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H.828

Introduced by Representatives Gannon of Wilmington, Brumsted of
Shelburne, Gardner of Richmond, Harrison of Chittenden, and
Townsend of South Burlington

Referred to Committee on

Date:

Subject: Elections; campaign finance; electioneering communications; mass
media activities; local election reports

Statement of purpose of bill as introduced: This bill proposes to amend
campaign finance provisions relating to electioneering communications and
mass media activities to address electronic, digital, and social media
communications, and to require that local candidates file an additional report
on the Friday preceding a local election.

An act relating to disclosures in campaign finance law

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

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

~~CHAPTER 61. CAMPAIGN FINANCE~~

~~Subchapter 1. General Provisions~~

~~§ 2901. DEFINITIONS~~

1 As used in this chapter:

2 * * *

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

14 * * *

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

20 * * *

21 Subchapter 4. Reporting Requirements, Disclosures

1 * * *

2 § 2068. CAMPAIGN REPORTS; LOCAL CANDIDATES

(a) Each candidate for local office who has rolled over any amount of surplus into his or her new campaign or who has made expenditures or accepted contributions of \$500.00 or more since the last local election for that office shall file with the Secretary of State campaign finance reports 30 days before, 10 days before, ~~on the Friday before,~~ *four days before,* and two weeks after the local election.

3 * * *

4 § 2972. IDENTIFICATION IN ELECTIONEERING COMMUNICATIONS

5 (a) An electioneering communication shall contain the name and mailing
6 address of the person, candidate, political committee, or political party that
7 paid for the communication. The name and address shall appear prominently
8 and in a manner such that a reasonable person would clearly understand by
9 whom the expenditure has been made, except that:

10 (1) An audio electioneering communication ~~transmitted through radio~~
11 ~~and~~ paid for by a candidate does not need to contain the candidate's address.

12 (2) An electioneering communication paid for by a person acting as an
13 agent or consultant on behalf of another person, candidate, political committee,
14 or political party shall clearly designate the name and mailing address of the
15 ~~person, candidate, political committee, or political party on whose behalf the~~

1 ~~communication is published or broadcast~~

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

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

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

19 (d) In order to meet the identification requirements of this section, a small
20 text-based online electioneering communication may provide the required
21 identification information by using an automatic display within the online

1 ~~electioneering communication that takes the reader directly to the required~~
2 ~~identification.~~

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

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

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

18 Sec. 2. EFFECTIVE DATE

19 ~~This act shall take effect on December 14, 2018.~~

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

CHAPTER 61. CAMPAIGN FINANCE

Subchapter 1. General Provisions

§ 2901. DEFINITIONS

As used in this chapter:

** * **

(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.

** * **

(11) “Mass media activity” means a television commercial, radio commercial, Internet advertisement, mass mailing, mass electronic or digital communication, 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.

* * *

Subchapter 4. Reporting Requirements; Disclosures

* * *

§ 2968. *CAMPAIGN REPORTS; LOCAL CANDIDATES*

(a) Each candidate for local office who has rolled over any amount of surplus into his or her new campaign or who has made expenditures or accepted contributions of \$500.00 or more since the last local election for that office shall file with the Secretary of State campaign finance reports 30 days before, 10 days before, four days before, and two weeks after the local election.

* * *

§ 2972. *IDENTIFICATION IN ELECTIONEERING COMMUNICATIONS*

(a) An electioneering communication shall contain the name and mailing address of the person, candidate, political committee, or political party that paid for the communication. The name and address shall appear prominently and in a manner such that a reasonable person would clearly understand by whom the expenditure has been made, except that:

(1) An audio electioneering communication ~~transmitted through radio~~ and paid for by a candidate does not need to contain the candidate's address.

(2) An electioneering communication paid for by a person acting as an agent or consultant on behalf of another person, candidate, political committee, or political party shall clearly designate the name and mailing

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

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

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

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

(d) If it is not practicable to meet the identification requirements of this section within an electioneering communication that is broadcast over the

Internet, such an electioneering communication shall contain a link that shall be clear and conspicuous and that, if clicked, takes the reader to a web page or social media page that provides all of the identification information as required by this section.

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

*§ 2973. SPECIFIC IDENTIFICATION REQUIREMENTS FOR RADIO,
TELEVISION, OR INTERNET COMMUNICATIONS*

(a) In addition to the identification requirements set forth in section 2972 of this subchapter, a person, candidate, political committee, or political party that makes an expenditure for an electioneering communication shall include in any communication that is transmitted through radio, television, or online video, in a clearly spoken manner, an audio statement of the name and title of the person who paid for the communication and that the person paid for the communication.

(b) If the person who paid for the communication is not ~~a natural person~~ an individual, the audio statement required by this section shall include the

name of that ~~non-natural~~ person and the name and title of the treasurer, in the case of a ~~candidate's committee~~, political committee, or political party, or the principal officer, in the case of any other ~~non-natural~~ person that is not an individual.

* * *

Sec. 2. EFFECTIVE DATES

This act shall take effect on passage, except that in Sec. 1, 17 V.S.A. § 2968 (campaign reports; local candidates) shall take effect on December 14, 2018.