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 subdivisions (32) and (33) as follows (Effective from passage):

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

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

4 Sec. 2. (NEW) (Effective from passage) For each sale of a qualified
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political advertisement on an online platform, as those terms are defined in section 9-601 of the general statutes, as amended by this act, such online platform shall: (1) Make available for online public inspection, and in machine-readable format, a digital copy of the qualified political advertisement; and (2) provide to the State Elections Enforcement Commission the name, street address and phone number of a single point of contact at such online platform who is responsible for the sale and appearance of such qualified political advertisement on such online platform.

Sec. 3. Subsection (b) of section 9-601c of the general statutes is repealed and the following is substituted in lieu thereof (Effective from passage):

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

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

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

(3) An expenditure made by a person based on information about a candidate's, political committee's, or party committee's plans, projects
or needs, provided by (A) a candidate, candidate committee, political
committee or party committee, or (B) a consultant or other agent acting
on behalf of a candidate, candidate committee, political committee or
party committee, with the intent that such expenditure be made;

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

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

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

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

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

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

(10) An expenditure made by an online platform, which expenditure
displays the name, face or voice of a candidate, ninety days or less
before the day of a primary or election if such expenditure was not
made neutrally or evenly as to such candidate and each opponent of
such candidate. For the purposes of this subdivision, "expenditure
made by an online platform" includes, but is not limited to, any tool or
feature created by or for such online platform that appears on or is
integrated with such online platform.

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

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<th>Section</th>
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<tbody>
<tr>
<td>Section 1</td>
<td>from passage</td>
<td>9-601</td>
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<tr>
<td>Sec. 2</td>
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<tr>
<td>Sec. 3</td>
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<td>9-601c(b)</td>
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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. 642