

1 H.828

2 Introduced by Representatives Gannon of Wilmington, Brumsted of

3 Shelburne, Gardner of Richmond, Harrison of Chittenden, and

4 Townsend of South Burlington

5 Referred to Committee on

6 Date:

7 Subject: Elections; campaign finance; electioneering communications; mass

8 media activities; local election reports

9 Statement of purpose of bill as introduced: This bill proposes to amend

10 campaign finance provisions relating to electioneering communications and

11 mass media activities to address electronic, digital, and social media

12 communications, and to require that local candidates file an additional report

13 on the Friday preceding a local election.

14 An act relating to disclosures in campaign finance law

15 It is hereby enacted by the General Assembly of the State of Vermont:

16 Sec. 1. 17 V.S.A. chapter 61 is amended to read:

17 CHAPTER 61. CAMPAIGN FINANCE

18 Subchapter 1. General Provisions

19 § 2901. DEFINITIONS

20 As used in this chapter:

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(6) "Electioneering communication" means any communication that refers to a clearly identified candidate for office and that promotes or supports a candidate for that office or attacks or opposes a candidate for that office, regardless of whether the communication expressly advocates a vote for or against a candidate, including communications published in any newspaper or periodical or broadcast on radio or television or over the Internet or any public address system; placed on any billboards, outdoor facilities, buttons, or printed material attached to motor vehicles, window displays, posters, cards, pamphlets, leaflets, flyers, or other circulars; or contained in any direct mailing, robotic phone calls, or mass ~~e-mails~~ electronic or digital communications.

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(11) "Mass media activity" means a television commercial, radio commercial, mass mailing, mass electronic or digital communication, social media advertisement, literature drop, newspaper or periodical advertisement, robotic phone call, or telephone bank, that includes the name or likeness of a clearly identified candidate for office.

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1 person, candidate, political committee, or political party on whose behalf the
2 communication is published or broadcast.

3 (b) If an electioneering communication is a related campaign expenditure
4 made on a candidate's behalf as provided in section 2944 of this chapter, then
5 in addition to other requirements of this section, the communication shall also
6 clearly designate the candidate on whose behalf it was made by including
7 language such as "on behalf of" such candidate.

8 (c)(1) In addition to the identification requirements in subsections (a) and
9 (b) of this section, an electioneering communication paid for by or on behalf of
10 a political committee or political party shall contain the name of any
11 contributor who contributed more than 25 percent of all contributions and more
12 than \$2,000.00 to that committee or party since the beginning of the two-year
13 general election cycle in which the electioneering communication was made to
14 the date on which the expenditure for the electioneering communication
15 was made.

16 (2) For the purposes of this subsection, a political committee or political
17 party shall be treated as having made an expenditure if the committee or party
18 or person acting on behalf of the committee or party has executed a contract to
19 make the expenditure.

20 (d) In order to meet the identification requirements of this section, a small
21 text-based online electioneering communication may provide the required

1 identification information by using an automatic display within the online
2 electioneering communication that takes the reader directly to the required
3 identification.

4 (1) Such an automatic display shall be clear and conspicuous,
5 unavoidable, and immediately visible; remain visible for at least four seconds;
6 and display a color contrast so as to be legible.

7 (2) Examples of a permissible automatic display include a nonblockable
8 pop-up, a rollover, a separate text box or hyperlink that automatically appears
9 with or in the online electioneering communication and that automatically
10 takes the reader to the required identification upon being clicked, and any other
11 similar mechanism that provides the identification information required by this
12 section.

13 (e) The identification requirements of this section shall not apply to lapel
14 stickers or buttons, nor shall they apply to electioneering communications
15 made by a single individual acting alone who spends, in a single two-year
16 general election cycle, a cumulative amount of ~~no~~ not more than \$150.00 on
17 those electioneering communications, adjusted for inflation pursuant to the
18 Consumer Price Index as provided in section 2905 of this chapter.

19 Sec. 2. EFFECTIVE DATE

20 This act shall take effect on December 14, 2018.