



General Assembly

January Session, 2019

## Substitute Bill No. 642



### **AN ACT CONCERNING SOCIAL MEDIA 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 from passage*):

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  
9 seven of the preceding twelve months, or (B) has revenue from  
10 advertising in 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 from passage*) For each sale of a qualified  
15 political advertisement on an online platform, as those terms are  
16 defined in section 9-601 of the general statutes, as amended by this act,  
17 such online platform shall: (1) Make available for online public  
18 inspection, and in machine-readable format, a digital copy of the  
19 qualified political advertisement; and (2) provide to the State Elections

20 Enforcement Commission the name, street address and phone number  
21 of a single point of contact at such online platform who is responsible  
22 for the sale and appearance of such qualified political advertisement  
23 on such online 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25 repealed and the following is substituted in lieu thereof (*Effective from*  
26 *passage*):

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  
33 to a general or particular understanding with (A) a candidate,  
34 candidate committee, political committee or party committee, or (B) a  
35 consultant or other agent acting on behalf of a candidate, candidate  
36 committee, 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  
52 or deputy treasurer of a candidate committee, political committee or  
53 party committee benefiting from such expenditure, or in any other  
54 executive or policymaking position, including as a member, employee,  
55 fundraiser, consultant or other agent, of a candidate committee,  
56 political committee or party committee;

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

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

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

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

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

114 (10) An expenditure made by an online platform, which expenditure  
115 displays the name, face or voice of a candidate, ninety days or less

116 before the day of a primary or election if such expenditure was not  
 117 made neutrally or evenly as to such candidate and each opponent of  
 118 such candidate. For the purposes of this subdivision, "expenditure  
 119 made by an online platform" includes, but is not limited to, any tool or  
 120 feature created by or for such online platform that appears on or is  
 121 integrated with such online platform.

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

Section 1	<i>from passage</i>	9-601
Sec. 2	<i>from passage</i>	New section
Sec. 3	<i>from passage</i>	9-601c(b)

**Statement of Legislative Commissioners:**

In Section 3(b)(9), "For purposes" was changed to "For the purposes" and "communications strategy or design" was changed to "[communications strategy or design] communications strategy or design" for consistency.

**GAE**      *Joint Favorable Subst. -LCO*