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HOUSE BILL NO. 375

Offered January 11, 2006

Prefiled January 6, 2006

A BILL to amend and reenact § 24.2-943 of the Code of Virginia, relating to campaign advertisements; basic disclosure requirements.

Patron—Brink

Referred to Committee on Privileges and Elections

Be it enacted by the General Assembly of Virginia:

1. That § 24.2-943 of the Code of Virginia is amended and reenacted as follows:

§ 24.2-943. Basic requirements for political campaign advertisements; penalty.

A. It shall be unlawful for any sponsor to sponsor an advertisement in the print media or on radio or television that constitutes an expenditure or contribution required to be disclosed under Chapter 9 (§ 24.2-900 et seq.) of this title unless all of the following conditions are met:

1. It bears the legend or includes the statement: "Paid for by [Name of candidate, candidate campaign committee, political party committee, political action committee, individual, or other sponsor]." In television advertisements, this disclosure shall be made by visual legend. In the legend or statement, the phrase "Paid for by [Name of candidate or candidate campaign committee]" may be replaced by the phrase "Authorized by [Name of candidate or candidate campaign committee]" in an advertisement sponsored by the candidate or his campaign committee that supports the nomination or election of that candidate and that does not identify or make any reference to any other clearly identified candidate.

2. The name used in the labeling required in subdivision 1 for a political party committee contains the name of the political party and for a political action committee is the name that appears on the statement of organization as required in § 24.2-908.

3. In a print media 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], candidate for [name of office]" or "Not authorized by a candidate." This subdivision does not apply if the sponsor of the advertisement is the candidate the advertisement supports or that candidate's campaign committee.

4. In a print media advertisement that identifies a candidate the sponsor is opposing, the sponsor discloses in the advertisement the name of the candidate who is intended to benefit from the advertisement. This subdivision applies only when the sponsor coordinates or consults about the advertisement or the expenditure for it with the candidate who is intended to benefit or with that candidate's campaign committee.

5. If an advertisement described in this section is jointly sponsored, the disclosure statement shall name all the sponsors.

B. In a print media advertisement covered by subsection A, any disclosure statement required by that subsection shall be displayed in a conspicuous manner. "Conspicuous" means so written, displayed, or presented that a reasonable person ought to have noticed it. If a single advertisement consists of multiple pages, folds, or faces, the disclosure ~~requirement of statement required by this section~~ *applies only to one shall appear on the first page, fold, or face.* In a television advertisement covered by subsection A, the visual disclosure legend shall constitute 20 scan lines in size. In a radio advertisement covered by subsection A, the disclosure statement shall last at least two seconds and the statement shall be spoken so that its contents may be easily understood.

C. Any candidate, candidate campaign committee, political party committee, political action committee, individual, or other sponsor violating any provision of this section shall be subject to a civil penalty not to exceed \$100; and in the case of a willful violation, he shall be guilty of a Class 1 misdemeanor. It shall not be deemed a violation of this section if the contents of the disclosure legend or statement convey the required information. Any civil penalties collected pursuant to an action under this section shall be payable to the State Treasurer for deposit to the general fund. The procedure to enforce the civil penalties provided in this section shall be as stated in § 24.2-929.

D. The person accepting an advertisement for a radio or television outlet shall require, and for one year shall retain a copy of, proof of identity of the person who submits the advertisement for broadcast when the authorization statement on the advertisement is made by an individual or entity other than a candidate, candidate campaign committee, political party committee, or political action committee. Proof

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HB375

59 of identity shall be submitted either (i) in person and include a valid Virginia driver's license, or any
60 other identification card issued by a government agency of the Commonwealth, one of its political
61 subdivisions, or the United States; or (ii) other than in person, in which case, the person submitting the
62 advertisement shall provide a telephone number and the person accepting the advertisement may phone
63 the person to verify the validity of the person's identifying information before broadcasting the
64 advertisement.

65 E. Television or radio outlets shall not be liable under this section for carriage of political
66 advertisements that fail to include the disclosure requirements provided for in this section. This
67 provision supersedes any contrary provisions of the Code of Virginia.

68 *F. In any print media advertisement covered by subsection A in which the word "official" appears,*
69 *the disclosure statement shall be printed in a type size, font, and style equal to or more conspicuous*
70 *than the type size, font, and style of the word "official."*