



General Assembly

January Session, 2021

**Committee Bill No. 640**

LCO No. 4983



Referred to Committee on GOVERNMENT ADMINISTRATION  
AND ELECTIONS

Introduced by:  
(GAE)

***AN ACT CONCERNING ONLINE PLATFORMS AND CAMPAIGN  
FINANCE.***

Be it enacted by the Senate and House of Representatives in General  
Assembly convened:

1 Section 1. Section 9-601 of the general statutes is amended by adding  
2 subdivisions (32) and (33) as follows (*Effective January 1, 2022*):

3 (NEW) (32) "Online platform" means any public-facing Internet web  
4 site or application or digital application, including, but not limited to, a  
5 social network, advertisement network or search engine, that sells  
6 qualified political advertisements and (A) has four hundred thousand  
7 or more unique monthly visitors or users, which visitors or users have  
8 an assigned Internet protocol address within the United States, for seven  
9 of the preceding twelve months, or (B) has revenue from advertising in  
10 excess of one thousand dollars per year.

11 (NEW) (33) "Qualified political advertisement" means any  
12 advertisement, including, but not limited to, sponsorship and search  
13 engine marketing, that is an expenditure, as defined in section 9-601b.

14 Sec. 2. (NEW) (*Effective January 1, 2022*) For each sale of a qualified

15 political advertisement on an online platform, as those terms are defined  
16 in section 9-601 of the general statutes, as amended by this act, such  
17 online platform shall: (1) Make available for online public inspection,  
18 and in machine-readable format, a digital copy of the qualified political  
19 advertisement; and (2) provide to the State Elections Enforcement  
20 Commission the name, street address and phone number of a single  
21 point of contact at such online platform who is responsible for the sale  
22 and appearance of such qualified political advertisement on such online  
23 platform.

24 Sec. 3. Subsection (b) of section 9-601c of the general statutes is  
25 repealed and the following is substituted in lieu thereof (*Effective January*  
26 *1, 2022*):

27 (b) When the State Elections Enforcement Commission evaluates an  
28 expenditure to determine whether such expenditure is an independent  
29 expenditure, there shall be a rebuttable presumption that the following  
30 expenditures are not independent expenditures:

31 (1) An expenditure made by a person in cooperation, consultation or  
32 in concert with, at the request, suggestion or direction of, or pursuant to  
33 a general or particular understanding with (A) a candidate, candidate  
34 committee, political committee or party committee, or (B) a consultant  
35 or other agent acting on behalf of a candidate, candidate committee,  
36 political committee or party committee;

37 (2) An expenditure made by a person for the production,  
38 dissemination, distribution or publication, in whole or in substantial  
39 part, of any broadcast or any written, graphic or other form of political  
40 advertising or campaign communication prepared by (A) a candidate,  
41 candidate committee, political committee or party committee, or (B) a  
42 consultant or other agent acting on behalf of a candidate, candidate  
43 committee, political committee or party committee;

44 (3) An expenditure made by a person based on information about a  
45 candidate's, political committee's, or party committee's plans, projects  
46 or needs, provided by (A) a candidate, candidate committee, political

47 committee or party committee, or (B) a consultant or other agent acting  
48 on behalf of a candidate, candidate committee, political committee or  
49 party committee, with the intent that such expenditure be made;

50 (4) An expenditure made by an individual who, in the same election  
51 cycle, is serving or has served as the campaign chairperson, treasurer or  
52 deputy treasurer of a candidate committee, political committee or party  
53 committee benefiting from such expenditure, or in any other executive  
54 or policymaking position, including as a member, employee, fundraiser,  
55 consultant or other agent, of a candidate committee, political committee  
56 or party committee;

57 (5) An expenditure made by a person or an entity on or after January  
58 first in the year of an election in which a candidate is seeking public  
59 office that benefits such candidate when such person or entity has hired  
60 an individual as an employee or consultant and such individual was an  
61 employee of or consultant to such candidate's candidate committee or  
62 such candidate's opponent's candidate committee during any part of the  
63 eighteen-month period preceding such expenditure;

64 (6) An expenditure made by a person for fundraising activities (A)  
65 for a candidate, candidate committee, political committee or party  
66 committee, or a consultant or other agent acting on behalf of a candidate,  
67 candidate committee, political committee or party committee, or (B) for  
68 the solicitation or receipt of contributions on behalf of a candidate,  
69 candidate committee, political committee or party committee, or a  
70 consultant or other agent acting on behalf of a candidate, candidate  
71 committee, political committee or party committee;

72 (7) An expenditure made by a person based on information about a  
73 candidate's campaign plans, projects or needs, that is directly or  
74 indirectly provided by a candidate, the candidate's candidate  
75 committee, a political committee or a party committee, or a consultant  
76 or other agent acting on behalf of such candidate, candidate committee,  
77 political committee or party committee, to the person making the  
78 expenditure or such person's agent, with an express or tacit  
79 understanding that such person is considering making the expenditure;

80 (8) An expenditure made by a person for a communication that  
81 clearly identifies a candidate during an election campaign, if the person  
82 making the expenditure, or such person's agent, has informed the  
83 candidate who benefits from the expenditure, that candidate's candidate  
84 committee, a political committee or a party committee, or a consultant  
85 or other agent acting on behalf of the benefiting candidate or candidate  
86 committee, political committee, or party committee, concerning the  
87 communication's contents, or of the intended audience, timing, location  
88 or mode or frequency of dissemination. As used in this subdivision, a  
89 communication clearly identifies a candidate when that communication  
90 contains the name, nickname, initials, photograph or drawing of the  
91 candidate or an unambiguous reference to that candidate, which  
92 includes, but is not limited to, a reference that can only mean that  
93 candidate; [and]

94 (9) An expenditure made by a person or an entity for consultant or  
95 creative services, including, but not limited to, services related to  
96 communications strategy or design or campaign strategy or to engage a  
97 campaign-related vendor, to be used to promote or oppose a candidate's  
98 election to office if the provider of such services is or has provided  
99 consultant or creative services to such candidate, such candidate's  
100 candidate committee or an agent of such candidate committee, or to any  
101 opposing candidate's candidate committee or an agent of such  
102 candidate committee after January first of the year in which the  
103 expenditure occurs. For the purposes of this subdivision,  
104 [communications strategy or design] (A) "communications strategy or  
105 design" does not include the costs of printing or costs for the use of a  
106 medium for the purpose of communications, [. For purposes of this  
107 subdivision, campaign-related vendor] and (B) "campaign-related  
108 vendor" includes, but is not limited to, a vendor that provides the  
109 following services: Polling, mail design, mail strategy, political strategy,  
110 general campaign advice or telephone banking; and

111 (10) An expenditure made by an online platform, which expenditure  
112 displays the name, face or voice of a candidate, ninety days or less before  
113 the day of a primary or election if such expenditure was not made

114 neutrally or evenly as to such candidate and each opponent of such  
115 candidate. For the purposes of this subdivision, "expenditure made by  
116 an online platform" includes, but is not limited to, any tool or feature  
117 created by or for such online platform that appears on or is integrated  
118 with such online platform.

This act shall take effect as follows and shall amend the following sections:

Section 1	<i>January 1, 2022</i>	9-601
Sec. 2	<i>January 1, 2022</i>	New section
Sec. 3	<i>January 1, 2022</i>	9-601c(b)

***Statement of Purpose:***

To define "online platform", require such platform to make publicly available copies of electioneering communications and contact information at such platform for such communications and impose a rebuttable presumption that certain content created by or for such platform is not an independent expenditure if displayed during the ninety days prior to a primary or election.

*[Proposed deletions are enclosed in brackets. Proposed additions are indicated by underline, except that when the entire text of a bill or resolution or a section of a bill or resolution is new, it is not underlined.]*

Co-Sponsors: SEN. LESSER, 9th Dist.

S.B. 640