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HOUSE BILL NO. 1065

AMENDMENT IN THE NATURE OF A SUBSTITUTE

(Proposed by the House Committee on Privileges and Elections
on November 17, 1994)

(Patron Prior to Substitute—Delegate Way)

A BILL to amend the Code of Virginia by adding a section numbered 24.2-1014.1, relating to political campaign telephone polls; penalties.

Be it enacted by the General Assembly of Virginia:

1. That the Code of Virginia is amended by adding a section numbered 24.2-1014.1 as follows:

§ 24.2-1014.1. Identifying persons responsible for certain telephone polls; penalties.

A. As used in this section, a "telephone poll" means a series of telephone calls made (i) to twenty-five or more telephone numbers in the Commonwealth, (ii) during the 180 days before a general or special election or during the ninety days before a primary, and (iii) soliciting information reflecting public opinion or preferences as to any candidate or potential candidate, political party, or matter at issue in the election or primary.

B. It shall be unlawful for any person to conduct a telephone poll unless he discloses, before the conclusion of each telephone call, information to identify the person who has authorized or is paying for the poll.

The person conducting the telephone poll shall disclose the following identifying information:

1. The name of the candidate if the poll is authorized by the candidate or his campaign committee;

2. The name of the political party committee if the poll is authorized by a political party committee; or

3. The name of the committee, group, or individual authorizing the poll if the poll is authorized by any person other than a candidate, his campaign committee, or political party committee. If the person being polled requests additional identifying information concerning the named committee, group, or individual, the person conducting the poll shall state the registration number provided by the State Board for any committee or person who has filed a statement of organization under § 24.2-908 or, if the committee or person has not been registered, the full name and residence address for an individual who has authorized or paid for the poll.

C. It shall be unlawful for any person supervising the telephone poll to fail to provide to the persons making the telephone calls the identifying information required by this section.

D. It shall be unlawful for any person to provide a false or fictitious name or address when providing the identifying information required under subsection B.

E. Any person violating any provision of this section shall be subject to a civil penalty not to exceed fifty dollars; and, in the case of a willful violation, he shall be guilty of a Class 1 misdemeanor. The procedure to enforce the civil penalty provided in this section shall be as stated in § 24.2-929. The violation of this section shall not void any election.