

1 VIRGINIA ACTS OF ASSEMBLY — CHAPTER

2 *An Act to amend and reenact §§ 24.2-955.1, 24.2-956, 24.2-957.1, 24.2-958.1, and 24.2-959 of the Code*
 3 *of Virginia, relating to political campaign advertisements; authorization statement; name of*
 4 *candidate defined.*

[H 1556]

Approved

7 **Be it enacted by the General Assembly of Virginia:**

8 **1. That §§ 24.2-955.1, 24.2-956, 24.2-957.1, 24.2-958.1, and 24.2-959 of the Code of Virginia are**
 9 **amended and reenacted as follows:**

10 **§ 24.2-955.1. Definitions.**

11 As used in this chapter, unless the context requires a different meaning:

12 "Advertisement" means any message appearing in the print media, on television, or on radio that
 13 constitutes a contribution or expenditure under Chapter 9.3 (§ 24.2-945 et seq.). "Advertisement" shall
 14 not include novelty items authorized by a candidate including, but not limited to, pens, pencils, magnets,
 15 and buttons to be attached to wearing apparel.

16 "Authorized by _____" means the same as "authorization" as defined in § 24.2-945.1.

17 "Campaign telephone calls" means a series of telephone calls, electronic or otherwise, made (i) to 25
 18 or more telephone numbers in the Commonwealth, (ii) during the 180 days before a general or special
 19 election or during the 90 days before a primary or other political party nominating event, (iii) conveying
 20 or soliciting information relating to any candidate or political party participating in the election, primary
 21 or other nominating event, and (iv) under an agreement to compensate the telephone callers.

22 "Candidate" means "candidate" as defined in § 24.2-101.

23 "Candidate campaign committee" or "campaign committee" means "campaign committee" as defined
 24 in § 24.2-945.1.

25 "Coordinated" or "coordination" means an expenditure that is made (i) at the express request or
 26 suggestion of a candidate, a candidate's campaign committee, or an agent of the candidate or his
 27 campaign committee or (ii) with material involvement of the candidate, a candidate's campaign
 28 committee, or an agent of the candidate or his campaign committee in devising the strategy, content,
 29 means of dissemination, or timing of the expenditure.

30 "Conspicuous" means so written, displayed, or communicated that a reasonable person ought to have
 31 noticed it.

32 "Full-screen" means the only picture appearing on the television screen during the oral disclosure
 33 statement that (i) contains the disclosing person, (ii) occupies all visible space on the television screen,
 34 and (iii) contains the image of the disclosing person that occupies at least 50% of the vertical height of
 35 the television screen.

36 "Independent expenditure" means "independent expenditure" as defined in § 24.2-945.1.

37 "Name of candidate" means (i) the full name of the candidate as it appears on the statement of
 38 qualification filed pursuant to § 24.2-501 or as it will appear on the ballot, or (ii) the first name, middle
 39 name, or "nickname" of the candidate as it appears on his statement of qualification and a last name of
 40 the candidate as it appears on his statement of qualification.

41 "Occurrence" means one broadcast of a radio or television political campaign advertisement.

42 "Political action committee" means "political action committee" as defined in § 24.2-945.1.

43 "Political committee" means "political committee" as defined in § 24.2-945.1.

44 "Political party" has the same meaning as "party" or "political party" as defined in § 24.2-101.

45 "Political party committee" means any state political party committee, congressional district political
 46 party committee, county or city political party committee, or organized political party group of elected
 47 officials. The term shall not include any other organization or auxiliary associated with or using the
 48 name of a political party.

49 "Print media" means billboards, cards, newspapers, newspaper inserts, magazines, printed material
 50 disseminated through the mail, pamphlets, fliers, bumper stickers, periodicals, website, electronic mail,
 51 yard signs, and outdoor advertising facilities. If a single print media advertisement consists of multiple
 52 pages, folds, or faces, the disclosure requirement of this section applies only to one page, fold, or face.

53 "Radio" means any radio broadcast station that is subject to the provisions of 47 U.S.C. §§ 315 and
 54 317.

55 "Scan line" means a standard term of measurement used in the electronic media industry calculating
 56 a certain area in a television advertisement.

57 "Sponsor" means a candidate, candidate campaign committee, political committee, or person that
58 purchases an advertisement.

59 "Television" means any television broadcast station, cable television system, wireless-cable multipoint
60 distribution system, satellite company, or telephone company transmitting video programming that is
61 subject to the provisions of 47 U.S.C. §§ 315 and 317.

62 "Unobscured" means that the only printed material that may appear on the television screen is a
63 visual disclosure statement required by law, and that nothing is blocking the view of the disclosing
64 person's face.

65 "Yard sign" means a sign paid for or distributed by a candidate, campaign committee, or political
66 committee to be placed on public or private property. Yard signs paid for or distributed prior to July 1,
67 2015, shall not be subject to the provisions of §§ 24.2-956 and 24.2-956.1.

68 **§ 24.2-956. Requirements for print media advertisements sponsored by a candidate campaign**
69 **committee.**

70 It shall be unlawful for any candidate or candidate campaign committee to sponsor a print media
71 advertisement that constitutes an expenditure or contribution required to be disclosed under Chapter 9.3
72 (§ 24.2-945 et seq.) unless all of the following conditions are met:

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

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

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

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

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

94 **§ 24.2-957.1. Requirements for television advertisements sponsored by a candidate or candidate**
95 **campaign committee.**

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

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

104 The disclosure shall be made by visual legend, which shall constitute 20 scan lines in size. The
105 content of these visual legends is specified by the Communications Act of 1934, 47 U.S.C. §§ 315 and
106 317 and this section.

107 2. If the advertisement sponsored by the candidate or the candidate campaign committee makes
108 reference to another clearly identified candidate, it must include a disclosure statement spoken by the
109 sponsoring candidate containing at least the following words: "I am _____ (or 'This is
110 _____') [Name of candidate], candidate for [Name of] office, and I (or 'my campaign')
111 sponsored this ad."

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

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

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

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

6. 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.

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

It shall be unlawful for a candidate or a candidate campaign committee to sponsor a radio 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 requirements are met:

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

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

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

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

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.

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 or candidate campaign committee *as it appears on the statement of organization* 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.

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

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