



Senate

General Assembly

File No. 355

February Session, 2004

Substitute Senate Bill No. 438

Senate, March 31, 2004

The Committee on Government Administration and Elections reported through SEN. DEFRONZO of the 6th Dist., Chairperson of the Committee on the part of the Senate, that the substitute bill ought to pass.

AN ACT CONCERNING CAMPAIGN ACCOUNTABILITY.

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

1 Section 1. Section 9-333w of the general statutes is repealed and the
2 following is substituted in lieu thereof (*Effective January 1, 2005*):

3 (a) No individual shall make or incur any expenditure with the
4 cooperation of, at the request or suggestion of, or in consultation with
5 any candidate, candidate committee or candidate's agent, and no
6 candidate or committee shall make or incur any expenditure for any
7 written, typed or other printed communication, or any web-based,
8 written communication, which promotes the success or defeat of any
9 candidate's campaign for nomination at a primary or election or
10 solicits funds to benefit any political party or committee unless such
11 communication bears upon its face (1) the words "paid for by" and the
12 following: [(1)] (A) In the case of such an individual, the name and
13 address of such individual; [(2)] (B) in the case of a committee other

14 than a party committee, the name of the committee and its campaign
15 treasurer; or [(3)] (C) in the case of a party committee, the name of the
16 committee, and (2) the words "approved by" and the following: (A) In
17 the case of an individual, the name of such individual; (B) in the case of
18 a political committee, the name and title of its chairperson or campaign
19 treasurer; (C) in the case of a party committee, the name and title of its
20 chairperson; and (D) in the case of a candidate committee, the name of
21 the candidate.

22 (b) In addition to the requirements of subsection (a) of this section:

23 (1) No candidate or candidate committee or exploratory committee
24 established by a candidate shall make or incur any expenditure for
25 television advertising or Internet video advertising, which promotes
26 the success of said candidate's campaign for nomination at a primary
27 or election or the defeat of another candidate's campaign for
28 nomination at a primary or election, unless at the end of such
29 advertising there appears simultaneously, for a period of not less than
30 four seconds, (A) a clearly identifiable photographic or similar image
31 of the candidate making such expenditure, (B) a clearly readable
32 printed statement (i) identifying said candidate, and (ii) indicating that
33 said candidate has approved the advertising, and (C) a simultaneous,
34 personal audio message, in the following form: "I am (candidate's
35 name) and I approved this message";

36 (2) No candidate or candidate committee or exploratory committee
37 established by a candidate shall make or incur any expenditure for
38 radio advertising or Internet audio advertising, which promotes the
39 success of said candidate's campaign for nomination at a primary or
40 election or the defeat of another candidate's campaign for nomination
41 at a primary or election, unless the advertising includes a personal
42 audio statement by the candidate making such expenditure (A)
43 identifying said candidate and the office said candidate is seeking, and
44 (B) indicating that said candidate has approved the advertising in the
45 following form: "I am (candidate's name) and I approved this
46 message";

47 (3) No political committee or party committee shall make or incur
48 any expenditure for television advertising or Internet video
49 advertising, which promotes the success or defeat of a candidate's
50 campaign for nomination at a primary or election, unless at the end of
51 such advertising there appears simultaneously, for a period of not less
52 than four seconds, (A) a clearly identifiable photographic or similar
53 image of the chairperson or campaign treasurer of the committee
54 making such expenditure, (B) a clearly readable printed statement (i)
55 identifying the name of the committee making the expenditure, and (ii)
56 indicating that said chairperson or campaign treasurer has approved
57 the advertising, and (C) a simultaneous, personal audio message, in
58 the following form: "I am (chairperson's or campaign treasurer's
59 name and title, and name of committee) and I approved this message";
60 and

61 (4) No political committee or party committee shall make or incur
62 any expenditure for radio advertising or Internet audio advertising,
63 which promotes the success or defeat of a candidate's campaign for
64 nomination at a primary or election, unless the advertising includes a
65 personal audio statement by the chairperson or campaign treasurer of
66 the committee making the expenditure (A) identifying the name of
67 said committee, and (B) indicating that said candidate has approved
68 the advertising in the following form: "I am (chairperson's or
69 campaign treasurer's name and title) and I approved this message".

70 [(b)] (c) No business entity, organization, association, committee, or
71 group of two or more individuals who have joined solely to promote
72 the success or defeat of a referendum question and is required to file a
73 certification in accordance with subsection (d) of section 9-333g, shall
74 make or incur any expenditure for any written, typed or other printed
75 communication which promotes the success or defeat of any
76 referendum question unless such communication bears upon its face
77 the words "paid for by" and the following: (1) In the case of a business
78 entity, organization or association, the name of the entity, organization
79 or association and the name of its chief executive officer; (2) in the case
80 of a political committee, the name of the committee and the name of its

81 campaign treasurer; (3) in the case of a party committee, the name of
82 the committee; or (4) in the case of such a group of two or more
83 individuals, the name of the group as it appears on the certification
84 filed in accordance with subsection (d) of section 9-333g, and the name
85 and address of its agent.

86 [(c)] (d) The provisions of subsections (a), [and] (b) and (c) of this
87 section do not apply to (1) any editorial, news story, or commentary
88 published in any newspaper, magazine or journal on its own behalf
89 and upon its own responsibility and for which it does not charge or
90 receive any compensation whatsoever, (2) any banner, (3) political
91 paraphernalia including pins, buttons, badges, emblems, hats, bumper
92 stickers or other similar materials, or (4) signs with a surface area of
93 not more than thirty-two square feet.

94 [(d)] (e) The campaign treasurer of a candidate committee which
95 sponsors any written, typed or other printed communication for the
96 purpose of raising funds to eliminate a campaign deficit of that
97 committee shall include in such communication a statement that the
98 funds are sought to eliminate such a deficit.

99 [(e)] (f) The campaign treasurer of an exploratory committee or
100 candidate committee established by a candidate for nomination or
101 election to the office of Treasurer which committee sponsors any
102 written, typed or other printed communication for the purpose of
103 raising funds shall include in such communication a statement
104 concerning the prohibitions set forth in subsection (n) of section 1-84,
105 as amended, subsection (f) of section 9-333n, as amended, and
106 subsection (f) of section 9-333o.

107 [(f)] (g) In the event a campaign treasurer of a candidate committee
108 is replaced pursuant to subsection (c) of section 9-333d, nothing in this
109 section shall be construed to prohibit the candidate committee from
110 distributing any printed communication subject to the provisions of
111 this section that has already been printed or otherwise produced, even
112 though such communication does not accurately designate the
113 successor campaign treasurer of such candidate committee.

This act shall take effect as follows:	
Section 1	<i>January 1, 2005</i>

GAE *Joint Favorable Subst.*

The following fiscal impact statement and bill analysis are prepared for the benefit of members of the General Assembly, solely for the purpose of information, summarization, and explanation, and do not represent the intent of the General Assembly or either House thereof for any purpose:

OFA Fiscal Note

State Impact:

Agency Affected	Fund-Effect	FY 05 \$	FY 06 \$
Elect. Enforcement Com.	GF - Cost	Less than \$5,000	Less than \$5,000

Note: GF=General Fund

Municipal Impact: None

Explanation

This bill adds various requirements for campaign advertising of any medium; print, television, radio and the Internet. It is anticipated that the State Elections Enforcement Commission (SEEC) will require additional Other Expense funds of less than \$5,000 for revised publications, postage and related costs. There will be a workload increase related to educating and advising candidates, political and party committees of the new expanded requirements of the attribution law. An indeterminate number of new complaints filed with the SEEC is anticipated, this additional workload will be handled within agency resources.

OLR Bill Analysis

sSB 438

AN ACT CONCERNING CAMPAIGN ACCOUNTABILITY**SUMMARY:**

By law, written, typed, and other printed political communications paid for by people or committees cooperating with, in consultation with, or acting at the request of a candidate or his agent or committee to promote or defeat a candidate must include an attribution.

This bill expands the attribution law. It extends to written Internet-based communications, the requirement that the literature include the identity of the person who paid for it. This means, if the expenditure is made by (1) an individual, the person's name and address; (2) a party committee, the committee's name; and (3) other committees, the name of the committee and its campaign treasurer.

The bill expands the attribution to include the identity of the person who approved it. It requires the face of any printed literature to include "approved by" and, if the expenditure is made by (1) an individual, the person's name; (2) a candidate committee, the candidate's name; (3) a party committee, the name and title of the chairperson; or (4) a political committee, the name and title of the chairperson or the campaign treasurer. Like current law, the bill's provisions do not apply to (1) unsolicited, freely published newspaper, magazine, or journal editorials, news stories, or commentary; (2) banners; (3) political paraphernalia; or (4) signs under 32 square feet.

The bill also requires television and Internet audio communications to show images and readable and personal messages of approval from the person paying for the communication. Radio communications must include a personal, audio message from the person or committee responsible for it.

EFFECTIVE DATE: January 1, 2005

TELEVISION, RADIO, AND INTERNET AUDIO AND VIDEO ADVERTISEMENTS

The bill prohibits a candidate, a candidate's committee, or a party or political committee from advertising on television, Internet video or audio, or radio without attribution. Table 1 shows the attribution requirements.

TABLE 1: ATTRIBUTION REQUIREMENTS

<i>Party</i>	<i>Television/Internet Video</i>	<i>Radio/Internet Audio</i>
Candidate or his committee	<ul style="list-style-type: none"> clearly identifiable image of the candidate clearly readable statement identifying him and indicating that he approves the message personal audio message stating "I am... (candidate's name) and I approve this message" 	<ul style="list-style-type: none"> Personal audio message by the candidate indicating his name, the office he is seeking, and his approval of the message by stating "I am...(candidate's name) and I approve this message"
Political or party committee	<ul style="list-style-type: none"> clearly identifiable image of the candidate being promoted clearly readable statement identifying the committee and indicating that the committee's campaign treasurer or chairperson approves the message personal audio message stating "I am...(treasurer's or chairperson's name and title and committee's name) and I approve this message." 	<ul style="list-style-type: none"> Personal audio message by the chairperson or treasurer indicating that the candidate has approved the message by stating "I am...(chairperson's or treasurer's name and title) and I approve this message" (see COMMENT)

COMMENT

Advertisement by a Political or Party Committee

The bill inadvertently requires an attribution by a candidate, instead of the committee chairperson or treasurer, in political or party committee's radio or Internet audio advertisement.

COMMITTEE ACTION

Government Administration and Elections Committee

Joint Favorable Substitute
Yea 15 Nay 2