

20107246D

HOUSE BILL NO. 1556

AMENDMENT IN THE NATURE OF A SUBSTITUTE
(Proposed by the House Committee on Privileges and Elections
on January 31, 2020)

(Patron Prior to Substitute—Delegate Watts)

A BILL to amend and reenact §§ 24.2-501, 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; name of candidate campaign committee as it appears on statement of organization.

Be it enacted by the General Assembly of Virginia:

1. That §§ 24.2-501, 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:

§ 24.2-501. Statement of qualification as requirement of candidacy.

It shall be a requirement of candidacy for any office of the Commonwealth, or of its governmental units, that a person must file a written statement under oath, on a form prescribed by the State Board, that he is qualified to vote for and hold the office for which he is a candidate. Every candidate for election to statewide office, the United States House of Representatives, or the General Assembly shall file the statement with the State Board. Every candidate for any other office shall file the statement with the general registrar of the county or city where he resides. Each general registrar shall transmit to the State Board, immediately after the filing deadline, a list of the candidates who have filed statements of qualification.

The candidate may shall state, as part of his statement of qualification, how he would like his name to appear on the ballot; however, all. All names printed on the ballot shall be required to meet the criteria established by the State Board.

§ 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 as it appears on the statement of organization." 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 candidate as it appears on the ballot]" may be replaced by the statement "Authorized by [Name of sponsor candidate as it appears on the ballot]."

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

HOUSE SUBSTITUTE

HB1556H1

2/10/20 11:10

60 identified candidates, the sponsor states whether it is authorized by a candidate. The visual legend in the
61 advertisement shall state either "Authorized by [Name of candidate *as it appears on the ballot*],
62 candidate for [Name of office]" or "Not authorized by a candidate."

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

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

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

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

76 **§ 24.2-957.1. Requirements for television advertisements sponsored by a candidate or candidate**
77 **campaign committee.**

78 It shall be unlawful for any candidate or a candidate campaign committee to sponsor a television
79 advertisement that constitutes an expenditure or contribution required to be disclosed under Chapter 9.3
80 (§ 24.2-945 et seq.) unless the following requirements are met:

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

86 The disclosure shall be made by visual legend, which shall constitute 20 scan lines in size. The
87 content of these visual legends is specified by the Communications Act of 1934, 47 U.S.C. §§ 315 and
88 317 and this section.

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

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

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

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

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

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

108 **§ 24.2-958.1. Requirements for radio advertisements sponsored by a candidate or candidate**
109 **campaign committee.**

110 It shall be unlawful for a candidate or a candidate campaign committee to sponsor a radio
111 advertisement that constitutes an expenditure or contribution required to be disclosed under Chapter 9.3
112 (§ 24.2-945 et seq.) unless all of the following requirements are met:

113 1. The advertisement shall include the statement "Paid for by..... [Name of candidate *as it appears*
114 *on the ballot* or candidate campaign committee *as it appears on the statement of organization*]."
115 Alternatively, if the advertisement makes no reference to any clearly identified candidate other than the
116 candidate who is sponsoring the advertisement or whose campaign committee is sponsoring the
117 advertisement, then the statement "Paid for by..... [Name of candidate *as it appears on the ballot* or
118 candidate campaign committee *as it appears on the statement of organization*]" may be replaced by the
119 statement "Authorized by..... [Name of candidate *as it appears on the ballot* or candidate campaign
120 committee *as it appears on the statement of organization*]."

121 2. If the advertisement supports or opposes the election or nomination of a clearly identified

122 candidate other than the sponsoring candidate or supports or opposes the election or nomination of the
123 sponsoring candidate and makes reference to another clearly identified candidate, it must include a
124 disclosure statement spoken by the sponsoring candidate containing at least the following words: "I am
125 (or 'This is.....') [Name of candidate *as it appears on the ballot*], candidate for [Name of office], and
126 this ad was paid for by (or 'sponsored by' or 'furnished by') [Name of candidate *as it appears on the*
127 *ballot* or candidate campaign committee *as it appears on the statement of organization*]."

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

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

134 5. If an advertisement is jointly sponsored, the disclosure statement shall include the names of all the
135 sponsors and the candidate shall be the disclosing individual. If more than one candidate is the sponsor,
136 at least one of the candidates shall be the disclosing individual.

137 **§ 24.2-959. Requirements for campaign telephone calls sponsored by a candidate or candidate**
138 **campaign committee.**

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

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

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

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

158 **2. That the provisions of this act shall become effective on January 1, 2021.**

159 **3. That print media advertisements paid for or distributed prior to the effective date of this act**
160 **shall not be subject to the provisions of this act.**