



General Assembly

January Session, 2003

Raised Bill No. 6661

LCO No. 4296

Referred to Committee on Government Administration and Elections

Introduced by:
(GAE)

AN ACT CONCERNING CAMPAIGN FINANCE REPORTING REQUIREMENTS.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Subsections (a) and (b) of section 9-333h of the general
2 statutes are repealed and the following is substituted in lieu thereof
3 (*Effective July 1, 2003*):

4 (a) The campaign treasurer of each committee shall be responsible
5 for (1) depositing, receiving and reporting all contributions and other
6 funds in the manner specified in section 9-333j, as amended by this act,
7 (2) making and reporting expenditures, (3) reporting expenses
8 incurred but not yet paid, (4) filing the statements required under
9 section 9-333j, as amended by this act, and (5) keeping internal records
10 of each entry made on such statements. The campaign treasurer of
11 each committee shall deposit contributions in the committee's
12 designated depository within [seven] twenty-one days after receiving
13 them, provided, in the case of a contribution received by a solicitor, the
14 campaign treasurer shall so deposit the contribution within twenty-
15 one days after the solicitor receives the contribution. The campaign

16 treasurer of each political committee or party committee which makes
17 a contribution of goods to another committee shall send written notice
18 to the campaign treasurer of the recipient committee before the close of
19 the reporting period during which the contribution was made. The
20 notice shall be signed by the campaign treasurer of the committee
21 making the contribution and shall include the full name of such
22 committee, the date on which the contribution was made, a complete
23 description of the contribution and the value of the contribution. Any
24 dispute concerning the information contained in such notice shall be
25 resolved by the campaign treasurer of the recipient committee. Such
26 resolution shall not impair in any way the authority of the State
27 Elections Enforcement Commission under section 9-7b, as amended by
28 this act. The campaign treasurer of the recipient committee shall
29 preserve each such notice received for the period prescribed by
30 subsection (f) of section 9-333i.

31 (b) A contribution in the form of a check drawn on a joint bank
32 account shall, for the purpose of allocation, be deemed to be a
33 contribution made by the individual who signed the check. If a check
34 is signed by more than one individual, the total amount of the check
35 shall be divided equally among the cosigners for the purpose of
36 allocation. If a committee receives an anonymous contribution [of
37 more than fifteen dollars] the campaign treasurer shall immediately
38 remit the contribution to the State Treasurer. The State Treasurer shall
39 deposit the contribution in the General Fund.

40 Sec. 2. Section 9-7b of the general statutes is repealed and the
41 following is substituted in lieu thereof (*Effective July 1, 2003*):

42 (a) The State Elections Enforcement Commission shall have the
43 following duties and powers:

44 (1) To make investigations on its own initiative or with respect to
45 statements filed with the commission by the Secretary of the State or
46 any town clerk, or upon written complaint under oath by any

47 individual, with respect to alleged violations of any provision of the
48 general statutes relating to any election or referendum, any primary
49 held pursuant to section 9-423, 9-424, 9-425 or 9-464 or any primary
50 held pursuant to a special act, and to hold hearings when the
51 commission deems necessary to investigate violations of any
52 provisions of the general statutes relating to any such election, primary
53 or referendum, and for the purpose of such hearings the commission
54 may administer oaths, examine witnesses and receive oral and
55 documentary evidence, and shall have the power to subpoena
56 witnesses under procedural rules the commission shall adopt, to
57 compel their attendance and to require the production for examination
58 of any books and papers which the commission deems relevant to any
59 matter under investigation or in question. In connection with its
60 investigation of any alleged violation of any provision of chapter 145,
61 or of any provision of section 9-359 or section 9-359a, the commission
62 shall also have the power to subpoena any municipal clerk and to
63 require the production for examination of any absentee ballot, inner
64 and outer envelope from which any such ballot has been removed,
65 depository envelope containing any such ballot or inner or outer
66 envelope as provided in sections 9-150a and 9-150b and any other
67 record, form or document as provided in section 9-150b, in connection
68 with the election, primary or referendum to which the investigation
69 relates. In case of a refusal to comply with any subpoena issued
70 pursuant to this subsection or to testify with respect to any matter
71 upon which that person may be lawfully interrogated, the superior
72 court for the judicial district of Hartford, on application of the
73 commission, may issue an order requiring such person to comply with
74 such subpoena and to testify; failure to obey any such order of the
75 court may be punished by the court as a contempt thereof. In any
76 matter under investigation which concerns the operation or inspection
77 of or outcome recorded on any voting machine, the commission may
78 issue an order to the municipal clerk to impound such machine until
79 the investigation is completed;

80 (2) To levy a civil penalty not to exceed (A) two thousand dollars
81 per offense against any person the commission finds to be in violation
82 of any provision of chapter 145, part V of chapter 146, part I of chapter
83 147, chapter 148, section 9-12, subsection (a) of section 9-17, section 9-
84 19b, 9-19e, 9-19g, 9-19h, 9-19i, 9-20, 9-21, 9-23a, 9-23g, 9-23h, 9-23j to 9-
85 23o, inclusive, 9-26, 9-31a, 9-32, 9-35, 9-35b, 9-35c, 9-40a, 9-42, 9-43, 9-
86 50a, 9-56, 9-59, 9-168d, 9-170, 9-171, 9-172, 9-409, 9-410, 9-412, 9-436, 9-
87 436a, 9-453e to 9-453h, inclusive, 9-453k or 9-453o, or (B) two thousand
88 dollars per offense or twice the amount of any improper payment or
89 contribution, whichever is greater, against any person the commission
90 finds to be in violation of any provision of chapter 150. The
91 commission may levy a civil penalty against any person under
92 subparagraph (A) or (B) of this subdivision only after giving the
93 person an opportunity to be heard at a hearing conducted in
94 accordance with sections 4-176e to 4-184, inclusive. In the case of
95 failure to pay any such penalty levied pursuant to this subsection
96 within thirty days of written notice sent by certified or registered mail
97 to such person, the superior court for the judicial district of Hartford,
98 on application of the commission, may issue an order requiring such
99 person to pay the penalty imposed and such court costs, state
100 marshal's fees and attorney's fees incurred by the commission as the
101 court may determine. Any civil penalties paid, collected or recovered
102 under subparagraph (B) of this subdivision for a violation of any
103 provision of chapter 150 applying to the office of the Treasurer shall be
104 deposited on a pro rata basis in any trust funds, as defined in section 3-
105 13c, affected by such violation;

106 (3) (A) To issue an order requiring any person the commission finds
107 to have received any contribution or payment which is prohibited by
108 any of the provisions of chapter 150, after an opportunity to be heard
109 at a hearing conducted in accordance with the provisions of sections 4-
110 176e to 4-184, inclusive, to return such contribution or payment to the
111 donor or payor, or to remit such contribution or payment to the state
112 for deposit in the General Fund, whichever is deemed necessary to

113 effectuate the purposes of chapter 150;

114 (B) To issue an order when the commission finds that an intentional
115 violation of any provision of chapter 150 has been committed, after an
116 opportunity to be heard at a hearing conducted in accordance with
117 sections 4-176e to 4-184, inclusive, which order may contain one or
118 more of the following sanctions: (i) Removal of a campaign treasurer,
119 deputy campaign treasurer or solicitor; or (ii) prohibition on serving as
120 a campaign treasurer, deputy campaign treasurer or solicitor, for a
121 period not to exceed four years;

122 (C) To issue an order revoking any person's eligibility to be
123 appointed or serve as an election, primary or referendum official or
124 unofficial checker or in any capacity at the polls on the day of an
125 election, primary or referendum, when the commission finds such
126 person has intentionally violated any provision of the general statutes
127 relating to the conduct of an election, primary or referendum, after an
128 opportunity to be heard at a hearing conducted in accordance with
129 sections 4-176e to 4-184, inclusive;

130 (4) To inspect or audit at any reasonable time and upon reasonable
131 notice the accounts or records of any campaign treasurer or principal
132 campaign treasurer, as required by chapter 150 and to audit any such
133 election, primary or referendum held within the state; provided, [it]
134 (A) during the four-month period preceding the day of an election at
135 which a person is a candidate for public office, the commission shall
136 not audit the accounts or records of the campaign treasurer or
137 principal campaign treasurer for any campaign of such person for
138 election to public office at a previous election, and (B) the commission
139 shall not audit any caucus, as defined in subdivision (1) of section 9-
140 372;

141 (5) To attempt to secure voluntary compliance, by informal methods
142 of conference, conciliation and persuasion, with any provision of
143 chapters 149 to 153, inclusive, or any other provision of the general

144 statutes relating to any such election, primary or referendum;

145 (6) To consult with the Secretary of the State, the Chief State's
146 Attorney or the Attorney General on any matter which the commission
147 deems appropriate;

148 (7) To refer to the Chief State's Attorney evidence bearing upon
149 violation of any provision of chapters 149 to 153, inclusive, or any
150 other provision of the general statutes pertaining to or relating to any
151 such election, primary or referendum;

152 (8) To refer to the Attorney General evidence for injunctive relief
153 and any other ancillary equitable relief in the circumstances of
154 subdivision (7) of this section. Nothing in this subdivision shall
155 preclude a person who claims that he is aggrieved by a violation of any
156 provision of chapter 152 or any other provision of the general statutes
157 relating to referenda from pursuing injunctive and any other ancillary
158 equitable relief directly from the Superior Court by the filing of a
159 complaint;

160 (9) To refer to the Attorney General evidence pertaining to any
161 ruling which the commission finds to be in error made by election
162 officials in connection with any election, primary or referendum. Those
163 remedies and procedures available to parties claiming to be aggrieved
164 under the provisions of sections 9-323, 9-324, 9-328 and 9-329a shall
165 apply to any complaint brought by the Attorney General as a result of
166 the provisions of this subdivision;

167 (10) To consult with the United States Department of Justice and the
168 United States Attorney for Connecticut on any investigation pertaining
169 to a violation of this section, section 9-12, subsection (a) of section 9-17
170 or section 9-19b, 9-19e, 9-19g, 9-19h, 9-19i, 9-20, 9-21, 9-23a, 9-23g, 9-
171 23h, 9-23j to 9-23o, inclusive, 9-26, 9-31a, 9-32, 9-35, 9-35b, 9-35c, 9-40a,
172 9-42, 9-43, 9-50a, 9-56 or 9-59 and to refer to said department and
173 attorney evidence bearing upon any such violation for prosecution
174 under the provisions of the National Voter Registration Act of 1993,

175 P.L. 103-31, as amended from time to time;

176 (11) To inspect reports filed with the Secretary of the State and with
177 town clerks pursuant to chapter 150 and refer to the Chief State's
178 Attorney evidence bearing upon any violation of law therein if such
179 violation was committed knowingly and wilfully;

180 (12) To intervene in any action brought pursuant to the provisions
181 of sections 9-323, 9-324, 9-328 and 9-329a upon application to the court
182 in which such action is brought when in the opinion of the court it is
183 necessary to preserve evidence of possible criminal violation of the
184 election laws;

185 (13) To adopt and publish regulations pursuant to chapter 54 to
186 carry out the provisions of section 9-7a, this section and chapter 150; to
187 issue upon request and publish advisory opinions in the Connecticut
188 Law Journal upon the requirements of chapter 150, and to make
189 recommendations to the General Assembly concerning suggested
190 revisions of the election laws;

191 (14) To the extent that the Elections Enforcement Commission is
192 involved in the investigation of alleged or suspected criminal
193 violations of any provision of the general statutes pertaining to or
194 relating to any such election, primary or referendum and is engaged in
195 such investigation for the purpose of presenting evidence to the Chief
196 State's Attorney, the Elections Enforcement Commission shall be
197 deemed a law enforcement agency for purposes of subdivision (3) of
198 subsection (b) of section 1-210, provided nothing in this section shall be
199 construed to exempt the Elections Enforcement Commission in any
200 other respect from the requirements of the Freedom of Information
201 Act, as defined in section 1-200;

202 (15) To enter into such contractual agreements as may be necessary
203 for the discharge of its duties, within the limits of its appropriated
204 funds and in accordance with established procedures; and

205 (16) To provide the Secretary of the State with notice and copies of
206 all decisions rendered by the commission in contested cases, advisory
207 opinions and declaratory judgments, at the time such decisions,
208 judgments and opinions are made or issued.

209 (b) In the case of a refusal to comply with an order of the
210 commission issued pursuant to subdivision (3) of subsection (a) of this
211 section, the superior court for the judicial district of Hartford, on
212 application of the commission, may issue a further order to comply.
213 Failure to obey such further order may be punished by the court as a
214 contempt thereof.

215 Sec. 3. Subsection (a) of section 9-333j of the general statutes is
216 repealed and the following is substituted in lieu thereof (*Effective July*
217 *1, 2003*):

218 (a) (1) Each campaign treasurer of a committee, other than a state
219 central committee, shall file a statement, sworn under penalty of false
220 statement with the proper authority in accordance with the provisions
221 of section 9-333e, (A) on the [second Thursday] seventh calendar day
222 in the months of January, April, July and October, provided, if such
223 seventh calendar day is a Saturday, Sunday or legal holiday, the
224 statement shall be filed on the next business day, (B) on the seventh
225 day preceding each regular state election, except that (i) in the case of a
226 candidate or exploratory committee established for an office to be
227 elected at a municipal election, the statement shall be filed on the
228 seventh day preceding a regular municipal election in lieu of such
229 date, and (ii) in the case of a town committee, the statement shall be
230 filed on the seventh day preceding each municipal election in addition
231 to such date, and (C) if the committee has made or received a
232 contribution or expenditure in connection with any other election, a
233 primary or a referendum, on the seventh day preceding the election,
234 primary or referendum. The statement shall be complete as of the last
235 day of the month preceding the month in which the statement is
236 required to be filed, except that for the statement required to be filed

237 on the seventh day preceding the election, primary or referendum, the
238 statement shall be complete as of seven days immediately preceding
239 the required filing day. [, and] The statement shall cover a period to
240 begin with the first day not included in the last filed statement. [except
241 that the January statement, when filed by a party committee or a
242 political committee organized for the purpose of ongoing political
243 activities, shall cover all contributions made or received and all
244 expenditures made as of midnight on December thirty-first of the
245 preceding calendar year.] In the case of a candidate committee, the
246 statement required to be filed in January shall be in lieu of the
247 statement formerly required to be filed within forty-five days
248 following an election. (2) Each campaign treasurer of a candidate
249 committee, [within forty-five days following any election and] within
250 thirty days following any primary, and each campaign treasurer of a
251 political committee formed for a single primary, election or
252 referendum, within forty-five days after any election or referendum
253 not held in November, shall file statements in the same manner as is
254 required of them under subdivision (1) of this subsection. If the
255 campaign treasurer of a candidate committee established by a
256 candidate, who is unsuccessful in the primary or has terminated his
257 candidacy prior to the primary, distributes all surplus funds within
258 thirty days following the scheduled primary and discloses the
259 distribution on the postprimary statement, such campaign treasurer
260 shall not be required to file any subsequent statement unless the
261 committee has a deficit, in which case he shall file any required
262 statements in accordance with the provisions of subdivision (3) of
263 subsection (e) of this section.

264 (3) In the case of state central committees, on each January thirtieth,
265 April tenth and July tenth, and on the twelfth day preceding any
266 election, the campaign treasurer of each such committee shall file with
267 the proper authority, a statement, sworn under penalty of false
268 statement, complete as of the last day of the month immediately
269 preceding the month in which such statement is to be filed in the case

270 of statements required to be filed in January, April and July, and
271 complete as of the nineteenth day preceding an election, in the case of
272 the statement required to be filed on the twelfth day preceding an
273 election, and in each case covering a period to begin with the first day
274 not included in the last filed statement.

275 Sec. 4. Subsection (e) of section 9-333j of the general statutes is
276 repealed and the following is substituted in lieu thereof (*Effective July*
277 *1, 2003*):

278 (e) (1) Notwithstanding any provisions of this chapter to the
279 contrary, in the event of a surplus the campaign treasurer of a
280 candidate committee or of a political committee, other than a political
281 committee formed for ongoing political activities or an exploratory
282 committee shall distribute or expend such surplus within ninety days
283 after a primary which results in the defeat of the candidate, an election
284 or referendum not held in November or by January thirty-first
285 following an election or referendum held in November, in the
286 following manner:

287 (A) Such committees may distribute their surplus to a party
288 committee, or a political committee organized for ongoing political
289 activities, return such surplus to all contributors to the committee on a
290 prorated basis of contribution, or distribute such surplus to any
291 charitable organization which is a tax-exempt organization under
292 Section 501(c)(3) of the Internal Revenue Code of 1986, or any
293 subsequent corresponding internal revenue code of the United States,
294 as from time to time amended, provided no candidate committee may
295 distribute such surplus to a committee which has been established to
296 finance future political campaigns of the candidate;

297 (B) Each such political committee established by an organization
298 which received its funds from the organization's treasury shall return
299 its surplus to its sponsoring organization;

300 (C) (i) Each political committee formed solely to aid or promote the

301 success or defeat of any referendum question, which does not receive
302 contributions from a business entity or an organization, shall distribute
303 its surplus to a party committee, to a political committee organized for
304 ongoing political activities, to a national committee of a political party,
305 to all contributors to the committee on a prorated basis of contribution,
306 to state or municipal governments or agencies or to any organization
307 which is a tax-exempt organization under Section 501(c)(3) of the
308 Internal Revenue Code of 1986, or any subsequent corresponding
309 internal revenue code of the United States, as from time to time
310 amended, (ii) each political committee formed solely to aid or promote
311 the success or defeat of any referendum question, which receives
312 contributions from a business entity or an organization, shall distribute
313 its surplus to all contributors to the committee on a prorated basis of
314 contribution, to state or municipal governments or agencies, or to any
315 organization which is tax-exempt under said provisions of the Internal
316 Revenue Code;

317 (D) The campaign treasurer of the candidate committee of a
318 candidate who is elected to office may, upon the authorization of such
319 candidate, expend surplus campaign funds to pay for the cost of
320 clerical, secretarial or other office expenses necessarily incurred by
321 such candidate in preparation for taking office; except such surplus
322 shall not be distributed for the personal benefit of any individual or to
323 any organization; and

324 (E) The campaign treasurer of a candidate committee, or of a
325 political committee, other than a political committee formed for
326 ongoing political activities or an exploratory committee, shall, prior to
327 the dissolution of such committee, either (i) distribute any equipment
328 purchased, including but not limited to computer equipment, to any
329 recipient as set forth in subparagraph (A) of this subdivision or (ii) sell
330 any equipment purchased, including but not limited to computer
331 equipment, to any person for fair market value and then distribute the
332 proceeds of such sale to any recipient as set forth in said subparagraph
333 (A).

334 (2) Notwithstanding any provisions of this chapter to the contrary,
335 the campaign treasurer of the candidate committee of a candidate who
336 has withdrawn from a primary or election may, prior to the primary or
337 election, distribute its surplus to any organization which is tax-exempt
338 under Section 501(c)(3) of the Internal Revenue Code of 1986, or any
339 subsequent corresponding internal revenue code of the United States,
340 as from time to time amended, or return such surplus to all
341 contributors to the committee on a prorated basis of contribution.

342 (3) Within seven days after such distribution or within seven days
343 after all funds have been expended in accordance with subparagraph
344 (D) of subdivision (1) of this subsection, the campaign treasurer shall
345 file a supplemental statement, sworn under penalty of false statement,
346 with the proper authority, identifying all further contributions
347 received since the previous statement and explaining how any surplus
348 has been distributed or expended in accordance with this section. No
349 surplus may be distributed or expended until after the election,
350 primary or referendum.

351 (4) In the event of a deficit the campaign treasurer shall file a
352 supplemental statement ninety days after [the] an election, primary or
353 referendum not held in November or on the seventh calendar day in
354 February, or the next business day if such day is a Saturday, Sunday or
355 legal holiday, after an election or referendum held in November, with
356 the proper authority and, thereafter, on the seventh day of each month
357 following if on the last day of the previous month there was an
358 increase or decrease in the deficit in excess of five hundred dollars
359 from that reported on the last statement filed. The campaign treasurer
360 shall file such supplemental statements as required until the deficit is
361 eliminated. If any such committee does not have a surplus or a deficit,
362 the statement required to be filed within forty-five days following any
363 election or referendum not held in November or on the seventh
364 calendar day in January, or the next business day if such day is a
365 Saturday, Sunday or legal holiday, following an election or
366 referendum held in November, or within thirty days following any

367 primary shall be the last required statement.

This act shall take effect as follows:	
Section 1	<i>July 1, 2003</i>
Sec. 2	<i>July 1, 2003</i>
Sec. 3	<i>July 1, 2003</i>
Sec. 4	<i>July 1, 2003</i>

Statement of Purpose:

To facilitate campaign finance reporting.

[Proposed deletions are enclosed in brackets. Proposed additions are indicated by underline, except that when the entire text of a bill or resolution or a section of a bill or resolution is new, it is not underlined.]