

24107126D

## SENATE BILL NO. 78

## AMENDMENT IN THE NATURE OF A SUBSTITUTE

(Proposed by the Senate Committee on Privileges and Elections)

(Patron Prior to Substitute—Senator Favola)

Senate Amendments in [ ] - February 9, 2024

A *BILL to amend and reenact §§ 24.2-945.1, 24.2-945.2, 24.2-955, 24.2-955.1, 24.2-956, 24.2-956.1, 24.2-957.1, 24.2-957.2, 24.2-957.3, 24.2-958.1, 24.2-958.2, and 24.2-958.3 of the Code of Virginia, relating to campaign advertisements; independent expenditures; electioneering communications; disclaimer requirements.*

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

**1. That §§ 24.2-945.1, 24.2-945.2, 24.2-955, 24.2-955.1, 24.2-956, 24.2-956.1, 24.2-957.1, 24.2-957.2, 24.2-957.3, 24.2-958.1, 24.2-958.2, and 24.2-958.3 of the Code of Virginia are amended and reenacted as follows:**

**§ 24.2-945.1. Definitions.**

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

"Authorization" means express approval or express consent by the candidate, the candidate's campaign committee, or an agent of the candidate or his campaign committee after coordination.

"Campaign committee" means the committee designated by a candidate to receive all contributions and make all expenditures for him or on his behalf in connection with his nomination or election.

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

"Contribution" means money and services of any amount, in-kind contributions, and any other thing of value, given, advanced, loaned, or in any other way provided to a candidate, campaign committee, political committee, or person for the purpose of expressly advocating the election or defeat of a clearly identified candidate or to an inaugural committee for the purpose of defraying the costs of the inauguration of a Governor, Lieutenant Governor, or Attorney General. "Contribution" includes money, services, or things of value in any way provided by a candidate to his own campaign and the payment by the candidate of a filing fee for any party nomination method.

"Coordinated" or "coordination" refers to 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.

"Designated contribution" means a contribution that is designated specifically and in writing for a particular candidate or candidates and that is made using a political committee solely as a conduit.

"Expenditure" means money and services of any amount, and any other thing of value, paid, loaned, provided, or in any other way disbursed by any candidate, campaign committee, political committee, or person for the purpose of expressly advocating the election or defeat of a clearly identified candidate or by any inaugural committee for the purpose of defraying the costs of the inauguration of a Governor, Lieutenant Governor, or Attorney General.

"Federal political action committee" means any political action committee registered with the Federal Election Commission that makes contributions to candidates or political committees registered in Virginia.

"Inaugural committee" means any organization, person, or group of persons that anticipates receiving contributions or making expenditures, from other than publicly appropriated funds, for the inauguration of the Governor, Lieutenant Governor, or Attorney General and related activities.

"Independent expenditure" means (i) an expenditure made by any person, candidate campaign committee, or political committee that is not made to, controlled by, coordinated with, or made with the authorization of a candidate, his campaign committee, or an agent of the candidate or his campaign committee or (ii) a disbursement for an electioneering communication as defined in § 24.2-955.1 that is not controlled by, coordinated with, or made with the authorization of a candidate, his campaign committee, or an agent of the candidate or his campaign committee. "Independent expenditure" includes an expenditure made by a candidate campaign committee (i) (a) that is not related to the candidate's own campaign and (ii) (b) that is not made to, controlled by, coordinated with, or made with the authorization of a different candidate, his campaign committee, or an agent of that candidate or his campaign committee.

"In-kind contribution" means the donation of goods, services, property, or other thing of value, other than money, including an expenditure controlled by, coordinated with, or made upon the authorization of a candidate, his campaign committee, or an agent of the candidate or his campaign committee, that is provided for free or less than the usual and normal charge. The basis for arriving at the dollar value of

ENGROSSED

SB78ES1

an in-kind contribution is as follows: new items are valued at retail value; used items are valued at fair market value; and services rendered are valued at the actual cost of service per hour. Services shall not be deemed to include personal services voluntarily rendered for which no compensation is asked or given.

"Out-of-state political committee" means an entity covered by § 527 of the United States Internal Revenue Code that is not registered as a political committee or candidate campaign committee in Virginia and that does not have as its primary purpose expressly advocating the election or defeat of a clearly identified candidate. The term shall not include a federal political action committee.

"Person" means any individual or corporation, partnership, business, labor organization, membership organization, association, cooperative, or other like entity.

"Political action committee" means any organization, person, or group of persons, established or maintained to receive and expend contributions for the primary purpose of expressly advocating the election or defeat of a clearly identified candidate. The term shall not include a campaign committee, federal political action committee, out-of-state political committee, political party committee, referendum committee, or inaugural committee.

"Political committee" means and includes any political action committee, political party committee, referendum committee, or inaugural committee. The term shall not include: (i) a federal political action committee or out-of-state political committee; (ii) a campaign committee; (iii) a political party committee exempted pursuant to § 24.2-950.1; or (iv) a person who receives no contributions from any source and whose only expenditures are made solely from his own funds and are either contributions made by him which are reportable by the recipient pursuant to this chapter or independent expenditures which are reportable by him to the extent required by § 24.2-945.2, or a combination of such reportable contributions and independent expenditures.

"Political party committee" means any state political party committee, congressional district political party committee, county or city political party committee, other election district political party committee, or organized political party group of elected officials. This definition is subject to the provisions of § 24.2-950.1.

"Primary purpose" means that 50% or more of the committee's expenditures made in the form of contributions shall be made to candidate campaign committees or political committees registered in Virginia. Administrative expenditures and the transfer of funds between affiliated or connected organizations shall not be considered in determining the committee's primary purpose. The primary purpose of the committee shall not be determined on the basis of only one report or election cycle, but over the entirety of the committee's registration.

"Referendum committee" means any organization, person, group of persons, or committee, that makes expenditures in a calendar year in excess of (i) \$10,000 to advocate the passage or defeat of a statewide referendum, (ii) \$5,000 to advocate the passage or defeat of a referendum being held in two or more counties and cities, or (iii) \$1,000 to advocate the passage or defeat of a referendum held in a single county or city.

"Residence" means "residence" or "resident" as defined in § 24.2-101.

"Statewide office" means the office of Governor, Lieutenant Governor, or Attorney General.

B. For the purpose of applying the filing and reporting requirements of this chapter, *with the exception of independent expenditure disclosure reports required by § 24.2-945.2*, the terms "person" and "political committee," shall not include an organization holding tax-exempt status under § 501(c)(3), 501(c)(4), or 501(c)(6) of the United States Internal Revenue Code which, in providing information to voters, does not advocate or endorse the election or defeat of a particular candidate, group of candidates, or the candidates of a particular political party.

**§ 24.2-945.2. Persons required to file independent expenditure disclosure reports; filing deadline.**

A. Any person, candidate campaign committee, or political committee that makes independent expenditures, in the aggregate during an election cycle, of ~~\$1,000~~ \$5,000 or more for a statewide election or ~~\$200~~ \$1,000 or more for any other election shall maintain records and report pursuant to this chapter all such independent expenditures made for the purpose of expressly advocating the election or defeat of a clearly identified candidate.

B. Independent expenditure reports shall be due (i) within 24 hours of the time when the funds were expended or (ii) within 24 hours of the time when materials, as described in subsection A of this section, are published or broadcast to the public, whichever (i) or (ii) first occurs. The reports shall be filed with the State Board if the funds were expended to support or oppose a candidate for statewide office or the General Assembly or with the general registrar of the county or city in which the candidate resides if the funds were expended to support or oppose a candidate for local office. The report filed by a political action committee or political party committee shall include the information required for a statement of organization as listed in subdivisions A 1 through A 8 of § 24.2-949.2 or subdivisions 1 through 6 of § 24.2-950.2, as appropriate, unless the committee has a current statement of organization

on file with the State Board.

C. Independent expenditure reports required by this section ~~may~~ *shall* be filed electronically pursuant to § 24.2-946.1 or in writing on a form developed by the State Board. If the report is filed in writing, the report shall be (i) received by the State Board or the general registrar, as appropriate, within 24 hours of the time when the funds were expended or (ii) transmitted to the State Board or the general registrar, as appropriate, by telephonic transmission to a facsimile device within 24 hours of the time when the funds were expended with an original copy of the report mailed to the State Board or the general registrar, as appropriate, and postmarked within 24 hours of the time when the funds were expended.

#### § 24.2-955. Scope of disclosure requirements.

The disclosure requirements of this chapter apply to any sponsor of an advertisement in the print media, on radio or television, or placed or promoted for a fee on an online platform, the cost or value of which constitutes an expenditure or contribution required to be disclosed under Chapter 9.3 (§ 24.2-945 et seq.) except that the disclosure requirements of this chapter do not apply to (i) an individual who makes independent expenditures aggregating less than \$1,000 \$5,000 in an election cycle for or against a candidate for statewide office or less than \$200 \$1,000 in an election cycle for or against a candidate for any other office or (ii) an individual who incurs expenses only with respect to a referendum.

##### § 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, on radio, or on an online platform, that constitutes a contribution or expenditure under Chapter 9.3 (§ 24.2-945 et seq.) *or is an electioneering communication*. "Advertisement" ~~shall~~ *does* 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 or text messages, 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 an advertisement~~.

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

"Electioneering communication" means any message appearing in the print media, on television, on radio, or on an online platform (i) that refers to a clearly identified candidate; (ii) that is published, broadcast, or otherwise publicly distributed within 30 days of a primary election for the office sought by the candidate or 60 days of a general or special election for the office sought by the candidate and is targeted to the relevant electorate; and (iii) for which money and services of any amount, or any other thing of value, was paid, loaned, provided, or in any other way disbursed. "Electioneering communication" does not include (a) a candidate debate or forum or promotion of such debate or forum by the sponsor of the event [ ~~or~~ , ] (b) a communication paid for by a federal candidate in connection with a federal election, provided that such communication does not expressly advocate for a candidate for office in Virginia [ , or (c) a communication soliciting responses to a public opinion survey ] .

"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.

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

184 "Online platform" means any public-facing website, web application, or digital application, including  
185 a social network, ad network, or search engine, that sells advertisements.

186 "Online political advertisement" means an advertisement that is placed or promoted for a fee on an  
187 online platform.

188 "Online political advertiser" means any person who purchases an advertisement from an online  
189 platform or promotes an advertisement on an online platform for a fee.

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

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

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

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

197 "Print media" means billboards, cards, newspapers, newspaper inserts, magazines, printed material  
198 disseminated through the mail, pamphlets, fliers, bumper stickers, periodicals, websites, electronic mail,  
199 non-video or non-audio messages placed or promoted for a fee on an online platform, yard signs, and  
200 outdoor advertising facilities. If a single print media advertisement consists of multiple pages, folds, or  
201 faces, the disclosure requirement of this section applies only to one page, fold, or face.

202 "Radio" means any radio broadcast station that is subject to the provisions of 47 U.S.C. §§ 315 and  
203 317.

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

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

208 "Telephone call" means any single telephone call or text message, electronic or otherwise, that when  
209 combined with other telephone calls or text messages constitutes campaign telephone calls.

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

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

216 "Yard sign" means a sign paid for or distributed by a candidate, campaign committee, or political  
217 committee to be placed on public or private property. Yard signs paid for or distributed prior to July 1,  
218 2015, shall not be subject to the provisions of §§ 24.2-956 and 24.2-956.1.

219 **§ 24.2-956. Requirements for print media advertisements sponsored by a candidate campaign**  
220 **committee.**

221 It shall be unlawful for any candidate or candidate campaign committee to sponsor a print media  
222 advertisement that constitutes an expenditure or contribution required to be disclosed under Chapter 9.3  
223 (§ 24.2-945 et seq.) unless all of the following conditions are met:

224 1. It bears the legend or includes the statement: "Paid for by \_\_\_\_\_ [Name of candidate or  
225 campaign committee as it appears on the statement of organization]." Alternatively, if the advertisement  
226 is supporting a candidate who is the sponsor and the advertisement makes no reference to any other  
227 clearly identified candidate, then the statement "Paid for by \_\_\_\_\_ [Name of candidate]" may be  
228 replaced by the statement "Authorized by \_\_\_\_\_ [Name of candidate]."

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

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

236 4. Any disclosure statement required by this section shall be displayed in a conspicuous manner in a  
237 font size proportionate to the size of the advertisement. The State Board of Elections shall promulgate  
238 standards for meeting the requirements of this subdivision.

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

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

It shall be unlawful for any person or political committee to sponsor a print media 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 person or political committee]."

2. In an 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."

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

4. If the advertisement is an independent expenditure, the sponsor must disclose in the advertisement the name of the sponsor's three largest contributors since the most recent general election. If the three largest contributors cannot be determined because multiple contributors have given the same amount, then the names of any three of such contributors shall be disclosed. Any contributor to an organization holding tax-exempt status under § 501(c)(3), 501(c)(4), or 501(c)(6) of the United States Internal Revenue Code that has explicitly designated that its contribution not be used for political spending shall not be counted for the purpose of determining the organization's largest donors so long as the organization does not use such contributor's donations for such spending. The visual legend in the advertisement shall state: "The top three contributors to [Name of person or committee] are [largest contributor], [second largest contributor], and [third largest contributor]." However, the provisions of this subdivision shall not apply to any person who makes independent expenditures aggregating less than \$20,000 in an election cycle.

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

6. Any disclosure statement required by this section shall be displayed in a conspicuous manner in a font size proportionate to the size of the advertisement. The State Board of Elections shall promulgate standards for meeting the requirements of this subdivision.

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

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

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.

**§ 24.2-957.2. Requirements for television advertisements sponsored by a political committee.**

It shall be unlawful for a political 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 political committee]."

2. A television advertisement supporting or opposing the nomination or election of one or more clearly identified candidates (i) shall include a disclosure statement, spoken by the chief executive officer or treasurer of the political committee, containing at least the following words: "The [Name of political committee] sponsored this ad."

3. If the advertisement is an independent expenditure, the sponsor must disclose in the advertisement the name of the sponsor's three largest contributors. If the three largest contributors cannot be determined because multiple contributors have given the same amount, then the names of any three of such contributors shall be disclosed. Any contributor to an organization holding tax-exempt status under § 501(c)(3), 501(c)(4), or 501(c)(6) of the United States Internal Revenue Code that has explicitly designated that its contribution not be used for political spending shall not be counted for the purpose of determining the organization's largest donors so long as the organization does not use such contributor's donations for such spending. The advertisement shall bear the legend or include the statement, "The top three contributors to [Name of person or committee] are [largest contributor], [second largest contributor], and [third largest contributor]." However, the provisions of this subdivision shall not apply to any person who makes independent expenditures aggregating less than \$20,000 in an election cycle.

4. If an advertisement is jointly sponsored, the disclosure statement shall include the names of all the sponsors and the disclosing individual shall be one of those sponsors.

5. The disclosure shall be made by visual legend, which shall constitute 20 scan lines in size.

6. The content of these visual legends is specified by the Communications Act of 1934, 47 U.S.C. §§ 315 and 317 and this section.

7. The political 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.

8. The advertisement shall include throughout the disclosure statement an unobscured, full-screen picture containing the disclosing individual, either in photographic form or through the actual appearance of the disclosing individual on camera.

9. A political 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.

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

11. If the advertisement is jointly sponsored, the disclosure statement shall name all of the sponsors and the disclosing individual shall be one of those sponsors. This provision supersedes any contrary provisions of the Code of Virginia.

**§ 24.2-957.3. Requirements for television advertisements sponsored by a person that is not a candidate campaign committee or political committee.**

A. It shall be unlawful for a person 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. If the sponsor is an individual, a disclosure statement spoken by the individual containing at least the following words: "I am [individual's name], and I sponsored this ad."

2. If the sponsor is a corporation, partnership, business, labor organization, membership organization, association, cooperative, or other like entity, a disclosure statement spoken by the chief executive officer containing at least the following words: "[Name of sponsor] paid for (or 'sponsored' or 'furnished') this ad."

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

C. If an advertisement is jointly sponsored, the disclosure statement shall include the names of all the

sponsors.

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

It shall be ~~is~~ 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.

**§ 24.2-958.2. Requirements for radio advertisements sponsored by a political committee.**

It shall be ~~is~~ unlawful for a political committee to sponsor an 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 satisfied:

1. A radio advertisement supporting or opposing the nomination or election of one or more clearly identified candidates (i) shall include a disclosure statement, spoken by the chief executive officer or treasurer of the committee, containing at least the following words: "This ad was paid for (or 'sponsored by' or 'furnished by') [Name of political action committee]." (ii) The disclosure statement shall last at least two seconds and the statement shall be spoken so that its contents may be easily understood. (iii) 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.

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

3. *If the advertisement is an independent expenditure, the sponsor must disclose in the advertisement the name of the sponsor's three largest contributors. If the three largest contributors cannot be determined because multiple contributors have given the same amount, then the names of any three of such contributors shall be disclosed. Any contributor to an organization holding tax-exempt status under § 501(c)(3), 501(c)(4), or 501(c)(6) of the United States Internal Revenue Code that has explicitly designated that its contribution not be used for political spending shall not be counted for the purpose of determining the organization's largest donors so long as the organization does not use such contributor's donations for such spending. The advertisement shall include the statement, "The top three contributors to [Name of person or committee] are [largest contributor], [second largest contributor], and [third largest contributor]." However, the provisions of this subdivision shall not apply to any person who makes independent expenditures aggregating less than \$20,000 in an election cycle.*

4. If the advertisement is jointly sponsored, the disclosure statement shall name all of the sponsors and the disclosing individual shall be one of those sponsors.

**§ 24.2-958.3. Requirements for radio advertisements sponsored by a person that is not a candidate or political committee.**

A. It shall be ~~is~~ unlawful for a person to sponsor an 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. Radio advertisements purchased by an individual supporting or opposing the nomination or

429 election of one or more clearly identified candidates shall include a disclosure statement spoken by the  
430 individual containing at least the following words: "I am [individual's name], and I sponsored this ad."

431 2. Radio advertisements purchased by a corporation, partnership, business, labor organization,  
432 membership organization, association, cooperative, or other like entity supporting or opposing the  
433 nomination or election of one or more clearly identified candidates shall include a disclosure statement  
434 spoken by the chief executive of the sponsor containing at least the following words: "[Name of  
435 sponsor] paid for (or 'sponsored' or 'furnished') this ad."

436 B. In its oral disclosure statement, a person may choose to identify an advertisement as either  
437 supporting or opposing the nomination or election of one or more clearly identified candidates.

438 C. If an advertisement is jointly sponsored, the disclosure statement shall include the names of all the  
439 sponsors.