



General Assembly

Substitute Bill No. 547

January Session, 2007

* _____SB00547GAE__031907_____*

**AN ACT CONCERNING ACCOUNTABILITY IN CAMPAIGN
ADVERTISING.**

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 (28) and (29), as follows (*Effective October 1, 2007*):

3 (NEW) (28) "Valid citation" means an identifiable reference to
4 publicly accessible records including, but not limited to, transcripts or
5 recordings of proceedings, public speeches or statements, news
6 reports, articles and editorials, or other sources that can be located and
7 accessed by the general public through the information provided in
8 such citation.

9 (NEW) (29) "Altered or fabricated representation" means the visual
10 or auditory representation of a candidate that is (A) altered such that
11 the effect is to portray an individual other than such candidate or an
12 image significantly different from that of such candidate, or (B) an
13 individual, other than the candidate, who is posing as the candidate.

14 Sec. 2. Section 9-621 of the general statutes is repealed and the
15 following is substituted in lieu thereof (*Effective October 1, 2007*):

16 (a) No individual shall make or incur any expenditure with the
17 cooperation of, at the request or suggestion of, or in consultation with

18 any candidate, candidate committee or candidate's agent, and no
19 candidate or committee shall make or incur any expenditure for any
20 written, typed or other printed communication, or any web-based,
21 written communication, which (1) promotes the success or defeat of
22 any candidate's campaign for nomination at a primary or election or
23 solicits funds to benefit any political party or committee unless such
24 communication bears upon its face [(1)] (A) the words "paid for by"
25 and the following: [(A)] (i) In the case of such an individual, the name
26 and address of such individual; [(B)] (ii) in the case of a committee
27 other than a party committee, the name of the committee and its
28 campaign treasurer; (iii) in the case of a candidate committee a
29 photograph of the candidate that is not less than four square inches; or
30 [(C)] (iv) in the case of a party committee, the name of the committee,
31 and [(2)] (B) the words "approved by" and the following: [(A)] (i) In the
32 case of an individual making or incurring an expenditure with the
33 cooperation of, at the request or suggestion of, or in consultation with
34 any candidate, candidate committee or candidate's agent, the name of
35 such individual; or [(B)] (ii) in the case of a candidate committee, the
36 name of the candidate; (2) promotes the defeat of any candidate's
37 campaign for nomination at a primary or election unless such
38 communication bears a valid citation for each vote, quote or stated
39 position or opinion ascribed to such candidate; or (3) promotes the
40 defeat of any candidate's campaign for nomination at a primary and
41 contains an altered or fabricated representation of such candidate. No
42 candidate or candidate committee or exploratory committee
43 established by a candidate shall make or incur any expenditure for a
44 mailing to promote the success of said candidate's campaign for
45 nomination at a primary or election or the defeat of another
46 candidate's campaign for nomination at a primary or election, unless
47 the mailing contains a photograph of the candidate conducting the
48 mailing and said candidate's name in a font that is not less than the
49 size of the font used for the narrative of the mailing.

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

51 (1) No candidate or candidate committee or exploratory committee

52 established by a candidate shall make or incur any expenditure for
53 television advertising or Internet video advertising, which promotes
54 the success of such candidate's campaign for nomination at a primary
55 or election or the defeat of another candidate's campaign for
56 nomination at a primary or election, unless (A) at the end of such
57 advertising there appears simultaneously, for a period of not less than
58 four seconds, (i) a clearly identifiable photographic or similar image of
59 the candidate making such expenditure, (ii) a clearly readable printed
60 statement identifying such candidate, and indicating that such
61 candidate has approved the advertising, and (iii) a simultaneous,
62 personal audio message, in the following form: "I am ... (candidate's
63 name) and I approved this message", and (B) the candidate's name and
64 image appear in, and the candidate's voice is contained in, the
65 narrative of the advertising, before the end of such advertising;

66 (2) No candidate or candidate committee or exploratory committee
67 established by a candidate shall make or incur any expenditure for
68 radio advertising or Internet audio [advertising] or Internet video,
69 which promotes the success of such candidate's campaign for
70 nomination at a primary or election or the defeat of another
71 candidate's campaign for nomination at a primary or election, unless
72 (A) the advertising ends with a personal audio statement by the
73 candidate making such expenditure (i) identifying such candidate and
74 the office such candidate is seeking, and (ii) indicating that such
75 candidate has approved the advertising in the following form: "I am
76 (candidate's name) and I approved this message", and (B) the
77 candidate's name and voice are contained in the narrative of the
78 advertising, before the end of such advertising; [and]

79 (3) No individual shall make or incur any expenditure with the
80 cooperation of, at the request or suggestion of, or in consultation with
81 any candidate, candidate committee, or candidate's agent, and no
82 candidate, candidate committee or candidate's exploratory committee
83 shall make or incur any expenditure for television advertising, Internet
84 video or Internet audio, or radio advertising communication that
85 promotes the defeat of any candidate's campaign for nomination at a

86 primary (A) if such communication contains an altered or fabricated
87 representation intended to promote the defeat of a candidate for public
88 office, and (B) unless such communication includes a valid citation for
89 each vote, quote or stated position or opinion ascribed to such
90 candidate and;

91 ~~[(3)]~~ (4) No candidate or candidate committee or exploratory
92 committee established by a candidate shall make or incur any
93 expenditure for [automated telephone] robotic calls which promote the
94 success of such candidate's campaign for nomination at a primary or
95 election or the defeat of another candidate's campaign for nomination
96 at a primary or election, unless the candidate's name and voice are
97 contained in the narrative of the call, before the end of such call.

98 (c) No business entity, organization, association, committee, or
99 group of two or more individuals who have joined solely to promote
100 the success or defeat of a referendum question and is required to file a
101 certification in accordance with subsection (d) of section 9-605, shall
102 make or incur any expenditure for (1) any written, typed or other
103 printed communication which promotes the success or defeat of any
104 referendum question unless such communication bears upon its face
105 the words "paid for by" and the following: ~~[(1)]~~ (A) In the case of a
106 business entity, organization or association, the name of the entity,
107 organization or association and the name of its chief executive officer;
108 ~~[(2)]~~ (B) in the case of a political committee, the name of the committee
109 and the name of its campaign treasurer; ~~[(3)]~~ (C) in the case of a party
110 committee, the name of the committee; or ~~[(4)]~~ (D) in the case of such a
111 group of two or more individuals, the name of the group as it appears
112 on the certification filed in accordance with subsection (d) of section 9-
113 605, and the name and address of its agent, or (2) any television
114 advertising, Internet video or Internet audio, or any radio advertising
115 which promotes the success or defeat of any referendum question
116 unless such communication bears a valid citation for each vote, quote
117 or stated position or opinion included in such communication.

118 (d) The provisions of subsections (a), (b) and (c) of this section do

119 not apply to (1) any editorial, news story, or commentary published in
120 any newspaper, magazine or journal on its own behalf and upon its
121 own responsibility and for which it does not charge or receive any
122 compensation whatsoever, (2) any banner, (3) political paraphernalia
123 including pins, buttons, badges, emblems, hats, bumper stickers or
124 other similar materials, or (4) signs with a surface area of not more
125 than thirty-two square feet.

126 (e) The campaign treasurer of a candidate committee which
127 sponsors any written, typed or other printed communication for the
128 purpose of raising funds to eliminate a campaign deficit of that
129 committee shall include in such communication a statement that the
130 funds are sought to eliminate such a deficit.

131 (f) The campaign treasurer of an exploratory committee or
132 candidate committee established by a candidate for nomination or
133 election to the office of Treasurer which committee sponsors any
134 written, typed or other printed communication for the purpose of
135 raising funds shall include in such communication a statement
136 concerning the prohibitions set forth in subsection (n) of section 1-84,
137 subsection (f) of section 9-612 and subsection (f) of section 9-613.

138 (g) In the event a campaign treasurer of a candidate committee is
139 replaced pursuant to subsection (c) of section 9-602, nothing in this
140 section shall be construed to prohibit the candidate committee from
141 distributing any printed communication subject to the provisions of
142 this section that has already been printed or otherwise produced, even
143 though such communication does not accurately designate the
144 successor campaign treasurer of such candidate committee.

145 Sec. 3. (NEW) (*Effective October 1, 2007*) At the time that a candidate
146 for the office of Governor, Secretary of the State, State Comptroller,
147 Attorney General, State Treasurer, state senator or state representative
148 files his or her candidacy pursuant to section 9-400 of the general
149 statutes and at the time that a candidate for Lieutenant Governor is
150 nominated, the State Elections Enforcement Commission shall provide

151 any such candidate with a form that contains a copy of the
152 "Connecticut Code of Fair and Truthful Campaign Conduct", as
153 described in this section. Concomitantly, the commission shall inform
154 such candidate that subscription to the code is voluntary. Such code,
155 printed on the form provided to candidates pursuant to this section,
156 shall read as follows:

157 "Connecticut Code of Fair and Truthful Campaign Conduct

158 I shall conduct my campaign and, to the extent reasonably possible,
159 insist that my campaign employees and volunteers conduct themselves
160 in a manner consistent with the best Connecticut and American
161 democratic traditions, discussing the issues and presenting my record
162 and policies with sincerity, accuracy and candor.

163 I shall uphold the right of every qualified voter to free and equal
164 participation in the election process.

165 I shall not participate in and I shall condemn defamation of and
166 other attacks on any opposing candidate or party that I do not believe
167 to be truthful, provable and relevant to my campaign.

168 I shall not use or authorize and I shall condemn material relating to
169 my campaign that falsifies, misrepresents or distorts the facts,
170 including, but not limited to, malicious or unfounded accusations
171 creating or exploiting doubts as to the morality, patriotism or
172 motivations of any party or candidate.

173 I shall not originate or spread any malicious or unfounded
174 accusations against any candidate which are aimed at creating or
175 exploiting doubts on the part of the public or that seek to proliferate
176 the misrepresentation or distortion of facts to influence public
177 perception of any party or candidate.

178 I shall not appeal to and I shall condemn appeals to prejudices
179 based on the race, creed, gender, sexual orientation, age or national
180 origin of any other candidate.

181 I shall not practice and I shall condemn practices that tend to
182 corrupt or undermine the system of free election or that hamper or
183 prevent the free expression of the will of the voters.

184 I shall promptly and publicly repudiate the support of any
185 individual or group that resorts, on behalf of my candidacy or in
186 opposition to that of an opponent, to methods in violation of the letter
187 or spirit of this code.

188 I, the undersigned, candidate for election to public office in the State
189 of Connecticut, hereby voluntarily endorse, subscribe to and solemnly
190 pledge to conduct my campaign in accordance with the above
191 principles and practices."

192 Sec. 4. (NEW) (*Effective October 1, 2007*) (a) The State Elections
193 Enforcement Commission shall print, or cause to be printed, copies of
194 the Connecticut Code of Fair and Truthful Campaign Conduct
195 established pursuant to section 3 of this act for distribution to
196 registered candidates or otherwise make such form available to
197 candidates electronically.

198 (b) The commission shall accept, at all times prior to election day,
199 completed code forms, provided such forms have been notarized,
200 signed and sworn by the candidate submitting the form.

201 (c) The commission shall: (1) Retain for public inspection all
202 completed code forms accepted by the commission pursuant to this
203 section, (2) maintain a list of candidates who have subscribed to the
204 code, and (3) post such list on the commission's web site and make
205 such list available to the public in both paper and electronic form,
206 upon request.

207 Sec. 5. (NEW) (*Effective October 1, 2007*) As used in sections 5 to 9,
208 inclusive, of this act:

209 (1) "Automatic dialing-announcing device" means a device that
210 selects and dials telephone numbers and, working alone or in

211 conjunction with other equipment, disseminates a prerecorded or
212 synthesized voice message to the telephone number called.

213 (2) "Caller" means a person, corporation, firm, partnership,
214 association, or legal or commercial entity that attempts to contact, or
215 that contacts, a subscriber in this state by using a telephone or a
216 telephone line.

217 (3) "Subscriber" means a person who subscribes to telephone service
218 from a telephone company or any other person living or residing with
219 the subscribing person.

220 (4) "Message" means any telephone call, regardless of its content.

221 Sec. 6. (NEW) (*Effective October 1, 2007*) No caller shall use or
222 connect to a telephone line an automatic dialing-announcing device for
223 the purpose of leaving a message to promote the success or defeat of a
224 candidate for public office unless: (1) The subscriber knowingly or
225 voluntarily requested, consented to, permitted or authorized receipt of
226 the message; or (2) the message is immediately preceded by a live
227 operator who obtains the subscriber's consent before the message is
228 delivered. The provisions of this section shall not apply to: (A)
229 Messages from school districts to students, parents or employees, (B)
230 messages to subscribers with whom the caller has a current business or
231 personal relationship, or (C) messages advising employees of work
232 schedules.

233 Sec. 7. (NEW) (*Effective October 1, 2007*) No caller shall use an
234 automatic dialing-announcing device for the purpose of leaving a
235 message to promote the success or defeat of a candidate for public
236 office unless the device is designed and operated to disconnect not
237 later than ten seconds after termination of the telephone call by the
238 subscriber.

239 Sec. 8. (NEW) (*Effective October 1, 2007*) Any time a message
240 promoting the success or defeat of a candidate for public office placed
241 from an automatic dialing-announcing device is immediately preceded

242 by a live operator pursuant to section 6 of this act, the operator shall, at
243 the beginning of the message, disclose: (1) The name of the business,
244 firm, organization, association, partnership, person, candidate or entity
245 for which the message is being made; and (2) the purpose of the
246 message.

247 Sec. 9. (NEW) (*Effective October 1, 2007*) No caller shall use an
248 automatic dialing-announcing device for the purpose of leaving a
249 message to promote the success or defeat of a candidate for public
250 office earlier than nine o'clock a.m. or later than nine o'clock p.m. The
251 provisions of this section shall not be construed to apply to (1)
252 messages from school districts to students, parents or employees, (2)
253 messages to subscribers with whom the caller has a current business or
254 personal relationship, or (3) messages advising employees of work
255 schedules.

256 Sec. 10. (NEW) (*Effective October 1, 2007*) Any person who receives a
257 telephone call in violation of sections 6 to 9, inclusive, of this act may
258 bring an action in Superior Court to recover actual damages or
259 statutory damages of two thousand dollars, whichever is greater, plus
260 costs and reasonable attorneys' fees. In addition, the court may order
261 injunctive or equitable relief. For purposes of this section, each
262 telephone call received in violation of said sections shall constitute a
263 separate and distinct violation.

264 Sec. 11. (NEW) (*Effective October 1, 2007*) (a) The Attorney General
265 may issue subpoenas or interrogatories requiring production of
266 evidence or testimony concerning a violation of sections 6 to 9,
267 inclusive, of this act. The Attorney General may apply to the Superior
268 Court to enforce any subpoena or interrogatories issued pursuant to
269 this subsection.

270 (b) The Attorney General may file a civil action in Superior Court to
271 enforce the provisions of this section and to enjoin further violations of
272 sections 6 to 9, inclusive, of this act. The Attorney General may recover
273 actual damages or statutory damages of twenty-five thousand dollars,

274 whichever is greater, for each violation of sections 6 to 9, inclusive, of
275 this act. For purposes of this section, each telephone call received in
276 violation of sections 6 to 9, inclusive, of this act shall constitute a
277 separate and distinct violation.

278 Sec. 12. Section 16-256e of the general statutes is repealed. (*Effective*
279 *October 1, 2007*)

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>October 1, 2007</i>	9-601
Sec. 2	<i>October 1, 2007</i>	9-621
Sec. 3	<i>October 1, 2007</i>	New section
Sec. 4	<i>October 1, 2007</i>	New section
Sec. 5	<i>October 1, 2007</i>	New section
Sec. 6	<i>October 1, 2007</i>	New section
Sec. 7	<i>October 1, 2007</i>	New section
Sec. 8	<i>October 1, 2007</i>	New section
Sec. 9	<i>October 1, 2007</i>	New section
Sec. 10	<i>October 1, 2007</i>	New section
Sec. 11	<i>October 1, 2007</i>	New section
Sec. 12	<i>October 1, 2007</i>	Repealer section

GAE *Joint Favorable Subst.*