisement is jointly sponsored, the disclosure statement shall include the names of all the

sponsors and the candidate shall be the disclosing individual. If more than one candidate is the sponsor, at least one of the candidates shall be the disclosing individual.

§ 24.2-959. Requirements for campaign telephone calls sponsored by a candidate or candidate campaign committee.

It shall be unlawful for any candidate or candidate campaign committee to make campaign telephone calls without disclosing, before the conclusion of each telephone call, information to identify the candidate or candidate campaign committee who has authorized and is paying for the calls unless such call is terminated prematurely by means beyond the maker's control.

The person making the telephone call shall disclose the name of the candidate *as it appears on the ballot*.

It shall be unlawful for any candidate or candidate campaign committee making campaign telephone calls to intentionally modify the caller identification information of any campaign telephone call for the purpose of misleading the recipient as to the identity of the caller. If the call is made from an automatic dialing-announcing device and caller identification information includes a name associated with the telephone number, then the caller identification information shall include either the name of the candidate *as it appears on the ballot* or candidate campaign committee that has authorized and is paying for the calls, or the vendor conducting the calls on behalf of the candidate or candidate campaign committee. "Automatic dialing-announcing device" means the same as that term is defined in § 59.1-518.1.

It shall also be unlawful (i) for any candidate or candidate campaign committee who contracts for campaign telephone calls to fail to provide to the persons making the telephone calls the identifying information required by this section or (ii) for any person to provide a false or fictitious name or address when providing the identifying information required.