



General Assembly

Substitute Bill No. 6661

January Session, 2003

**AN ACT CONCERNING CAMPAIGN FINANCE REPORTING
REQUIREMENTS.**

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

1 Section 1. Subsection (a) of section 9-333h of the general statutes is
2 repealed and the following is substituted in lieu thereof (*Effective July*
3 *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] fourteen 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 fourteen
15 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 Sec. 2. Section 9-7b of the general statutes is repealed and the
32 following is substituted in lieu thereof (*Effective July 1, 2003*):

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

35 (1) To make investigations on its own initiative or with respect to
36 statements filed with the commission by the Secretary of the State or
37 any town clerk, or upon written complaint under oath by any
38 individual, with respect to alleged violations of any provision of the
39 general statutes relating to any election or referendum, any primary
40 held pursuant to section 9-423, 9-424, 9-425 or 9-464 or any primary
41 held pursuant to a special act, and to hold hearings when the
42 commission deems necessary to investigate violations of any
43 provisions of the general statutes relating to any such election, primary
44 or referendum, and for the purpose of such hearings the commission
45 may administer oaths, examine witnesses and receive oral and
46 documentary evidence, and shall have the power to subpoena
47 witnesses under procedural rules the commission shall adopt, to
48 compel their attendance and to require the production for examination
49 of any books and papers which the commission deems relevant to any
50 matter under investigation or in question. In connection with its
51 investigation of any alleged violation of any provision of chapter 145,
52 or of any provision of section 9-359 or section 9-359a, the commission
53 shall also have the power to subpoena any municipal clerk and to

54 require the production for examination of any absentee ballot, inner
55 and outer envelope from which any such ballot has been removed,
56 depository envelope containing any such ballot or inner or outer
57 envelope as provided in sections 9-150a and 9-150b and any other
58 record, form or document as provided in section 9-150b, in connection
59 with the election, primary or referendum to which the investigation
60 relates. In case of a refusal to comply with any subpoena issued
61 pursuant to this subsection or to testify with respect to any matter
62 upon which that person may be lawfully interrogated, the superior
63 court for the judicial district of Hartford, on application of the
64 commission, may issue an order requiring such person to comply with
65 such subpoena and to testify; failure to obey any such order of the
66 court may be punished by the court as a contempt thereof. In any
67 matter under investigation which concerns the operation or inspection
68 of or outcome recorded on any voting machine, the commission may
69 issue an order to the municipal clerk to impound such machine until
70 the investigation is completed;

71 (2) To levy a civil penalty not to exceed (A) two thousand dollars
72 per offense against any person the commission finds to be in violation
73 of any provision of chapter 145, part V of chapter 146, part I of chapter
74 147, chapter 148, section 9-12, subsection (a) of section 9-17, section 9-
75 19b, 9-19e, 9-19g, 9-19h, 9-19i, 9-20, 9-21, 9-23a, 9-23g, 9-23h, 9-23j to 9-
76 23o, inclusive, 9-26, 9-31a, 9-32, 9-35, 9-35b, 9-35c, 9-40a, 9-42, 9-43, 9-
77 50a, 9-56, 9-59, 9-168d, 9-170, 9-171, 9-172, 9-409, 9-410, 9-412, 9-436, 9-
78 436a, 9-453e to 9-453h, inclusive, 9-453k or 9-453o, or (B) two thousand
79 dollars per offense or twice the amount of any improper payment or
80 contribution, whichever is greater, against any person the commission
81 finds to be in violation of any provision of chapter 150. The
82 commission may levy a civil penalty against any person under
83 subparagraph (A) or (B) of this subdivision only after giving the
84 person an opportunity to be heard at a hearing conducted in
85 accordance with sections 4-176e to 4-184, inclusive. In the case of
86 failure to pay any such penalty levied pursuant to this subsection
87 within thirty days of written notice sent by certified or registered mail

88 to such person, the superior court for the judicial district of Hartford,
89 on application of the commission, may issue an order requiring such
90 person to pay the penalty imposed and such court costs, state
91 marshal's fees and attorney's fees incurred by the commission as the
92 court may determine. Any civil penalties paid, collected or recovered
93 under subparagraph (B) of this subdivision for a violation of any
94 provision of chapter 150 applying to the office of the Treasurer shall be
95 deposited on a pro rata basis in any trust funds, as defined in section 3-
96 13c, affected by such violation;

97 (3) (A) To issue an order requiring any person the commission finds
98 to have received any contribution or payment which is prohibited by
99 any of the provisions of chapter 150, after an opportunity to be heard
100 at a hearing conducted in accordance with the provisions of sections 4-
101 176e to 4-184, inclusive, to return such contribution or payment to the
102 donor or payor, or to remit such contribution or payment to the state
103 for deposit in the General Fund, whichever is deemed necessary to
104 effectuate the purposes of chapter 150;

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

113 (C) To issue an order revoking any person's eligibility to be
114 appointed or serve as an election, primary or referendum official or
115 unofficial checker or in any capacity at the polls on the day of an
116 election, primary or referendum, when the commission finds such
117 person has intentionally violated any provision of the general statutes
118 relating to the conduct of an election, primary or referendum, after an
119 opportunity to be heard at a hearing conducted in accordance with
120 sections 4-176e to 4-184, inclusive;

121 (4) To inspect or audit at any reasonable time and upon reasonable
122 notice the accounts or records of any campaign treasurer or principal
123 campaign treasurer, as required by chapter 150 and to audit any such
124 election, primary or referendum held within the state; provided, [it]
125 (A) (i) not later than two months preceding the day of an election at
126 which a candidate is seeking election, the commission shall complete
127 any audit it has initiated in the absence of a complaint that involves a
128 committee of the same candidate from a previous election, and (ii)
129 during the two-month period preceding the day of an election at
130 which a candidate is seeking election, the commission shall not initiate
131 an audit in the absence of a complaint that involves a committee of the
132 same candidate from a previous election, and (B) the commission shall
133 not audit any caucus, as defined in subdivision (1) of section 9-372;

134 (5) To attempt to secure voluntary compliance, by informal methods
135 of conference, conciliation and persuasion, with any provision of
136 chapters 149 to 153, inclusive, or any other provision of the general
137 statutes relating to any such election, primary or referendum;

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

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

145 (8) To refer to the Attorney General evidence for injunctive relief
146 and any other ancillary equitable relief in the circumstances of
147 subdivision (7) of this section. Nothing in this subdivision shall
148 preclude a person who claims that he is aggrieved by a violation of any
149 provision of chapter 152 or any other provision of the general statutes
150 relating to referenda from pursuing injunctive and any other ancillary
151 equitable relief directly from the Superior Court by the filing of a
152 complaint;

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

160 (10) To consult with the United States Department of Justice and the
161 United States Attorney for Connecticut on any investigation pertaining
162 to a violation of this section, section 9-12, subsection (a) of section 9-17
163 or section 9-19b, 9-19e, 9-19g, 9-19h, 9-19i, 9-20, 9-21, 9-23a, 9-23g, 9-
164 23h, 9-23j to 9-23o, inclusive, 9-26, 9-31a, 9-32, 9-35, 9-35b, 9-35c, 9-40a,
165 9-42, 9-43, 9-50a, 9-56 or 9-59 and to refer to said department and
166 attorney evidence bearing upon any such violation for prosecution
167 under the provisions of the National Voter Registration Act of 1993,
168 P.L. 103-31, as amended from time to time;

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

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

178 (13) To adopt and publish regulations pursuant to chapter 54 to
179 carry out the provisions of section 9-7a, this section and chapter 150; to
180 issue upon request and publish advisory opinions in the Connecticut
181 Law Journal upon the requirements of chapter 150, and to make
182 recommendations to the General Assembly concerning suggested
183 revisions of the election laws;

184 (14) To the extent that the Elections Enforcement Commission is

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

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

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

202 (b) In the case of a refusal to comply with an order of the
203 commission issued pursuant to subdivision (3) of subsection (a) of this
204 section, the superior court for the judicial district of Hartford, on
205 application of the commission, may issue a further order to comply.
206 Failure to obey such further order may be punished by the court as a
207 contempt thereof.

208 Sec. 3. Subsection (a) of section 9-333j of the general statutes is
209 repealed and the following is substituted in lieu thereof (*Effective July*
210 *1, 2003*):

211 (a) (1) Each campaign treasurer of a committee, other than a state
212 central committee, shall file a statement, sworn under penalty of false
213 statement with the proper authority in accordance with the provisions
214 of section 9-333e, (A) on the [second Thursday] seventh calendar day
215 in the months of January, April, July and October, provided, if such
216 seventh calendar day is a Saturday, Sunday or legal holiday, the

217 statement shall be filed on the next business day, (B) on the seventh
218 day preceding each regular state election, except that (i) in the case of a
219 candidate or exploratory committee established for an office to be
220 elected at a municipal election, the statement shall be filed on the
221 seventh day preceding a regular municipal election in lieu of such
222 date, and (ii) in the case of a town committee, the statement shall be
223 filed on the seventh day preceding each municipal election in addition
224 to such date, and (C) if the committee has made or received a
225 contribution or expenditure in connection with any other election, a
226 primary or a referendum, on the seventh day preceding the election,
227 primary or referendum. The statement shall be complete as of the last
228 day of the month preceding the month in which the statement is
229 required to be filed, except that for the statement required to be filed
230 on the seventh day preceding the election, primary or referendum, the
231 statement shall be complete as of seven days immediately preceding
232 the required filing day. [, and] The statement shall cover a period to
233 begin with the first day not included in the last filed statement. [except
234 that the January statement, when filed by a party committee or a
235 political committee organized for the purpose of ongoing political
236 activities, shall cover all contributions made or received and all
237 expenditures made as of midnight on December thirty-first of the
238 preceding calendar year.] In the case of a candidate committee, the
239 statement required to be filed in January shall be in lieu of the
240 statement formerly required to be filed within forty-five days
241 following an election.

242 (2) Each campaign treasurer of a candidate committee, [within forty-
243 five days following any election and] within thirty days following any
244 primary, and each campaign treasurer of a political committee formed
245 for a single primary, election or referendum, within forty-five days
246 after any election or referendum not held in November, shall file
247 statements in the same manner as is required of them under
248 subdivision (1) of this subsection. If the campaign treasurer of a
249 candidate committee established by a candidate, who is unsuccessful
250 in the primary or has terminated his candidacy prior to the primary,

251 distributes all surplus funds within thirty days following the
252 scheduled primary and discloses the distribution on the postprimary
253 statement, such campaign treasurer shall not be required to file any
254 subsequent statement unless the committee has a deficit, in which case
255 he shall file any required statements in accordance with the provisions
256 of subdivision (3) of subsection (e) of this section.

257 (3) In the case of state central committees, on each January thirtieth,
258 April tenth and July tenth, and on the twelfth day preceding any
259 election, the campaign treasurer of each such committee shall file with
260 the proper authority, a statement, sworn under penalty of false
261 statement, complete as of the last day of the month immediately
262 preceding the month in which such statement is to be filed in the case
263 of statements required to be filed in January, April and July, and
264 complete as of the nineteenth day preceding an election, in the case of
265 the statement required to be filed on the twelfth day preceding an
266 election, and in each case covering a period to begin with the first day
267 not included in the last filed statement.

268 Sec. 4. Subdivision (1) of subsection (c) of section 9-333j of the
269 general statutes is repealed and the following is substituted in lieu
270 thereof (*Effective July 1, 2003*):

271 (c) (1) Each statement filed under subsection (a), (e) or (f) of this
272 section shall include, but not be limited to: (A) An itemized accounting
273 of each contribution, if any, including the full name and complete
274 address of each contributor and the amount of the contribution; (B) in
275 the case of anonymous contributions, the total amount received and
276 the denomination of the bills; (C) an itemized accounting of each
277 expenditure, if any, including the full name and complete address of
278 each payee, the amount and the purpose of the expenditure, the
279 candidate supported or opposed by the expenditure, whether the
280 expenditure is made independently of the candidate supported or is an
281 in-kind contribution to the candidate, and a statement of the balance
282 on hand or deficit, as the case may be; (D) an itemized accounting of
283 each expense incurred but not paid; (E) the name and address of any

284 person who is the guarantor of a loan to, or the cosigner of a note with,
285 the candidate on whose behalf the committee was formed, or the
286 campaign treasurer in the case of a party committee or a political
287 committee or who has advanced a security deposit to a telephone
288 company, as defined in section 16-1, for telecommunications service
289 for a committee; (F) for each business entity or person purchasing
290 advertising space in a program for a fund-raising affair, the name and
291 address of the business entity [and the name of the chief executive
292 officer of the business entity] or the name and address of the person,
293 and the amount and aggregate amounts of such purchases; (G) for
294 each individual who contributes in excess of one hundred dollars but
295 not more than one thousand dollars, in the aggregate, to the extent
296 known, the principal occupation of such individual and the name of
297 the individual's employer, if any; (H) for each individual who
298 contributes in excess of one thousand dollars in the aggregate, the
299 principal occupation of such individual, the name of the individual's
300 employer, if any, and a statement indicating whether the individual or
301 a business with which he is associated has a contract with the state
302 which is valued at more than five thousand dollars; and (I) for each
303 itemized contribution made by a lobbyist, the spouse of a lobbyist or
304 any dependent child of a lobbyist who resides in the lobbyist's
305 household, a statement to that effect. Each campaign treasurer shall
306 include in such statement an itemized accounting of the receipts and
307 expenditures relative to any testimonial affair held under the
308 provisions of section 9-333k or any other fund-raising affair.

309 Sec. 5. Subsection (e) of section 9-333j of the general statutes is
310 repealed and the following is substituted in lieu thereof (*Effective July*
311 *1, 2003*):

312 (e) (1) Notwithstanding any provisions of this chapter to the
313 contrary, in the event of a surplus the campaign treasurer of a
314 candidate committee or of a political committee, other than a political
315 committee formed for ongoing political activities or an exploratory
316 committee shall distribute or expend such surplus within ninety days
317 after a primary which results in the defeat of the candidate, an election

318 or referendum not held in November or by January thirty-first
319 following an election or referendum held in November, in the
320 following manner:

321 (A) Such committees may distribute their surplus to a party
322 committee, or a political committee organized for ongoing political
323 activities, return such surplus to all contributors to the committee on a
324 prorated basis of contribution, or distribute such surplus to any
325 charitable organization which is a tax-exempt organization under
326 Section 501(c)(3) of the Internal Revenue Code of 1986, or any
327 subsequent corresponding internal revenue code of the United States,
328 as from time to time amended, provided no candidate committee may
329 distribute such surplus to a committee which has been established to
330 finance future political campaigns of the candidate;

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

334 (C) (i) Each political committee formed solely to aid or promote the
335 success or defeat of any referendum question, which does not receive
336 contributions from a business entity or an organization, shall distribute
337 its surplus to a party committee, to a political committee organized for
338 ongoing political activities, to a national committee of a political party,
339 to all contributors to the committee on a prorated basis of contribution,
340 to state or municipal governments or agencies or to any organization
341 which is a tax-exempt organization under Section 501(c)(3) of the
342 Internal Revenue Code of 1986, or any subsequent corresponding
343 internal revenue code of the United States, as from time to time
344 amended, (ii) each political committee formed solely to aid or promote
345 the success or defeat of any referendum question, which receives
346 contributions from a business entity or an organization, shall distribute
347 its surplus to all contributors to the committee on a prorated basis of
348 contribution, to state or municipal governments or agencies, or to any
349 organization which is tax-exempt under said provisions of the Internal
350 Revenue Code;

351 (D) The campaign treasurer of the candidate committee of a
352 candidate who is elected to office may, upon the authorization of such
353 candidate, expend surplus campaign funds to pay for the cost of
354 clerical, secretarial or other office expenses necessarily incurred by
355 such candidate in preparation for taking office; except such surplus
356 shall not be distributed for the personal benefit of any individual or to
357 any organization; and

358 (E) The campaign treasurer of a candidate committee, or of a
359 political committee, other than a political committee formed for
360 ongoing political activities or an exploratory committee, shall, prior to
361 the dissolution of such committee, either (i) distribute any equipment
362 purchased, including but not limited to computer equipment, to any
363 recipient as set forth in subparagraph (A) of this subdivision or (ii) sell
364 any equipment purchased, including but not limited to computer
365 equipment, to any person for fair market value and then distribute the
366 proceeds of such sale to any recipient as set forth in said subparagraph
367 (A).

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

376 (3) Within seven days after such distribution or within seven days
377 after all funds have been expended in accordance with subparagraph
378 (D) of subdivision (1) of this subsection, the campaign treasurer shall
379 file a supplemental statement, sworn under penalty of false statement,
380 with the proper authority, identifying all further contributions
381 received since the previous statement and explaining how any surplus
382 has been distributed or expended in accordance with this section. No
383 surplus may be distributed or expended until after the election,

384 primary or referendum.

385 (4) In the event of a deficit the campaign treasurer shall file a
 386 supplemental statement ninety days after [the] an election, primary or
 387 referendum not held in November or on the seventh calendar day in
 388 February, or the next business day if such day is a Saturday, Sunday or
 389 legal holiday, after an election or referendum held in November, with
 390 the proper authority and, thereafter, on the seventh day of each month
 391 following if on the last day of the previous month there was an
 392 increase or decrease in the deficit in excess of five hundred dollars
 393 from that reported on the last statement filed. The campaign treasurer
 394 shall file such supplemental statements as required until the deficit is
 395 eliminated. If any such committee does not have a surplus or a deficit,
 396 the statement required to be filed within forty-five days following any
 397 election or referendum not held in November or on the seventh
 398 calendar day in January, or the next business day if such day is a
 399 Saturday, Sunday or legal holiday, following an election or
 400 referendum held in November, or within thirty days following any
 401 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>
Sec. 5	<i>July 1, 2003</i>

GAE *Joint Favorable Subst.*