OLR Bill Analysis
sSB 642

AN ACT CONCERNING SOCIAL MEDIA PLATFORMS AND CAMPAIGN FINANCE.

SUMMARY

This bill defines "online platform" and "qualified political advertisement" for purposes of state campaign finance laws and establishes requirements for reporting them. It also expands the rebuttable presumption that the State Elections Enforcement Commission (SEEC) uses to determine whether an expenditure is an independent expenditure (IE), to include certain online platform expenditures.

Under the bill, "online platform" means any public-facing Internet website, application, or digital application, including a social network, advertisement network, or search engine, that sells qualified political advertisements and that has, (1) for seven of the last 12 months, at least 400,000 unique monthly visitors or users with an assigned U.S. Internet protocol address or (2) advertising revenue that exceeds $1,000 per year. "Qualified political advertisement" means any advertisement, including sponsorship and search engine marketing, that is an expenditure, as defined by state campaign finance law.

The bill also makes technical changes.

EFFECTIVE DATE: Upon passage

ONLINE PLATFORM REQUIREMENTS

For each qualified political advertisement sale, the bill requires an online platform to do the following:

1. provide SEEC with the name, street address, and phone number for a single point of contact at the online platform responsible for the advertisement’s sale and appearance and
2. make a digital, machine-readable copy of the advertisement available for online public inspection.

The bill does not specify a time period for which the digital copy of the advertisement must be available online.

REBUTTABLE PRESUMPTION

The law authorizes persons (including individuals, entities, and committees) to make unlimited IEs and defines “independent expenditure” as an expenditure made without the consent, coordination, or consultation of a (1) candidate or candidate's agent, (2) candidate committee, (3) political committees, or (4) party committee. It creates a rebuttable presumption that certain expenditures are not IEs and thus are coordinated and considered contributions for campaign finance purposes.

The bill expands the rebuttable presumption to include an expenditure by an online platform that (1) is made during the 90-day period immediately preceding a primary or an election; (2) displays a candidate's name, face, or voice; and (3) is not made neutrally or evenly with respect to the candidate and his or her opponents. The bill does not define “neutrally or evenly.”

Under the bill, an expenditure made by an online platform includes any tool or feature created by or for the online platform and that appears on or is integrated with the platform.

BACKGROUND

Related Bill

HB 7329, reported favorably by the Government Administration and Elections Committee, also defines “online platform” and “qualified political advertisement,” and establishes related records requirements.

COMMITTEE ACTION

Government Administration and Elections Committee

Joint Favorable
Yea 10  Nay 5 (03/29/2019)