

SENATE BILL NO. 78

AMENDMENT IN THE NATURE OF A SUBSTITUTE

(Proposed by the Senate Committee on Privileges and Elections

on February 6, 2020)

(Patron Prior to Substitute--Senator Favola)

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

26 things of value in any way provided by a candidate to his own campaign and the payment by the candidate  
27 of a filing fee for any party nomination method.

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

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

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

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

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

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

53 campaign and ~~(ii)~~ (b) that is not made to, controlled by, coordinated with, or made with the authorization  
54 of a different candidate, his campaign committee, or an agent of that candidate or his campaign committee.

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

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

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

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

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

80 which are reportable by him to the extent required by § 24.2-945.2, or a combination of such reportable  
81 contributions and independent expenditures.

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

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

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

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

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

99 B. For the purpose of applying the filing and reporting requirements of this chapter, with the  
100 exception of independent expenditure disclosure reports required by § 24.2-945.2, the terms "person" and  
101 "political committee," shall not include an organization holding tax-exempt status under ~~§ 501(e)-(3)~~  
102 ~~501(c)(3), 501(e)-(4), 501(c)(4), or 501(e)-(6), 501(c)(6)~~ of the United States Internal Revenue Code which,  
103 in providing information to voters, does not advocate or endorse the election or defeat of a particular  
104 candidate, group of candidates, or the candidates of a particular political party.

105 **§ 24.2-945.2. Persons required to file independent expenditure disclosure reports; filing**  
106 **deadline.**

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

112 B. Independent expenditure reports shall be due (i) within 24 hours of the time when the funds  
113 were expended or (ii) within 24 hours of the time when materials, as described in subsection A ~~of this~~  
114 ~~section~~, are published or broadcast to the public, whichever (i) or (ii) first occurs. ~~The reports shall be~~  
115 ~~filed with the State Board if the funds were expended to support or oppose a candidate for statewide office~~  
116 ~~or the General Assembly or with the general registrar of the county or city in which the candidate resides~~  
117 ~~if the funds were expended to support or oppose a candidate for local office.~~ The report filed by a political  
118 action committee or political party committee shall include the information required for a statement of  
119 organization as listed in subdivisions A 1 through ~~A 8~~ of § 24.2-949.2 or subdivisions 1 through 6 of §  
120 24.2-950.2, as appropriate, unless the committee has a current statement of organization on file with the  
121 State Board.

122 C. Independent expenditure reports required by this section ~~may~~ shall be filed electronically  
123 pursuant to § 24.2-946.1 ~~or in writing on a form developed by the State Board. If the report is filed in~~  
124 ~~writing, the report shall be (i) received by the State Board or the general registrar, as appropriate, within~~  
125 ~~24 hours of the time when the funds were expended or (ii) transmitted to the State Board or the general~~  
126 ~~registrar, as appropriate, by telephonic transmission to a facsimile device within 24 hours of the time when~~  
127 ~~the funds were expended with an original copy of the report mailed to the State Board or the general~~  
128 ~~registrar, as appropriate, and postmarked within 24 hours of the time when the funds were expended.~~

129 **§ 24.2-955. Scope of disclosure requirements.**

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

134 independent expenditures aggregating less than ~~\$1,000~~ \$5,000 in an election cycle for or against a  
135 candidate for statewide office or less than ~~\$200~~ \$1,000 in an election cycle for or against a candidate for  
136 any other office or (ii) an individual who incurs expenses only with respect to a referendum.

137 **§ 24.2-955.1. Definitions.**

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

212 "Yard sign" means a sign paid for or distributed by a candidate, campaign committee, or political  
213 committee to be placed on public or private property. Yard signs paid for or distributed prior to July 1,  
214 2015, shall not be subject to the provisions of §§ 24.2-956 and 24.2-956.1.



215           **§ 24.2-956. Requirements for print media advertisements sponsored by a candidate**  
216 **campaign committee.**

217           It ~~shall be~~ is unlawful for any candidate or candidate campaign committee to sponsor a print media  
218 advertisement ~~that constitutes an expenditure or contribution required to be disclosed under Chapter 9.3~~  
219 ~~(§ 24.2-945 et seq.)~~ unless all of the following conditions are met:

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

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

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

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

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

240           **§ 24.2-956.1. Requirements for print media advertisements sponsored by a person or political**  
241 **committee, other than a candidate campaign committee.**

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

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

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

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

254 4. If the advertisement is an independent expenditure, the sponsor must disclose in the  
255 advertisement the name of the sponsor's three largest contributors since the most recent general election.  
256 If the three largest contributors cannot be determined because multiple contributors have given the same  
257 amount, then the names of any three of such contributors shall be disclosed. Any contributor to an  
258 organization holding tax-exempt status under § 501(c)(3), 501(c)(4), or 501(c)(6) of the United States  
259 Internal Revenue Code that has explicitly designated that its contribution not be used for political spending  
260 shall not be counted for the purpose of determining the organization's largest donors so long as the  
261 organization does not use such contributor's donations for such spending. The visual legend in the  
262 advertisement shall state: "The top three contributors to [Name of person or committee] are [largest  
263 contributor], [second largest contributor], and [third largest contributor]." However, the provisions of this  
264 subdivision shall not apply to any person who makes independent expenditures aggregating less than  
265 \$20,000 in an election cycle.

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

267 ~~5-6.~~ Any disclosure statement required by this section shall be displayed in a conspicuous manner  
268 in a font size proportionate to the size of the advertisement. The State Board of Elections shall promulgate  
269 standards for meeting the requirements of this subdivision.

270 ~~6-7.~~ Any print media advertisement appearing in electronic format shall display the disclosure  
271 statement in a minimum font size of seven ~~point~~ points; however, if the advertisement lacks sufficient  
272 space for a disclosure statement in a minimum font size of seven ~~point~~ points, the advertisement may meet  
273 disclosure requirements if, by clicking on the print media advertisement appearing in electronic format,  
274 the viewer is taken to a landing page or a home page that displays the disclosure statement in a conspicuous  
275 manner.

276 **§ 24.2-957.1. Requirements for television advertisements sponsored by a candidate or**  
277 **candidate campaign committee.**

278 It ~~shall be~~ is unlawful for any candidate or a candidate campaign committee to sponsor a television  
279 advertisement ~~that constitutes an expenditure or contribution required to be disclosed under Chapter 9.3~~  
280 ~~(§ 24.2-945 et seq.)~~ unless the following requirements are met:

281 1. It bears the legend or includes the statement: "Paid for by \_\_\_\_\_ [Name of candidate  
282 or campaign committee as it appears on the statement of organization]." Alternatively, if the advertisement  
283 is supporting that candidate and the advertisement makes no reference to any other clearly identified  
284 candidate, then the statement "Paid for by \_\_\_\_\_ [Name of sponsor]" may be replaced by the  
285 statement "Authorized by \_\_\_\_\_ [Name of sponsor]."

286 The disclosure shall be made by visual legend, which shall constitute 20 scan lines in size. The  
287 content of these visual legends is specified by the Communications Act of 1934, 47 U.S.C. §§ 315 and  
288 317 and this section.

289 2. If the advertisement sponsored by the candidate or the candidate campaign committee makes  
290 reference to another clearly identified candidate, it must include a disclosure statement spoken by the  
291 sponsoring candidate containing at least the following words: "I am \_\_\_\_\_ (or 'This is  
292 \_\_\_\_\_') [Name of candidate], candidate for [Name of] office, and I (or 'my campaign') sponsored  
293 this ad."

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

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

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

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

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

308 **§ 24.2-957.2. Requirements for television advertisements sponsored by a political committee.**

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

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

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

318 3. If the advertisement is an independent expenditure, the sponsor must disclose in the  
319 advertisement the name of the sponsor's three largest contributors. If the three largest contributors cannot  
320 be determined because multiple contributors have given the same amount, then the names of any three of

321 such contributors shall be disclosed. Any contributor to an organization holding tax-exempt status under  
322 § 501(c)(3), 501(c)(4), or 501(c)(6) of the United States Internal Revenue Code that has explicitly  
323 designated that its contribution not be used for political spending shall not be counted for the purpose of  
324 determining the organization's largest donors so long as the organization does not use such contributor's  
325 donations for such spending. The advertisement shall bear the legend or include the statement, "The top  
326 three contributors to [Name of person or committee] are [largest contributor], [second largest contributor],  
327 and [third largest contributor]." However, the provisions of this subdivision shall not apply to any person  
328 who makes independent expenditures aggregating less than \$20,000 in an election cycle.

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

331 4-5. The disclosure shall be made by visual legend, which shall constitute 20 scan lines in size.

332 5-6. The content of these visual legends is specified by the Communications Act of 1934, 47  
333 U.S.C. §§ 315 and 317 and this section.

334 6-7. The political committee may provide the oral disclosure statement required by this section at  
335 the same time as the visual disclosure required under the Communications Act of 1934, 47 U.S.C. §§ 315  
336 and 317, is shown.

337 7-8. The advertisement shall include throughout the disclosure statement an unobscured, full-  
338 screen picture containing the disclosing individual, either in photographic form or through the actual  
339 appearance of the disclosing individual on camera.

340 8-9. A political committee may place the disclosure statement required by this section at any point  
341 during the advertisement, except if the duration of the advertisement is more than five minutes, the  
342 disclosure statement shall be made both at the beginning and end of the advertisement.

343 9-10. In its oral disclosure statement, a political committee may choose to identify an  
344 advertisement as either supporting or opposing the nomination or election of one or more clearly identified  
345 candidates.

346 ~~10-11.~~ If the advertisement is jointly sponsored, the disclosure statement shall name all of the  
347 sponsors and the disclosing individual shall be one of those sponsors. This provision supersedes any  
348 contrary provisions of the Code of Virginia.

349 **§ 24.2-957.3. Requirements for television advertisements sponsored by a person that is not a**  
350 **candidate campaign committee or political committee.**

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

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

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

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

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

364 **§ 24.2-958.1. Requirements for radio advertisements sponsored by a candidate or candidate**  
365 **campaign committee.**

366 It ~~shall be~~ is unlawful for a candidate or a candidate campaign committee to sponsor a radio  
367 advertisement ~~that constitutes an expenditure or contribution required to be disclosed under Chapter 9.3~~  
368 ~~(§ 24.2-945 et seq.)~~ unless all of the following requirements are met:

369 1. The advertisement shall include the statement "Paid for by \_\_\_\_\_ [Name of candidate or  
370 candidate campaign committee as it appears on the statement of organization]." Alternatively, if the  
371 advertisement makes no reference to any clearly identified candidate other than the candidate who is  
372 sponsoring the advertisement or whose campaign committee is sponsoring the advertisement, then the

373 statement "Paid for by \_\_\_\_\_ [Name of candidate or candidate campaign committee as it appears on the  
374 statement of organization]" may be replaced by the statement "Authorized by \_\_\_\_\_ [Name of candidate  
375 or candidate campaign committee as it appears on the statement of organization]."

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

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

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

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

392 **§ 24.2-958.2. Requirements for radio advertisements sponsored by a political committee.**

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

396 1. A radio advertisement supporting or opposing the nomination or election of one or more clearly  
397 identified candidates (i) shall include a disclosure statement, spoken by the chief executive officer or  
398 treasurer of the committee, containing at least the following words: "This ad was paid for (or 'sponsored  
399 by' or 'furnished by') [Name of political action committee]." (ii) The disclosure statement shall last at least

400 two seconds and the statement shall be spoken so that its contents may be easily understood. (iii) The  
401 placement of the oral disclosure statement shall also comply with the requirements of the Communications  
402 Act of 1934, 47 U.S.C. §§ 315 and 317.

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

405 3. If the advertisement is an independent expenditure, the sponsor must disclose in the  
406 advertisement the name of the sponsor's three largest contributors. If the three largest contributors cannot  
407 be determined because multiple contributors have given the same amount, then the names of any three of  
408 such contributors shall be disclosed. Any contributor to an organization holding tax-exempt status under  
409 § 501(c)(3), 501(c)(4), or 501(c)(6) of the United States Internal Revenue Code that has explicitly  
410 designated that its contribution not be used for political spending shall not be counted for the purpose of  
411 determining the organization's largest donors so long as the organization does not use such contributor's  
412 donations for such spending. The advertisement shall include the statement, "The top three contributors  
413 to [Name of person or committee] are [largest contributor], [second largest contributor], and [third largest  
414 contributor]." However, the provisions of this subdivision shall not apply to any person who makes  
415 independent expenditures aggregating less than \$20,000 in an election cycle.

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

418 **§ 24.2-958.3. Requirements for radio advertisements sponsored by a person that is not a**  
419 **candidate or political committee.**

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

423 1. Radio advertisements purchased by an individual supporting or opposing the nomination or  
424 election of one or more clearly identified candidates shall include a disclosure statement spoken by the  
425 individual containing at least the following words: "I am [individual's name], and I sponsored this ad."



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

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

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

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