

**Sec. 9-714-1. Independent expenditures**

(a) A person makes or obligates to make an independent expenditure with the intent to promote the defeat of a candidate for the office of Governor, Lieutenant Governor, Secretary of the State, State Treasurer, State Comptroller, Attorney General, State Senator or State Representative, if the independent expenditure expressly advocates the defeat of such candidate.

(b) “Expressly advocates” shall mean:

1. Conveying a public communication containing a phrase including, but not limited to, “vote against,” “defeat,” “reject,” or a campaign slogan or words that in context and with limited reference to external events, such as the proximity to the primary or election, can have no reasonable meaning other than to advocate the defeat of one or more clearly identified candidates; or

2. Making a public communication which names or depicts one or more clearly identified candidates, which, when taken as a whole and with limited reference to external events, contains a portion that can have no reasonable meaning other than to urge the defeat of the candidate(s), as evidenced by factors such as the presentation of the candidate(s) in a unfavorable light, the targeting, placement, or timing of the communication, or the inclusion of statements by or about the candidate.

(c) All expenditures directly related to the production and distribution of a public communication that expressly advocates the defeat of a candidate for the office of Governor, Lieutenant Governor, Secretary of the State, State Treasurer, State Comptroller, Attorney General, State Senator or State Representative, shall be treated as part of the independent expenditure for such candidate.

(Adopted effective December 20, 2007)