

Attribution Requirements for Political Advertisements Made with Independent Expenditures

By: Kristin Sullivan, Chief Analyst
March 6, 2020 | 2020-R-0080

Issue

Summarize state campaign finance law's attribution requirements for political advertisements made with independent expenditures (IEs).

Summary

State campaign finance law requires a person making or incurring an obligation to make an IE (IE-maker) for a printed, video, or audio political advertisement to disclose certain information in the communication. Generally, the communication must include (1) an attribution identifying the IE-maker, (2) a disclaimer indicating it is being made independent of any candidate or political party, and (3) a statement specifying that additional information about the IE-maker is available on the State Elections Enforcement Commission's (SEEC) website ([CGS § 9-621\(h\)](#)).

When an advertisement is made during the 90 days before a primary or election, the communication generally must also identify the top five transferors. The "top five transferors" are the five persons that made the five largest aggregate covered transfers of \$5,000 or more to the IE-maker during the 12 months before the primary or election ([CGS § 9-621\(h & l\)](#)).

Violators of the above requirements are subject to SEEC's general authority to enforce state campaign finance laws. Under this authority, the commission may levy a civil penalty of up to \$2,000 per violation or twice the amount of the improper contribution or payment, whichever is greater. In addition, a person that knowingly and willingly violates the campaign finance laws is

guilty of a Class D felony, punishable by up to five years in prison, a fine up to \$5,000, or both ([CGS §§ 9-7b\(a\)\(2\)\(D\)](#) and [9-623\(a\)](#)).

By law, an “independent expenditure” is an expenditure that is made without the consent, coordination, or consultation of a (1) candidate or candidate's agent, (2) candidate committee, (3) political committee, or (4) party committee. A “covered transfer,” with certain exceptions, is any donation, transfer, or payment of funds by a person to another person if the recipient (1) makes IEs or (2) transfers funds to another person who makes IEs. “Person” means an individual, committee, firm, partnership, organization, association, syndicate, company trust, corporation, limited liability company, or any other legal entity of any kind. It does not mean the state or any political or administrative subdivision of the state ([CGS §§ 9-601c](#), [9-601\(29\)](#), and [9-601\(10\)](#)).

Additionally, IE-makers must disclose information about IEs they make that exceed \$1,000 in the aggregate by filing certain financial disclosure reports with SEEC or the applicable town clerk. This report, however, focuses only on the attribution requirements for political advertisements. (For more information on IEs and their reporting requirements, see OLR Report [2020-R-0075](#).)

Attribution Requirements

Table 1 lists each type of communication and its attribution requirements as described in SEEC's [2019 guidebook for PACs](#) (see pp. 67-69) and SEEC Advisory Opinion [2014-02](#) (see pp. 8-9). When an attribution is on a flyer or leaflet, or in a newspaper, magazine, or similar literature, the law requires that it be printed in at least an eight-point, uniform font ([CGS § 9-621\(k\)](#)).

Table 1: Attribution Requirements for Political Advertisements Made with IEs

<i>Type of Communication</i>	<i>Attribution Requirement</i>
Written communication, including one that is typed, printed, web-based, or on a billboard (CGS § 9-621(h)(1))	The communication must contain: <ul style="list-style-type: none"> ▪ the words: “Paid for by,” followed by the name of the IE-maker ▪ the statement: “This message was made independent of any candidate or political party.” ▪ the statement: “Additional information about (the name of the IE-maker) is available on the SEEC website.” ▪ for an IE made during the 90 days before a primary or election, the top five transferors

Table 1 (continued)

Type of Communication	Attribution Requirement
<p>Video broadcast by television, Internet, or satellite</p> <p>(CGS § 9-621(h)(2))</p>	<p>The communication must contain:</p> <ul style="list-style-type: none"> ▪ the words “Paid for by,” followed by the name of the IE-maker ▪ the following audio message and written statement at the end of the advertisement, for at least four seconds: “This message was paid for by (person making communication) and made independent of any candidate or political party.” ▪ the statement: “Additional information about (the name of the IE-maker) is available on the SEEC website.” ▪ for an IE made during the 90 days before a primary or election, the top five transferors
<p>Audio communication broadcast by radio, Internet, or satellite</p> <p>(CGS § 9-621(h)(3))</p>	<p>The communication must contain, in audio:</p> <ul style="list-style-type: none"> ▪ the words “Paid for by,” followed by the name of the IE-maker ▪ a personal audio statement by an agent of the IE-maker at the end of the message (1) identifying the IE-maker and (2) indicating that the message was made independent of any candidate or political party, using the following form: “I am (name of the person’s agent), (title) of (person). This message was made independent of any candidate or political party.” ▪ the statement: “Additional information about (the name of the IE-maker) is available on the SEEC website.” ▪ for an IE made during the 90 days before a primary or election, a statement identifying the top five transferors
<p>Telephone call, including automated and live calls</p> <p>(CGS § 9-621(h)(4))</p>	<p>The call must include:</p> <ul style="list-style-type: none"> ▪ the words: “Paid for by,” followed by the name of the IE-maker ▪ the statement: “This message was made independent of any candidate or political party.” ▪ the statement: “Additional information about (the name of the IE-maker) is available on the SEEC website.” ▪ for an IE made during the 90 days before a primary or election, a statement identifying the top five transferors

Exception to Top Five Transferor

IE-makers may omit the top five transferors on an Internet text advertisement that (1) appears based on the result of an Internet search and (2) has 200 or fewer characters in its text. But in that case, the communication must (1) include a link to a website disclosing the names of the top five transferors and (2) contain the other disclaimer statements required by law ([CGS § 9-621\(m\)](#)).

Dedicated IE Accounts

A person may establish a dedicated account to engage in IEs unless otherwise prohibited by law. If a person makes an IE for a political advertisement using a dedicated account, any required disclaimer may identify only those persons that made covered transfers directly to the account ([CGS § 9-601d\(g\)](#)).

A dedicated IE account is one that is segregated from other accounts a person controls. It may receive covered transfers directly from other persons but generally cannot receive transfers from another account that the IE-maker controls.

KS:kc