

VIRGINIA ACTS OF ASSEMBLY — CHAPTER

An Act to amend and reenact §§ 8.01-261, 19.2-249.2, 24.2-955, 24.2-955.1, 24.2-955.3, and 24.2-960 of the Code of Virginia and to amend the Code of Virginia by adding in Chapter 9.5 of Title 24.2 an article numbered 7, consisting of a section numbered 24.2-961, relating to elections; political campaign advertisements; synthetic media; penalty.

[S 775]

Approved

Be it enacted by the General Assembly of Virginia:
1. That §§ 8.01-261, 19.2-249.2, 24.2-955, 24.2-955.1, 24.2-955.3, and 24.2-960 of the Code of Virginia are amended and reenacted and that the Code of Virginia is amended by adding in Chapter 9.5 of Title 24.2 an article numbered 7, consisting of a section numbered 24.2-961, as follows:

§ 8.01-261. Category A or preferred venue.

In the actions listed in this section, the forums enumerated shall be deemed preferred places of venue and may be referred to as "Category A" in this title. Venue laid in any other forum shall be subject to objection; however, if more than one preferred place of venue applies, any such place shall be a proper forum. The following forums are designated as places of preferred venue for the action specified:

1. In actions for review of, appeal from, or enforcement of state administrative regulations, decisions, or other orders:

a. If the moving or aggrieved party is other than the Commonwealth or an agency thereof, then the county or city wherein such party:

- (1) Resides;
- (2) Regularly or systematically conducts affairs or business activity; or
- (3) Wherein such party's property affected by the administrative action is located.

b. If the moving or aggrieved party is the Commonwealth or an agency thereof, then the county or city wherein the respondent or a party defendant:

- (1) Resides;
- (2) Regularly or systematically conducts affairs or business activity; or
- (3) Has any property affected by the administrative action.

c. If subdivisions 1 a and 1 b do not apply, then the county or city wherein the alleged violation of the administrative regulation, decision, or other order occurred.

2. Except as provided in subdivision 1 ~~of this section~~, where the action is against one or more officers of the Commonwealth in an official capacity, the county or city where any such person has his official office.

3. The county or city wherein the subject land, or a part thereof, is situated in the following actions:

- a. To recover or partition land;
- b. To subject land to a debt;
- c. To sell, lease, or encumber the land of persons under disabilities;
- d. [Repealed.]
- e. To sell wastelands;
- f. To establish boundaries;
- g. For unlawful entry or detainer;
- h. For ejectment; or
- i. To remove clouds on title.

4. [Reserved.]

5. In actions for writs of mandamus, prohibition, or certiorari, except such as may be issued by the Supreme Court, the county or city wherein is the record or proceeding to which the writ relates.

6. In actions on bonds required for public contract, the county or city in which the public project, or any part thereof, is situated.

7. In actions to impeach or establish a will, the county or city wherein the will was probated, or, if not probated at the time of the action, where the will may be properly offered for probate.

8., 9. [Repealed.]

10. In actions on any contract between a transportation district and a component government, any county or city any part of which is within such transportation district.

11. In attachments,

a. With reference to the principal defendant and those liable with or to him, venue shall be determined as if the principal defendant were the sole defendant; or

b. In the county or city in which the principal defendant has estate or has debts owing to him.

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12. [Repealed.]

13. a. In any action for the collection of state, county, or municipal taxes, any one of the following counties or cities shall be deemed preferred places of venue:

- (1) Wherein the taxpayer resides;
- (2) Wherein the taxpayer owns real or personal property;
- (3) Wherein the taxpayer has a registered office, or regularly or systematically conducts business; or
- (4) In case of withdrawal from the Commonwealth by a delinquent taxpayer, wherein venue was proper at the time the taxes in question were assessed or at the time of such withdrawal.

b. In any action for the correction of an erroneous assessment of state taxes and tax refunds, any one of the following counties or cities shall be deemed preferred places of venue:

- (1) Wherein the taxpayer resides;
- (2) Wherein the taxpayer has a registered office or regularly or systematically conducts business;
- (3) Wherein the taxpayer's real or personal property involved in such a proceeding is located; or
- (4) The Circuit Court of the City of Richmond.

14. In proceedings by writ of quo warranto:

- a. The city or county wherein any of the defendants reside;
- b. If the defendant is a corporation, the city or county where its registered office is or where its mayor, rector, president, or other chief officer resides; or
- c. If there is no officer or none of the defendants reside in the Commonwealth, venue shall be in the City of Richmond.

15. In proceedings to award an injunction:

- a. To any judgment or judicial proceeding of a circuit court, venue shall be in the court in the county or city in which the judgment was rendered or such proceeding is pending;
- b. To any judgment or judicial proceeding of a district court, venue shall be in the circuit court of the county or city in which the judgment was rendered or such proceeding is pending; or
- c. To any other act or proceeding, venue shall be in the circuit court of the county or city in which the act is to be done, or being done, or is apprehended to be done or the proceeding is pending.

16. [Repealed.]

17. In disbarment or suspension proceedings against any attorney-at-law, in the county or city where the defendant:

- a. Resides;
 - b. Has his principal office or place of practice when the proceeding is commenced;
 - c. Resided or had such principal office or place of practice when any misconduct complained of occurred;
- or
- d. Has any pending case as to which any misconduct took place.

18. In actions under the Virginia Tort Claims Act, Article 18.1 (§ 8.01-195.1 et seq.) of Chapter 3 of this title:

- a. The county or city where the claimant resides;
- b. The county or city where the act or omission complained of occurred; or
- c. If the claimant resides outside the Commonwealth and the act or omission complained of occurred outside the Commonwealth, the City of Richmond.

19. In suits for annulment, affirmance, or divorce, the county or city in which the parties last cohabited, or at the option of the plaintiff, in the county or city in which the defendant resides, if a resident of this Commonwealth, and in cases in which an order of publication may be issued against the defendant under § 8.01-316, venue may also be in the county or city in which the plaintiff resides.

20. In distress actions, in the county or city when the premises yielding the rent, or some part thereof, may be or where goods liable to distress may be found.

21. *In an action for preventative relief for a violation of § 24.2-961, the circuit court of the locality where venue would be proper pursuant to § 19.2-249.2.*

§ 19.2-249.2. Venue for prosecution of computer and other crimes.

For the purpose of venue, any violation of the Virginia Computer Crimes Act (§ 18.2-152.1 et seq.) or § 18.2-386.1 or 24.2-961 shall be considered to have been committed in any county or city:

- 1. In which any act was performed in furtherance of any course of conduct that violated any provision listed above;
- 2. In which the owner has his principal place of business in the Commonwealth;
- 3. In which any offender had control or possession of any proceeds of the violation or of any books, records, documents, property, financial instrument, computer software, computer program, computer data, or other material or objects that were used in furtherance of the violation;
- 4. From which, to which, or through which any access to a computer or computer network was made whether by wires, electromagnetic waves, microwaves, optics or any other means of communication;
- 5. In which the offender resides; or
- 6. In which any computer that is an object or an instrument of the violation is located at the time of the

alleged offense.

§ 24.2-955. Scope of disclosure requirements.

The disclosure requirements of this chapter apply to any sponsor of an advertisement *or electioneering communication* 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 in an election cycle for or against a candidate for statewide office or less than \$200 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.). "Advertisement" shall not include novelty items authorized by a candidate including, but not limited to, pens, pencils, magnets, and buttons to be attached to wearing apparel.

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

"Campaign telephone calls" means a series of telephone calls 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.

"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 60 days of an 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 or against a candidate for office in Virginia.

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

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

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

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

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

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

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

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

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

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

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

political party.

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

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

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

"Sponsor" means a candidate, candidate campaign committee, political committee, or person that purchases an advertisement *or electioneering communication*.

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

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

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

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

§ 24.2-955.3. Penalties for violations of this chapter.

A. Any sponsor violating Article 2 (§ 24.2-956 et seq.) shall be subject to a civil penalty not to exceed \$25,000. In the case of a willful violation, he is guilty of a Class 1 misdemeanor.

B. Any sponsor violating Article 3 (§ 24.2-957 et seq.) or 4 (§ 24.2-958 et seq.) shall be subject to a civil penalty not to exceed \$25,000. In the case of a willful violation, he is guilty of a Class 1 misdemeanor. In no event shall the total civil penalties imposed for multiple broadcasts of one particular campaign advertisement exceed \$25,000.

C. Any person violating Article 5 (§ 24.2-959 et seq.) shall be subject to a civil penalty not to exceed \$25,000, and in the case of a willful violation, he is guilty of a Class 1 misdemeanor. A violation of the provisions of Article 5 shall not void any election.

D. Any sponsor violating Article 7 (§ 24.2-961) shall be subject to a civil penalty not to exceed \$25,000. In the case of a willful violation, he is guilty of a Class 1 misdemeanor. In no event shall the total civil penalties imposed for multiple broadcasts of one particular electioneering communication exceed \$25,000.

E. The State Board, in a public hearing, shall determine whether to find a violation of this chapter and to assess a civil penalty. At least 10 days prior to such hearing, the State Board shall send notice by certified mail to persons whose actions will be reviewed at such meeting and may be subject to civil penalty. Notice shall include the time and date of the meeting, an explanation of the violation, and the maximum civil penalty that may be assessed.

~~E. F.~~ It shall not be deemed a violation of this chapter if the contents of the disclosure legend or statement convey the required information.

~~F. G.~~ Any civil penalties collected pursuant to an action under this section shall be payable to the State Treasurer for deposit to the general fund. The procedure to enforce the civil penalties provided in this section shall be as stated in § 24.2-946.3.

§ 24.2-960. Identification and certification by online political advertisers.

A. Prior to purchasing an online political advertisement *or electioneering communication* from or promoting an online political advertisement *or electioneering communication* on an online platform, a person shall identify himself to the online platform as an online political advertiser and certify to the online platform that he is permitted under state and local laws to lawfully purchase or promote for a fee online political advertisements *or electioneering communications*.

B. An online platform shall establish reasonable procedures to enable online political advertisers to comply with the identification and certification requirements of subsection A.

C. An online platform may rely in good faith on the information provided by online political advertisers under this section when selling online political advertisements *or electioneering communications* to online political advertisers.

Article 7.

Electioneering Communications.

§ 24.2-961. Electioneering communications; synthetic media.

A. As used in this section, "synthetic media" means (i) images or audio recordings of real events relating to an identifiable individual that have been intentionally altered in a manner that would cause a reasonable person (a) to mistakenly believe that the manipulated image or audio is a recording of a real event and (b) to have a fundamentally different understanding or impression of the expressive content of the image or audio

than that person would have if the person were hearing or seeing the unaltered, original version of the image or audio and (ii) artificially generated images or audio, which are not composed from a discernable original source image or audio recording of real events, of an identifiable individual's appearance, conduct, or speech that would cause a reasonable person to mistakenly believe is a recording of a real event.

B. It is unlawful for any committee organized under Chapter 9.3 (§ 24.2-945 et seq.) or any person to sponsor an electioneering communication that contains synthetic media unless all of the following conditions are met:

1. The electioneering communication also bears the legend or includes the statement: "This message contains synthetic media that has been altered from its original source or artificially generated and may present conduct or speech that did not occur."

2. The disclosure statement is communicated in a conspicuous manner. If the electioneering communication contains visual media, the statement shall be displayed in a font size proportionate to the size of the advertisement. The State Board shall promulgate standards for meeting the requirements of this subdivision.

3. Any print media electioneering communication appearing in electronic format displays the disclosure statement in a minimum font size of seven points.

4. If the electioneering communication is in a video or audio format, the sponsor shall place the disclosure statement required by this section at the beginning of the electioneering communication, except if the duration of the electioneering communication is more than five minutes, the disclosure statement is made both at the beginning and end of the electioneering communication.

C. Any registered voter who receives an electioneering communication in violation of this section may also institute an action for preventative relief to prohibit the publication or dissemination of such electioneering communication, including an application for a permanent or temporary injunction. Such action shall be given priority over all pending matters before the court. In any such action, the court may allow a private plaintiff to recover reasonable costs and attorney fees and shall award such costs and attorney fees if such plaintiff is the prevailing party.

D. Media outlets, internet service providers, and online platforms shall not be liable under this article for carriage of electioneering communications that fail to include the disclosure requirements provided for in this article. This provision supersedes any contrary provisions of the Code of Virginia.

E. The person accepting an electioneering communication for a media outlet shall require, and for one year shall retain a copy of, proof of identity of the person who submits the advertisement for publication or broadcast. Proof of identity shall be submitted either (i) in person and include a valid Virginia driver's license or any other identification card issued by a government agency of the Commonwealth, one of its political subdivisions, or of the United States or (ii) other than in person, in which case, the person submitting the advertisement shall provide a telephone number and the person accepting the advertisement may phone the person to verify the validity of the person's identifying information before publishing or broadcasting the advertisement.

F. The provisions of this section shall not apply to any content that constitutes satire or parody.