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## HOUSE BILL NO. 1556

AMENDMENT IN THE NATURE OF A SUBSTITUTE  
(Proposed by the Senate Committee on Privileges and Elections  
on February 18, 2020)

(Patron Prior to Substitute—Delegate Watts)

A BILL to amend and reenact §§ 24.2-955.1, 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; authorization statement; name of candidate defined.

Be it enacted by the General Assembly of Virginia:

1. That §§ 24.2-955.1, 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:

§ 24.2-955.1. Definitions.

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

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

"Authorized by \_\_\_\_\_" means the same as "authorization" as defined in § 24.2-945.1.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

"Sponsor" means a candidate, candidate campaign committee, political committee, or person that

60 purchases an advertisement.

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

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

67 "Yard sign" means a sign paid for or distributed by a candidate, campaign committee, or political  
68 committee to be placed on public or private property. Yard signs paid for or distributed prior to July 1,  
69 2015, shall not be subject to the provisions of §§ 24.2-956 and 24.2-956.1.

70 **§ 24.2-956. Requirements for print media advertisements sponsored by a candidate campaign**  
71 **committee.**

72 It shall be unlawful for any candidate or candidate campaign committee to sponsor a print media  
73 advertisement that constitutes an expenditure or contribution required to be disclosed under Chapter 9.3  
74 (§ 24.2-945 et seq.) unless all of the following conditions are met:

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

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

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

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

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

96 **§ 24.2-956.1. Requirements for print media advertisements sponsored by a person or political**  
97 **committee, other than a candidate campaign committee.**

98 It shall be unlawful for any person or political committee to sponsor a print media advertisement that  
99 constitutes an expenditure or contribution required to be disclosed under Chapter 9.3 (§ 24.2-945 et seq.)  
100 unless the following requirements are met:

101 1. It bears the legend or includes the statement: "Paid for by \_\_\_\_\_ [Name of person or  
102 political committee]."

103 2. In an advertisement supporting or opposing the nomination or election of one or more clearly  
104 identified candidates, the sponsor states whether it is authorized by a candidate. The visual legend in the  
105 advertisement shall state either "Authorized by [Name of candidate], candidate for [Name of office]" or  
106 "Not authorized by a candidate."

107 3. In an advertisement that identifies a candidate the sponsor is opposing, the sponsor must disclose  
108 in the advertisement the name of the candidate who is intended to benefit from the advertisement, if the  
109 sponsor coordinates with, or has the authorization of, the benefited candidate.

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

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

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

119 **§ 24.2-957.1. Requirements for television advertisements sponsored by a candidate or candidate**  
120 **campaign committee.**

121 It shall be unlawful for any candidate or a candidate campaign committee to sponsor a television

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 candidate or campaign committee *as it appears on the statement of organization*]." Alternatively, if the advertisement is supporting that candidate and the advertisement makes no reference to any other clearly identified candidate, then the statement "Paid for by \_\_\_\_\_ [Name of sponsor]" may be replaced by the statement "Authorized by \_\_\_\_\_ [Name of sponsor]."

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

2. If the advertisement sponsored by the candidate or the candidate campaign committee 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 I (or 'my campaign') sponsored this ad."

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

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

183 candidate or candidate campaign committee who has authorized and is paying for the calls unless such  
184 call is terminated prematurely by means beyond the maker's control.

185 The person making the telephone call shall disclose the name of the candidate.

186 It shall be unlawful for any candidate or candidate campaign committee making campaign telephone  
187 calls to intentionally modify the caller identification information of any campaign telephone call for the  
188 purpose of misleading the recipient as to the identity of the caller. If the call is made from an automatic  
189 dialing-announcing device and caller identification information includes a name associated with the  
190 telephone number, then the caller identification information shall include either the name of the  
191 candidate or candidate campaign committee *as it appears on the statement of organization* that has  
192 authorized and is paying for the calls, or the vendor conducting the calls on behalf of the candidate or  
193 candidate campaign committee. "Automatic dialing-announcing device" means the same as that term is  
194 defined in § 59.1-518.1.

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

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

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