



# House of Representatives

General Assembly

**File No. 506**

*January Session, 2007*

Substitute House Bill No. 7372

*House of Representatives, April 16, 2007*

The Committee on Government Administration and Elections reported through REP. CARUSO of the 126th Dist., Chairperson of the Committee on the part of the House, that the substitute bill ought to pass.

***AN ACT CONCERNING RECOMMENDATIONS CONTAINED IN THE FINAL REPORT OF THE COCHAIRPERSON AND VICE-CHAIRPERSON OF THE GOVERNMENT ADMINISTRATION AND ELECTIONS COMMITTEE REGARDING EVENTS SURROUNDING STATE ELECTIONS ENFORCEMENT COMMISSION FILE NO. 2005-311.***

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

1 Section 1. Section 9-622 of the general statutes is repealed and the  
2 following is substituted in lieu thereof (*Effective October 1, 2007*):

3 The following persons shall be guilty of illegal practices and shall be  
4 punished in accordance with the provisions of section 9-623:

5 (1) Any person who, directly or indirectly, individually or by  
6 another person, gives or offers or promises to any person any money,  
7 gift, advantage, preferment, entertainment, aid, emolument or other  
8 valuable thing for the purpose of inducing or procuring any person to  
9 sign a nominating, primary or referendum petition or to vote or refrain

10 from voting for or against any person or for or against any measure at  
11 any election, caucus, convention, primary or referendum;

12 (2) Any person who, directly or indirectly, receives, accepts,  
13 requests or solicits from any person, committee, association,  
14 organization or corporation, any money, gift, advantage, preferment,  
15 aid, emolument or other valuable thing for the purpose of inducing or  
16 procuring any person to sign a nominating, primary or referendum  
17 petition or to vote or refrain from voting for or against any person or  
18 for or against any measure at any such election, caucus, primary or  
19 referendum;

20 (3) Any person who, in consideration of any money, gift, advantage,  
21 preferment, aid, emolument or other valuable thing paid, received,  
22 accepted or promised to the person's advantage or any other person's  
23 advantage, votes or refrains from voting for or against any person or  
24 for or against any measure at any such election, caucus, primary or  
25 referendum;

26 (4) Any person who solicits from any candidate any money, gift,  
27 contribution, emolument or other valuable thing for the purpose of  
28 using the same for the support, assistance, benefit or expenses of any  
29 club, company or organization, or for the purpose of defraying the cost  
30 or expenses of any political campaign, primary, referendum or  
31 election;

32 (5) Any person who, directly or indirectly, pays, gives, contributes  
33 or promises any money or other valuable thing to defray or towards  
34 defraying the cost or expenses of any campaign, primary, referendum  
35 or election to any person, committee, company, club, organization or  
36 association, other than to a campaign treasurer, except that this  
37 subdivision shall not apply to any expenses for postage, telegrams,  
38 telephoning, stationery, express charges, traveling, meals, lodging or  
39 photocopying incurred by any candidate for office or for nomination to  
40 office, so far as may be permitted under the provisions of this chapter;

41 (6) Any person who, in order to secure or promote the person's own

42 nomination or election as a candidate, or that of any other person,  
43 directly or indirectly, promises to appoint, or promises to secure or  
44 assist in securing the appointment, nomination or election of any other  
45 person to any public position, or to any position of honor, trust or  
46 emolument; but any person may publicly announce the person's own  
47 choice or purpose in relation to any appointment, nomination or  
48 election in which the person may be called to take part, if the person is  
49 nominated for or elected to such office;

50 (7) Any person who, directly or indirectly, individually or through  
51 another person, makes a payment or promise of payment to a  
52 campaign treasurer in a name other than the person's own, and any  
53 campaign treasurer who knowingly receives a payment or promise of  
54 payment, or enters or causes the same to be entered in the person's  
55 accounts in any other name than that of the person by whom such  
56 payment or promise of payment is made;

57 (8) Any person who knowingly and wilfully violates any provision  
58 of this chapter or who knowingly and wilfully induces another person  
59 to violate any provision of this chapter;

60 (9) Any person who offers or receives a cash contribution in excess  
61 of one hundred dollars to promote the success or defeat of any political  
62 party, candidate or referendum question;

63 (10) Any person who solicits, makes or receives a contribution that  
64 is otherwise prohibited by any provision of this chapter;

65 (11) Any department head or deputy department head of a state  
66 department, chief of staff of any state department, chief of staff of the  
67 office of the Governor or chief of staff of any legislative caucus who  
68 solicits a contribution on behalf of, or for the benefit of, any candidate  
69 for state, district or municipal office or any political party;

70 (12) Any municipal employee who solicits a contribution on behalf  
71 of, or for the benefit of, any candidate for state, district or municipal  
72 office, any political committee or any political party, from (A) an

73 individual under the supervision of such employee, or (B) the spouse  
74 or a dependent child of such individual; or

75 (13) Any person who makes a coordinated expenditure for a  
76 candidate without the knowledge of said candidate. No candidate  
77 shall be civilly or criminally liable with regard to any such coordinated  
78 expenditure.

79 Sec. 2. (NEW) (*Effective October 1, 2007*) (a) Notwithstanding any  
80 provision of the general statutes, no person employed in the classified  
81 or unclassified service, as defined in section 5-196 of the general  
82 statutes, while on duty or within any period of time during which such  
83 employee is expected to perform services for which such employee  
84 receives compensation from the state shall participate actively in  
85 political management and campaigns, including, but not limited to,  
86 engaging in any of the following activities: (1) Make speeches, (2) write  
87 on behalf of a candidate, (3) distribute campaign literature, (4) solicit  
88 campaign contributions on behalf of a candidate, (5) solicit votes in  
89 support of or in opposition to a candidate, (6) disclose information  
90 acquired as an employee for the purpose of soliciting a campaign  
91 contribution on behalf of a candidate, or (7) make contributions of time  
92 and money to political parties. Any person who violates the provisions  
93 of this section shall be subject to dismissal, suspension or reprimand.

94 (b) No employee described in subsection (a) of this section shall  
95 utilize state funds, supplies, vehicles or facilities to secure support for  
96 or oppose any candidate, party or issue in a political partisan election.

97 Sec. 3. Section 2-1c of the general statutes is repealed and the  
98 following is substituted in lieu thereof (*Effective October 1, 2007*):

99 Either house of the General Assembly may determine by majority  
100 vote that a person is guilty of contempt of the General Assembly, after  
101 a hearing before an appropriate committee appointed by the presiding  
102 officer at which the person shall be entitled to give evidence and be  
103 represented by counsel. Said house may refer such matter to the Chief  
104 State's Attorney. Contempt of the General Assembly shall be

105 punishable by a fine of not more than [one hundred] five thousand  
106 dollars or imprisonment for not more than [six months] five years, or  
107 both. For the purposes of this section, "contempt" means the knowing  
108 and wilful violation of a written directive or order of the General  
109 Assembly or any joint standing or select committee of the General  
110 Assembly.

111 Sec. 4. Section 2-1d of the general statutes is repealed and the  
112 following is substituted in lieu thereof (*Effective October 1, 2007*):

113 (a) A person is guilty of interfering with the legislative process  
114 when he:

115 (1) Alone or in concert with others, either by force, physical  
116 interference, fraud, intimidation or by means of any unlawful act, with  
117 intent to do so, prevents or attempts to prevent the General Assembly,  
118 either house thereof, or any committee of the General Assembly or  
119 either house thereof, from meeting;

120 (2) Alone or in concert with others, with intent to do so, disturbs,  
121 disrupts or interferes with, or attempts to disturb, disrupt or interfere  
122 with, any session, meeting or proceeding of the General Assembly or  
123 either house thereof or any committee of the General Assembly or  
124 either house thereof, whether within or outside the presence of said  
125 General Assembly, either house thereof or any such committee by (A)  
126 engaging in violent, tumultuous or threatening behavior; or (B) using  
127 abusive or obscene language or making an obscene gesture; or (C)  
128 making unreasonable noise; or (D) refusing to comply with a lawful  
129 order of the police or a member of the Office of State Capitol Police to  
130 disperse; or (E) performing any other act which disturbs, disrupts or  
131 interferes with any such session, meeting or proceeding;

132 (3) Alone or in concert with others, without legal authority takes,  
133 obtains, withholds, destroys, defaces or alters any official document or  
134 record of the General Assembly, either house thereof or any committee  
135 of the General Assembly, or either house thereof, which disrupts or  
136 interferes with the functioning of said General Assembly or committee

137 or either house thereof;

138 (4) Alone or in concert with others, and without legal authority,  
139 takes, obtains, withholds, destroys or defaces any real or personal  
140 property owned or used by the General Assembly, either house thereof  
141 or any committee or agency of the General Assembly or either house  
142 thereof;

143 (5) Alone or in concert with others, and without legal authority or  
144 proper authorization, refuses to leave any part of the chamber,  
145 galleries or offices of the General Assembly or either house thereof, or  
146 the building in which such chamber, galleries or any such office is  
147 located, or within or upon any office or residence of any member of the  
148 General Assembly, or within or upon any room or building in which a  
149 legislative hearing or meeting is being conducted, upon a lawful order  
150 of the police or a member of the Office of State Capitol Police to  
151 disperse, leave or move to an area he designates;

152 (6) Alone or in concert with others, pickets inside any building in  
153 which the chamber, galleries or offices of the General Assembly or  
154 either house thereof is located, or in which the office or residence of  
155 any member of the General Assembly is located, or in which a  
156 legislative hearing or meeting is being conducted;

157 [(b) Interference with the legislative process under the provisions of  
158 this section is a class A misdemeanor.]

159 (7) Alone, or in concert with others, alters any document or refuses  
160 to produce any document requested by any committee of the General  
161 Assembly in connection with an investigation conducted pursuant to  
162 section 2-46;

163 (8) Alone, or in concert with others, makes a false or misleading  
164 statement to any committee of the General Assembly conducting an  
165 investigation pursuant to section 2-46;

166 (9) Alone, or in concert with others, encourages another person to  
167 make a false or misleading statement to any committee of the General

168 Assembly conducting an investigation pursuant to section 2-46.

169 (b) Any person guilty of interference with the legislative process  
170 under the provisions of this section shall be fined not more than two  
171 thousand dollars or imprisoned not more than one year, or both.

172 Sec. 5. Section 9-7b of the general statutes is amended by adding  
173 subsection (c) as follows (*Effective October 1, 2007*):

174 (NEW) (c) Notwithstanding any provision of the general statutes,  
175 the executive director and general counsel of the State Elections  
176 Enforcement Commission shall not be involved in any investigation  
177 undertaken pursuant to subsection (a) of this section or the settlement  
178 of any matter before the commission.

179 Sec. 6. (NEW) (*Effective October 1, 2007*) (a) Notwithstanding any  
180 provision of the general statutes, the State Elections Enforcement  
181 Commission, Freedom of Information Commission and Office of State  
182 Ethics each may employ executive, managerial and confidential  
183 employees as may be necessary to carry out the duties and  
184 responsibilities of such agency and within the limits of any funds  
185 appropriated to such agency. Such employees shall be appointed by  
186 the executive director and general counsel, or the executive director, as  
187 applicable, to positions established by each such agency, without the  
188 review or approval of the Department of Administrative Services, and  
189 shall be exempt from the classified service. The executive director and  
190 general counsel, or the executive director, as applicable, shall,  
191 annually, conduct a written evaluation of the performance of any such  
192 employee. Such employees may be removed by the executive director  
193 and general counsel, or the executive director, as applicable, for  
194 reasonable cause in accordance with the provisions of chapter 67 of the  
195 general statutes.

196 (b) The State Elections Enforcement Commission may employ a  
197 Director of Enforcement who shall be selected by the members of the  
198 commission.

199 Sec. 7. (NEW) (*Effective October 1, 2007*) (a) Notwithstanding any  
200 provision of the general statutes, any person who intends to  
201 communicate with the State Elections Enforcement Commission on  
202 behalf of a person that is the subject of any investigation undertaken  
203 by the commission pursuant to section 9-7b of the general statutes, as  
204 amended by this act, shall, prior to any such communication, file with  
205 the commission a written authorization to so communicate with the  
206 commission that is signed by the person who is the subject of such  
207 investigation.

208 (b) The State Elections Enforcement Commission shall provide any  
209 and all information obtained by the commission during an  
210 investigation undertaken pursuant to section 9-7b of the general  
211 statutes, as amended by this act, to the person that is the subject of  
212 such investigation.

213 (c) Not later than October 1, 2008, the State Elections Enforcement  
214 Commission shall adopt regulations, in accordance with the provisions  
215 of chapter 54 of the general statutes, to separate the negotiation and  
216 settlement functions of the commission from the process of hearing  
217 complaints such that any panel that hears a preliminary complaint  
218 shall not be the panel that judges such complaint in the event that  
219 negotiation and settlement efforts fail in such matter. Such regulations  
220 shall also provide for an intermediate step in the commission's  
221 assessment of a civil penalty for an alleged violation of any provision  
222 under the jurisdiction of the commission such that any individual who  
223 may be ordered to pay such civil penalty shall be provided with the  
224 opportunity to present a defense in such matter, including, but not  
225 limited to, the offering of testimony and evidence before the  
226 commission.

227 Sec. 8. Subsection (b) of section 9-605 of the general statutes is  
228 repealed and the following is substituted in lieu thereof (*Effective*  
229 *October 1, 2007*):

230 (b) The statement shall include: (1) The name and address of the  
231 committee; (2) a statement of the purpose of the committee; (3) the

232 name and address of its campaign treasurer, and deputy campaign  
233 treasurer if applicable; (4) the name, address and position of its  
234 chairman, and other principal officers if applicable, including, but not  
235 limited to, the name and address of any campaign manager; (5) the  
236 name and address of the depository institution for its funds; (6) the  
237 name of each person, other than an individual, that is a member of the  
238 committee; (7) the name and party affiliation of each candidate whom  
239 the committee is supporting and the office or position sought by each  
240 candidate; (8) if the committee is supporting the entire ticket of any  
241 party, a statement to that effect and the name of the party; (9) if the  
242 committee is supporting or opposing any referendum question, a brief  
243 statement identifying the substance of the question; (10) if the  
244 committee is established by a business entity or organization, the name  
245 of the entity or organization; (11) if the committee is established by an  
246 organization, whether it will receive its funds from the organization's  
247 treasury or from voluntary contributions; (12) if the committee files  
248 reports with the Federal Elections Commission or any out-of-state  
249 agency, a statement to that effect including the name of the agency;  
250 (13) a statement indicating whether the committee is established for a  
251 single primary, election or referendum or for ongoing political  
252 activities; (14) if the committee is established by or on behalf of a  
253 lobbyist, a statement to that effect and the name of the lobbyist; and  
254 (15) the name and address of the person making the initial contribution  
255 or disbursement, if any, to the committee. If no such contribution or  
256 disbursement has been made at the time of the filing of such statement,  
257 the campaign treasurer of the committee shall, not later than forty-  
258 eight hours after receipt of such contribution or disbursement, file a  
259 report with the State Elections Enforcement Commission. The report  
260 shall be in the same form as statements filed under section 9-608.

261 Sec. 9. Subsection (a) of section 9-606 of the general statutes is  
262 repealed and the following is substituted in lieu thereof (*Effective*  
263 *October 1, 2007*):

264 (a) The campaign treasurer of each committee shall be responsible  
265 for (1) depositing, receiving and reporting all contributions and other

266 funds in the manner specified in section 9-608, (2) making and  
267 reporting expenditures, (3) reporting expenses incurred but not yet  
268 paid, (4) filing the statements required under section 9-608, [and] (5)  
269 keeping internal records of each entry made on such statements, (6)  
270 making any determination to return a contribution made to the  
271 committee, and (7) serving as the primary contact person for such  
272 committee. The campaign treasurer of each committee shall deposit  
273 contributions in the committee's designated depository within fourteen  
274 days after receiving them. The campaign treasurer of each political  
275 committee or party committee which makes a contribution of goods to  
276 another committee shall send written notice to the campaign treasurer  
277 of the recipient committee before the close of the reporting period  
278 during which the contribution was made. The notice shall be signed by  
279 the campaign treasurer of the committee making the contribution and  
280 shall include the full name of such committee, the date on which the  
281 contribution was made, a complete description of the contribution and  
282 the value of the contribution. Any dispute concerning the information  
283 contained in such notice shall be resolved by the campaign treasurer of  
284 the recipient committee. Such resolution shall not impair in any way  
285 the authority of the State Elections Enforcement Commission under  
286 section 9-7b. The campaign treasurer of the recipient committee shall  
287 preserve each such notice received for the period prescribed by  
288 subsection (f) of section 9-607.

289 Sec. 10. Subsection (c) of section 1-84 of the general statutes is  
290 repealed and the following is substituted in lieu thereof (*Effective from*  
291 *passage*):

292 (c) No public official or state employee shall wilfully and knowingly  
293 disclose, for financial gain, to any other person, confidential  
294 information acquired by him in the course of and by reason of his  
295 official duties or employment and no public official or state employee  
296 shall use his public office or position or any confidential information  
297 received through his holding such public office or position to obtain  
298 financial gain for himself, his spouse, child, child's spouse, parent,  
299 brother or sister, or other employer or a business with which he is

300 associated.

301 Sec. 11. Section 1-85 of the general statutes is repealed and the  
302 following is substituted in lieu thereof (*Effective from passage*):

303 A public official, including an elected state official, or state  
304 employee has an interest which is in substantial conflict with the  
305 proper discharge of his duties or employment in the public interest  
306 and of his responsibilities as prescribed in the laws of this state, if he  
307 has reason to believe or expect that he, his spouse, a dependent child,  
308 his or her other employer or a business with which he is associated  
309 will derive a direct monetary gain or suffer a direct monetary loss, as  
310 the case may be, by reason of his official activity. A public official,  
311 including an elected state official, or state employee does not have an  
312 interest which is in substantial conflict with the proper discharge of his  
313 duties in the public interest and of his responsibilities as prescribed by  
314 the laws of this state, if any benefit or detriment accrues to him, his  
315 spouse, a dependent child, his or her other employer or a business  
316 with which he, his spouse or such dependent child is associated as a  
317 member of a profession, occupation or group to no greater extent than  
318 any other member of such profession, occupation or group. A public  
319 official, including an elected state official or state employee who has a  
320 substantial conflict may not take official action on the matter.

321 Sec. 12. Subsection (a) of section 1-86 of the general statutes is  
322 repealed and the following is substituted in lieu thereof (*Effective from*  
323 *passage*):

324 (a) Any public official or state employee, other than an elected state  
325 official, who, in the discharge of such official's or employee's official  
326 duties, would be required to take an action that would affect a  
327 financial interest of such official or employee, such official's or  
328 employee's spouse, parent, brother, sister, child or the spouse of a  
329 child, such official's or employee's other employer or a business with  
330 which such official or employee is associated, other than an interest of  
331 a de minimis nature, an interest that is not distinct from that of a  
332 substantial segment of the general public or an interest in substantial

333 conflict with the performance of official duties, as defined in section 1-  
 334 85, as amended by this act, has a potential conflict of interest. Under  
 335 such circumstances, such official or employee shall, if such official or  
 336 employee is a member of a state regulatory agency, either excuse  
 337 himself or herself from the matter or prepare a written statement  
 338 signed under penalty of false statement describing the matter  
 339 requiring action and the nature of the potential conflict and explaining  
 340 why despite the potential conflict, such official or employee is able to  
 341 vote and otherwise participate fairly, objectively and in the public  
 342 interest. Such public official or state employee shall deliver a copy of  
 343 the statement to the Office of State Ethics and enter a copy of the  
 344 statement in the journal or minutes of the agency. If such official or  
 345 employee is not a member of a state regulatory agency, such official or  
 346 employee shall, in the case of either a substantial or potential conflict,  
 347 prepare a written statement signed under penalty of false statement  
 348 describing the matter requiring action and the nature of the conflict  
 349 and deliver a copy of the statement to such official's or employee's  
 350 immediate superior, if any, who shall assign the matter to another  
 351 employee, or if such official or employee has no immediate superior,  
 352 such official or employee shall take such steps as the Office of State  
 353 Ethics shall prescribe or advise.

354 Sec. 13. (NEW) (*Effective from passage*) Notwithstanding any  
 355 provision of the general statutes, no registrant, as defined in section 1-  
 356 91 of the general statutes, shall serve as a member of any state board or  
 357 commission, provided any such registrant may fulfill such registrant's  
 358 current term as a member of any state board or commission.

This act shall take effect as follows and shall amend the following sections:		
Section 1	October 1, 2007	9-622
Sec. 2	October 1, 2007	New section
Sec. 3	October 1, 2007	2-1c
Sec. 4	October 1, 2007	2-1d
Sec. 5	October 1, 2007	9-7b
Sec. 6	October 1, 2007	New section

---

Sec. 7	<i>October 1, 2007</i>	New section
Sec. 8	<i>October 1, 2007</i>	9-605(b)
Sec. 9	<i>October 1, 2007</i>	9-606(a)
Sec. 10	<i>from passage</i>	1-84(c)
Sec. 11	<i>from passage</i>	1-85
Sec. 12	<i>from passage</i>	1-86(a)
Sec. 13	<i>from passage</i>	New section

**GAE**      *Joint Favorable Subst.*

The following fiscal impact statement and bill analysis are prepared for the benefit of members of the General Assembly, solely for the purpose of information, summarization, and explanation, and do not represent the intent of the General Assembly or either chamber thereof for any purpose:

### **OFA Fiscal Note**

#### **State Impact:**

<b>Agency Affected</b>	<b>Fund-Effect</b>	<b>FY 08 \$</b>	<b>FY 09 \$</b>
Elect. Enforcement Com.	GF - Cost	See Below	See Below
Freedom of Inf. Com.; Office of State Ethics	GF - See Below	See Below	See Below
Comptroller Misc. Accounts (Fringe Benefits)	GF - Cost		15,000

Note: GF=General Fund

**Municipal Impact:** None

#### **Explanation**

The bill allows any respondent who has been made an offer to settle a complaint to have a preliminary hearing before the SEEC. This will result in more hearings and fewer settlements of cases. A Staff Attorney<sup>1</sup> at \$60,807 would be necessary to handle the preparation work for the increased hearings. Based on an estimated 30 additional hearings, this requirement could cost an additional \$40,000 annually in Other Expenses for \$200 per diems to the commissioners at each hearing as well as transcription costs.

The bill extends the solicitation prohibitions of certain political campaign activities by state employees while on state time. The bill increases the maximum fine for contempt of the General Assembly from \$100 to \$5,000, which could result in a revenue gain to the State.

<sup>1</sup> The fringe benefit costs for state employees are budgeted centrally in the Miscellaneous Accounts administered by the Comptroller. The estimated first year fringe benefit rate for a new employee as a percentage of average salary is 25.8%, effective July 1, 2006. The first year fringe benefit costs for new positions do not include pension costs. The state's pension contribution is based upon the prior year's certification by the actuary for the State Employees Retirement System (SERS). The SERS 2006-07 fringe benefit rate is 34.4%, which when combined with the non pension fringe benefit rate totals 60.2%.

The revenue derived from these fines is not estimated to be significant.

The bill requires the SEEC to provide all information that is in the agency's possession to the respondent of an investigation. This would require staff to make copies of all the compiled information, estimated to cost under \$10,000 annually.

The bill permits the State Elections Enforcement Commission (SEEC), the Freedom of Information Commission (FOIC), and the Office of State Ethics (OSE) to hire staff without the approval of the Department of Administrative Services (DAS). DAS currently sets the salary schedule for executive, managerial and confidential employees. To the extent that these agencies set salary levels that exceed the DAS established salary grades, their annual Personal Services costs would increase.

### ***The Out Years***

The annualized ongoing fiscal impact identified above would continue into the future subject to inflation.

**OLR Bill Analysis****sHB 7372*****AN ACT CONCERNING RECOMMENDATIONS CONTAINED IN THE FINAL REPORT OF THE COCHAIRPERSON AND VICE-CHAIRPERSON OF THE GOVERNMENT ADMINISTRATION AND ELECTIONS COMMITTEE REGARDING EVENTS SURROUNDING STATE ELECTIONS ENFORCEMENT COMMISSION FILE NO. 2005-311.*****SUMMARY:**

This bill:

1. expands the ban against state employees engaging in campaign-related activities while paid to work;
2. increases the penalty for the crime of contempt of the General Assembly;
3. makes changes to the State Elections Enforcement Commission's (SEEC) investigation and settlement process;
4. permits SEEC, the Freedom of Information Commission, and the Office of State Ethics to employ staff without the Department of Administrative Services' review or approval;
5. makes the campaign treasurer the primary contact for a party, political, or candidate committee and the person responsible for determining whether to return a contribution to a contributor; and
6. requires political committees to include the names and addresses of any campaign managers in their organization statements.

EFFECTIVE DATE: October 1, 2007

**CAMPAIGN-RELATED ACTIVITIES**

By law, it is an illegal campaign finance practice for, among other things, state department heads and their deputies to solicit political contributions at any time and for anyone to knowingly and willfully violate a campaign finance law. Campaign finance violators are subject to criminal penalties of up to five years in prison, a \$5,000 fine, or both for knowing and willful violations. They are also subject to civil penalties of up to \$2,000 per offense.

The bill extends the solicitation prohibition to the chief of staff of any state agency, governor's office, and legislative caucuses. It also makes it an illegal campaign finance practice for anyone to knowingly and willfully induce another person to violate a campaign finance law.

The bill prohibits classified state employees and Judicial Department employees from distributing or soliciting campaign literature on behalf of a candidate when they are on duty for, or being paid to work by, the state. These employees are already prohibited from engaging in many other political activities while at work, including making or writing speeches soliciting votes, and making political contributions. The bill subjects employees who violate the bill and existing law to dismissal, suspension, or a reprimand. Under current law, violators may be dismissed, or suspended without pay for 30 to 60 days. They may be sentenced to up to one year, fined up to \$2,000, or both if their actions are willful or negligent.

The bill prohibits unclassified state employees from actively participating in political management and campaigns when they are on duty for, or being paid to work by, the state. The prohibition covers, among other things:

1. making speeches,
2. writing on behalf of a candidate,
3. distributing campaign literature,

4. soliciting campaign contributions on behalf of a candidate,
5. soliciting votes in support of or in opposition to a candidate,
6. disclosing information acquired as an employee for the purpose of soliciting a campaign contribution on behalf of a candidate, and
7. contributing money or time to political parties.

The bill also prohibits these employees from using state funds, supplies, vehicles, or facilities to get support for or oppose any candidate, party, or issue in a political partisan election. Violators may be fired, suspended, or reprimanded.

#### **CONTEMPT OF THE GENERAL ASSEMBLY**

The bill increases the penalty for contempt of the General Assembly from up to six months in prison, a \$100 fine, or both to up to five years in prison, a \$5,000 fine, or both. It defines “contempt” as a knowing and willful violation of a written directive or order issued by the General Assembly or a legislative committee.

#### **INTERFERENCE WITH THE LEGISLATIVE PROCESS**

The bill makes a person guilty of interfering with the legislative process when he, either acting alone or with others:

1. alters or refuses to produce documents requested by a legislative committee in connection with an investigation,
2. makes false or misleading statements to the committee, or
3. encourages another person to make such a statement.

By law, interfering with the legislative process is a class A misdemeanor punishable by up to one year in prison, a \$2,000 fine, or both.

#### **SEEC**

By law, the SEEC is responsible for investigating and hearing

allegations of election law violations. If the allegations are substantiated, the commission may impose penalties. It can hire staff to carry out its mission. An executive director and general counsel currently heads the staff and oversee the commission's daily operations.

The bill prohibits the executive director and general counsel from being involved in any commission investigation or settlement. It permits the commission to select and employ a director of enforcement.

By October 1, 2008, the bill requires the commission to adopt regulations separating its negotiation and settlement functions from its hearings. The regulations must (1) prohibit a panel that hears a preliminary complaint from also judging it in the event negotiations or settlements fail and (2) allow a person who may be subjected to a civil penalty the right to present a defense, including offering testimony and evidence.

The bill requires representatives of the target of an investigation to file a written authorization to communicate before communicating with the commission. The target must sign the authorization and the commission must give him copies of any information it receives during the course of the investigation.

### **AGENCY STAFF**

The bill permits the SEEC, Freedom of Information Commission, and Office of State Ethics to employ executive, managerial, and confidential employees. The executive director and general counsel or executive director, as applicable, appoints the staff without the Department of Administrative Services' review or approval. It exempts the employees from classified service.

Just as under current law, the person in charge of the agency's daily operations must annually evaluate the employees' performances. This agency head may remove the staff for reasonable cause and in accordance with the State Personnel Act.

**BACKGROUND**

***Organization Statements***

Within 10 days after a political committee organizes it must file an organization statement. Town committees file their statement with the town clerk. Other committees file their statement with SEEC. The statement includes the committee's name, purpose, and principal officers and the candidate it supports.

**COMMITTEE ACTION**

Government Administration and Elections Committee

Joint Favorable Substitute

Yea 11 Nay 1 (03/30/2007)