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HOUSE BILL NO. 314

AMENDMENT IN THE NATURE OF A SUBSTITUTE
(Proposed by the Senate Committee on Privileges and Elections
on February 27, 1996)

(Patron Prior to Substitute—Delegate Scott)

A BILL to amend the Code of Virginia by adding in Title 24.2 a chapter numbered 9.1, consisting of a section numbered 24.2-951, relating to local fair campaign practices commissions.

Be it enacted by the General Assembly of Virginia:

1. That the Code of Virginia is amended by adding in Title 24.2 a chapter numbered 9.1, consisting of a section numbered 24.2-951, as follows:

CHAPTER 9.1.

LOCAL FAIR CAMPAIGN PRACTICES COMMISSIONS.

§ 24.2-951. Local fair campaign practices commissions.

The governing body of any county having the urban county executive form of government may establish, by ordinance, a fair campaign practices commission for its jurisdiction. This section shall not be applicable to elections for town office in any town within the county unless the town council, by ordinance, approves the application of this section to its town elections and provides that the county fair campaign practices commission shall have jurisdiction with respect to its town elections.

The commission shall be composed of two members selected by the county committee of each political party which has established a county committee within the county and three additional members selected by the members selected by the county committees. The chief judge of the circuit court for the county shall select one or more of the three additional commission members if the members selected by the county committees fail to select any one or more of the additional members within thirty days of the date of selection of the last member selected by the committees. Persons holding elective office shall not serve on the commission. In the event that the county committee of any political party eligible to participate does not select two members, the commission shall not be established.

The fair campaign practices commission shall promote fairly conducted campaigns for public office. The commission shall publish, and encourage compliance with, the code of fair campaign conduct set out below. The commission may adopt additions to the code to proscribe other specific and clearly defined categories of unfair campaign conduct.

The commission shall hear and issue findings of fact on charges of unfair campaign practices based on violations of the code of fair campaign conduct in accordance with procedures adopted by the commission. The commission shall hear and issue findings of fact only on charges pertaining to elections for county offices or, in the case of elections for other offices being voted on by part or all of the county, only on charges pertaining to conduct occurring within the county.

Subject to additions adopted by the commission, the code of fair campaign conduct shall be as follows:

Code of Fair Campaign Conduct

A. No candidate, or any person acting with the candidate's knowledge and consent, during the course of any campaign for election to public office shall knowingly:

1. Serve, or place another person to serve, as an agent or employee in the election campaign organization of a candidate, without the knowledge of that candidate or his organization, for the purpose of acting to impede the conduct of that candidate's campaign for election or of reporting information to the agent's principal or the employee's employer;

2. Promise, offer, or give any valuable thing or valuable benefit to any person who is an agent of or employed by a candidate or his election campaign organization for the purpose of influencing the agent or employee with respect to the improper discharge of his campaign duties or to obtain information about the candidate or his campaign organization; or

3. Alter, deface, destroy, or steal campaign materials or assets of any candidate or his election campaign organization.

B. No candidate, or any person acting with the candidate's knowledge and consent, during the course of any campaign for election to public office by means of any campaign writing, shall knowingly:

1. Use the title of an office not currently held by the candidate in a manner that implies that the candidate does currently hold that office or use the term "re-elect" when the candidate has never been elected to the office for which he is a candidate;

2. Make a false statement concerning the formal schooling or training completed or attempted by a candidate, including any degree, diploma, certificate, scholarship, grant, award, prize, or honor received, earned, or held by a candidate or the period of time during which a candidate attended any school, college, or institution of higher education;

- 60 3. Make a false statement concerning the professional, occupational, or vocational licenses held by a
61 candidate, or concerning any position the candidate held for which he received a salary or wages;
62 4. Make a false statement that a candidate has been indicted or convicted of a felony;
63 5. Make a false statement that a candidate has a record of treatment or confinement for mental
64 disorder or mental illness;
65 6. Make a false statement that a candidate has been subjected to military discipline for criminal
66 misconduct or dishonorably discharged from the armed services;
67 7. Falsely identify the source of a statement, issue statements under the name of another person
68 without authorization, or falsely state the endorsement of or opposition to a candidate by a person or
69 publication;
70 8. Sponsor with actual malice any campaign writing that contains a false statement of material fact
71 about a candidate; or
72 9. Sponsor with actual malice any campaign writing that contains a false statement of material fact
73 about charges before the fair campaign practices commission.
74 C. The following definitions shall apply for the purposes of this code:
75 "Actual malice" means to act with knowledge of falsity or with reckless disregard as to truth or
76 falsity.
77 "Campaign writing" means any printed or otherwise reproduced statement or advertisement about a
78 candidate that is posted, published, circulated, distributed, broadcast or otherwise disseminated during a
79 campaign for nomination or election to public office and that is designed to promote the election,
80 nomination, or defeat of the candidate.
81 "Sponsor" means a person, candidate, candidate's campaign committee, political committee, or
82 political party that pays for a campaign writing. If a person, candidate, candidate's campaign
83 committee, political committee, or political party acts as an agent for another or is reimbursed by
84 another for the payment, both the original and final sources of the payment shall be deemed a
85 "sponsor" for purposes of this code.
86 **2. That the provisions of this act shall become effective on January 1, 1997.**