

SENATE BILL NO. 318

AMENDMENT IN THE NATURE OF A SUBSTITUTE

(Proposed by the Senate Committee on Privileges and Elections

on January 18, 2022)

(Patron Prior to Substitute--Senator Favola)

A BILL to amend and reenact §§ 24.2-945.1, 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, 24.2-955, 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.

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

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

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

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

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

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

54 "In-kind contribution" means the donation of goods, services, property, or other thing of value,
55 other than money, including an expenditure controlled by, coordinated with, or made upon the
56 authorization of a candidate, his campaign committee, or an agent of the candidate or his campaign
57 committee, that is provided for free or less than the usual and normal charge. The basis for arriving at the
58 dollar value of an in-kind contribution is as follows: new items are valued at retail value; used items are
59 valued at fair market value; and services rendered are valued at the actual cost of service per hour. Services
60 shall not be deemed to include personal services voluntarily rendered for which no compensation is asked
61 or given.

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

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

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

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

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

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

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

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

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

98 B. For the purpose of applying the filing and reporting requirements of this chapter, the terms
99 "person" and "political committee," shall not include an organization holding tax-exempt status under §
100 501(c) (3), 501(c) (4), or 501(c) (6) of the United States Internal Revenue Code which, in providing
101 information to voters, does not advocate or endorse the election or defeat of a particular candidate, group
102 of candidates, or the candidates of a particular political party.

103 **§ 24.2-955. Scope of disclosure requirements.**

104 The disclosure requirements of this chapter apply to any sponsor of an advertisement ~~in the print~~
105 ~~media, on radio or television, or placed or promoted for a fee on an online platform, the cost or value of~~
106 ~~which constitutes an expenditure or contribution required to be disclosed under Chapter 9.3 (§ 24.2-945~~
107 ~~et seq.)~~ except that the disclosure requirements of this chapter do not apply to ~~(i)~~ an individual who makes

108 independent expenditures aggregating less than \$1,000 in an election cycle for or against a candidate for
109 statewide office or less than \$200 in an election cycle for or against a candidate for any other office ~~or (ii)~~
110 ~~an individual who incurs expenses only with respect to a referendum.~~

111 **§ 24.2-955.1. Definitions.**

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

113 "Advertisement" means any message appearing in the print media, on television, on radio, or on
114 an online platform, that (i) constitutes a contribution or expenditure under Chapter 9.3 (§ 24.2-945 et seq.),
115 (ii) is an electioneering communication, or (iii) expressly advocates for the passage or defeat of a
116 referendum. "Advertisement" ~~shall~~ does not include novelty items authorized by a candidate, including,
117 but not limited to, pens, pencils, magnets, and buttons to be attached to wearing apparel.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

186 "Yard sign" means a sign paid for or distributed by a candidate, campaign committee, or political
187 committee to be placed on public or private property. Yard signs paid for or distributed prior to July 1,
188 2015, shall not be subject to the provisions of §§ 24.2-956 and 24.2-956.1.

189 **§ 24.2-956. Requirements for print media advertisements sponsored by a candidate**
190 **campaign committee.**

191 It ~~shall be~~ is unlawful for any candidate or candidate campaign committee to sponsor a print media
192 advertisement ~~that constitutes an expenditure or contribution required to be disclosed under Chapter 9.3~~
193 ~~(§ 24.2-945 et seq.)~~ unless all of the following conditions are met:

194 1. It bears the legend or includes the statement: "Paid for by _____ [Name of candidate or
195 campaign committee as it appears in the statement of organization]." Alternatively, if the advertisement
196 is supporting a candidate who is the sponsor and the advertisement makes no reference to any other clearly
197 identified candidate, then the statement "Paid for by _____ [Name of candidate]" may be replaced by
198 the statement "Authorized by _____ [Name of candidate]."

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

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

206 4. (Effective until January 1, 2024) Any disclosure statement required by this section shall be
207 displayed in a conspicuous manner in a minimum font size of seven point. The State Board of Elections
208 shall promulgate standards for meeting the requirements of this subdivision.

209 4. (Effective January 1, 2024) Any disclosure statement required by this section shall be displayed
210 in a conspicuous manner in a font size proportionate to the size of the advertisement. The State Board of
211 Elections shall promulgate standards for meeting the requirements of this subdivision.

212 5. Any print media advertisement appearing in electronic format shall display the disclosure
213 statement in a minimum font size of seven point; however, if the advertisement lacks sufficient space for
214 a disclosure statement in a minimum font size of seven point, the advertisement may meet disclosure

215 requirements if, by clicking on the print media advertisement appearing in electronic format, the viewer
216 is taken to a landing page or a home page that displays the disclosure statement in a conspicuous manner.

217 **§ 24.2-956.1. Requirements for print media advertisements sponsored by a person or political**
218 **committee, other than a candidate campaign committee.**

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

222 1. It bears the legend or includes the statement: "Paid for by _____ [Name of person or political
223 committee]."

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

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

231 4. If the advertisement is an independent expenditure or expressly advocates for the passage or
232 defeat of a referendum, the sponsor must disclose in the advertisement the name of the sponsor's three
233 largest contributors. If the three largest contributors cannot be determined because multiple contributors
234 have given the same amount, then the names of all contributors that would be one of the three largest
235 contributors but for another contributor who has contributed the same amount shall be disclosed. If any
236 such contributor is not an individual, the sponsor shall instead disclose the name of the individual
237 authorized by such contributor to give money and services of any amount, in-kind contributions, and any
238 other thing of value, given, advanced, loaned, or in any other way provided to the sponsor of the
239 advertisement. The visual legend in the advertisement shall state: "The top three contributors to [Name of
240 person or committee] are [largest contributor or associated individual], [second largest contributor or
241 associated individual], and [third largest contributor or associated individual]."

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

243 ~~5-6.~~ (Effective until January 1, 2024) Any disclosure statement required by this section shall be
244 displayed in a conspicuous manner in a minimum font size of seven point. The State Board of Elections
245 shall promulgate standards for meeting the requirements of this subdivision.

246 ~~5-6.~~ (Effective January 1, 2024) Any disclosure statement required by this section shall be
247 displayed in a conspicuous manner in a font size proportionate to the size of the advertisement. The State
248 Board of Elections shall promulgate standards for meeting the requirements of this subdivision.

249 ~~6-7.~~ Any print media advertisement appearing in electronic format shall display the disclosure
250 statement in a minimum font size of seven point; however, if the advertisement lacks sufficient space for
251 a disclosure statement in a minimum font size of seven point, the advertisement may meet disclosure
252 requirements if, by clicking on the print media advertisement appearing in electronic format, the viewer
253 is taken to a landing page or a home page that displays the disclosure statement in a conspicuous manner.

254 **§ 24.2-957.1. Requirements for television advertisements sponsored by a candidate or**
255 **candidate campaign committee.**

256 It ~~shall be~~ is unlawful for any candidate or a candidate campaign committee to sponsor a television
257 advertisement ~~that constitutes an expenditure or contribution required to be disclosed under Chapter 9.3~~
258 ~~(§ 24.2-945 et seq.)~~ unless the following requirements are met:

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

264 The disclosure shall be made by visual legend, which shall constitute 20 scan lines in size. The
265 content of these visual legends is specified by the Communications Act of 1934, 47 U.S.C. §§ 315 and
266 317 and this section.

267 2. If the advertisement sponsored by the candidate or the candidate campaign committee makes
268 reference to another clearly identified candidate, it must include a disclosure statement spoken by the

269 sponsoring candidate containing at least the following words: "I am _____ (or 'This is
270 _____') [Name of candidate], candidate for [Name of] office, and I (or 'my campaign') sponsored
271 this ad."

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

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

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

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

283 6. If an advertisement is jointly sponsored, the disclosure statement shall include the names of all
284 the sponsors and the candidate shall be the disclosing individual. If more than one candidate is the sponsor,
285 at least one of the candidates shall be the disclosing individual.

286 **§ 24.2-957.2. Requirements for television advertisements sponsored by a political committee.**

287 It ~~shall be~~ is unlawful for a political committee to sponsor a television advertisement ~~that~~
288 ~~constitutes an expenditure or contribution required to be disclosed under Chapter 9.3 (§ 24.2-945 et seq.)~~
289 unless the following requirements are met:

290 1. It bears the legend or includes the statement: "Paid for by _____ [Name of political
291 committee]."

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

296 3. If the advertisement is an independent expenditure or expressly advocates for the passage or
297 defeat of a referendum, the sponsor must disclose in the advertisement the name of the sponsor's three
298 largest contributors. If the three largest contributors cannot be determined because multiple contributors
299 have given the same amount, then the names of all contributors that would be one of the three largest
300 contributors but for another contributor who has contributed the same amount shall be disclosed. If any
301 such contributor is not an individual, the sponsor shall instead disclose the name of the individual
302 authorized by such contributor to give money and services of any amount, in-kind contributions, and any
303 other thing of value, given, advanced, loaned, or in any other way provided to the sponsor of the
304 advertisement. The advertisement shall bear the legend or include the statement, "The top three
305 contributors to [Name of person or committee] are [largest contributor or associated individual], [second
306 largest contributor or associated individual], and [third largest contributor or associated individual]."

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

309 ~~4-5.~~ The disclosure shall be made by visual legend, which shall constitute 20 scan lines in size.

310 ~~5-6.~~ The content of these visual legends is specified by the Communications Act of 1934, 47
311 U.S.C. §§ 315 and 317 and this section.

312 ~~6-7.~~ The political committee may provide the oral disclosure statement required by this section at
313 the same time as the visual disclosure required under the Communications Act of 1934, 47 U.S.C. §§ 315
314 and 317, is shown.

315 ~~7-8.~~ The advertisement shall include throughout the disclosure statement an unobscured, full-
316 screen picture containing the disclosing individual, either in photographic form or through the actual
317 appearance of the disclosing individual on camera.

318 ~~8-9.~~ A political committee may place the disclosure statement required by this section at any point
319 during the advertisement, except if the duration of the advertisement is more than five minutes, the
320 disclosure statement shall be made both at the beginning and end of the advertisement.

321 9.—10. In its oral disclosure statement, a political committee may choose to identify an
322 advertisement as either supporting or opposing the nomination or election of one or more clearly identified
323 candidates.

324 10.—11. If the advertisement is jointly sponsored, the disclosure statement shall name all of the
325 sponsors and the disclosing individual shall be one of those sponsors. This provision supersedes any
326 contrary provisions of the Code of Virginia.

327 **§ 24.2-957.3. Requirements for television advertisements sponsored by a person that is not a**
328 **candidate campaign committee or political committee.**

329 A. It ~~shall be~~ is unlawful for a person to sponsor a television advertisement ~~that constitutes an~~
330 ~~expenditure or contribution required to be disclosed under Chapter 9.3 (§ 24.2-945 et seq.)~~ unless the
331 following requirements are met:

332 1. If the sponsor is an individual, a disclosure statement spoken by the individual containing at
333 least the following words: "I am [individual's name], and I sponsored this ad."

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

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

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

342 **§ 24.2-958.1. Requirements for radio advertisements sponsored by a candidate or candidate**
343 **campaign committee.**

344 It ~~shall be~~ is unlawful for a candidate or a candidate campaign committee to sponsor a radio
345 advertisement ~~that constitutes an expenditure or contribution required to be disclosed under Chapter 9.3~~
346 ~~(§ 24.2-945 et seq.)~~ unless all of the following requirements are met:

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

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

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

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

367 5. If an advertisement is jointly sponsored, the disclosure statement shall include the names of all
368 the sponsors and the candidate shall be the disclosing individual. If more than one candidate is the sponsor,
369 at least one of the candidates shall be the disclosing individual.

370 **§ 24.2-958.2. Requirements for radio advertisements sponsored by a political committee.**

371 It shall be is unlawful for a political committee to sponsor an advertisement ~~that constitutes an~~
372 ~~expenditure or contribution required to be disclosed under Chapter 9.3 (§ 24.2-945 et seq.)~~ unless the
373 following requirements are satisfied:

374 1. A radio advertisement supporting or opposing the nomination or election of one or more clearly
375 identified candidates (i) shall include a disclosure statement, spoken by the chief executive officer or
376 treasurer of the committee, containing at least the following words: "This ad was paid for (or 'sponsored
377 by' or 'furnished by') [Name of political action committee]." (ii) The disclosure statement shall last at least
378 two seconds and the statement shall be spoken so that its contents may be easily understood. (iii) The
379 placement of the oral disclosure statement shall also comply with the requirements of the Communications
380 Act of 1934, 47 U.S.C. §§ 315 and 317.

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

383 3. If the advertisement is an independent expenditure or expressly advocates for the passage or
384 defeat of a referendum, the sponsor must disclose in the advertisement the name of the sponsor's three
385 largest contributors. If the three largest contributors cannot be determined because multiple contributors
386 have given the same amount, then the names of all contributors that would be one of the three largest
387 contributors but for another contributor who has contributed the same amount shall be disclosed. If any
388 such contributor is not an individual, the sponsor shall instead disclose the name of the individual
389 authorized by such contributor to give money and services of any amount, in-kind contributions, and any
390 other thing of value, given, advanced, loaned, or in any other way provided to the sponsor of the
391 advertisement. The advertisement shall include the statement, "The top three contributors to [Name of
392 person or committee] are [largest contributor or associated individual], [second largest contributor or
393 associated individual], and [third largest contributor or associated individual]."

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

396 **§ 24.2-958.3. Requirements for radio advertisements sponsored by a person that is not a**
397 **candidate or political committee.**

398 A. ~~It shall be~~ is unlawful for a person to sponsor an advertisement ~~that constitutes an expenditure~~
399 ~~or contribution required to be disclosed under Chapter 9.3 (§ 24.2-945 et seq.)~~ unless the following
400 requirements are met:

