



# Senate

General Assembly

**File No. 483**

January Session, 2007

Substitute Senate Bill No. 40

*Senate, April 16, 2007*

The Committee on Government Administration and Elections reported through SEN. SLOSSBERG of the 14th Dist., Chairperson of the Committee on the part of the Senate, that the substitute bill ought to pass.

***AN ACT LIMITING THE LENGTH OF TIME TO FILE A COMPLAINT WITH THE STATE ELECTIONS ENFORCEMENT COMMISSION AGAINST A CANDIDATE COMMITTEE.***

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

1 Section 1. Subsection (g) of section 9-7a of the general statutes is  
2 repealed and the following is substituted in lieu thereof (*Effective*  
3 *October 1, 2007*):

4 (g) In the case of a written complaint timely filed with the  
5 commission pursuant to section 9-7b, as amended by this act, [on or  
6 after January 1, 1988,] if the commission does not, by the sixtieth day  
7 following receipt of the complaint, either issue a decision or render its  
8 determination that probable cause or no probable cause exists for one  
9 or more violations of state election laws, the complainant or  
10 respondent may apply to the superior court for the judicial district of  
11 Hartford for an order to show cause why the commission has not acted  
12 upon the complaint and to provide evidence that the commission has

13 unreasonably delayed action. Such proceeding shall be privileged with  
 14 respect to assignment for trial. The commission shall appear and give  
 15 appropriate explanation in the matter. The court may, in its discretion,  
 16 order the commission to: (1) Continue to proceed pursuant to section  
 17 9-7b, as amended by this act, (2) act by a date certain, or (3) refer the  
 18 complaint to the Chief State's Attorney. Nothing in this subsection  
 19 shall require the commission, in any proceeding brought pursuant to  
 20 this subsection, to disclose records or documents which are not  
 21 required to be disclosed pursuant to subsection (b) of section 1-210.  
 22 Nothing in this subsection shall preclude the commission from  
 23 continuing its investigation or taking any action permitted by section  
 24 9-7b, as amended by this act, unless otherwise ordered by the court.  
 25 The commission or any other party may, within seven days after a  
 26 decision by the court under this subsection, file an appeal of the  
 27 decision with the Appellate Court.

28 Sec. 2. Section 9-7b of the general statutes is amended by adding  
 29 subsection (c) as follows (*Effective October 1, 2007*):

30 (NEW) (c) The commission shall not accept a written complaint  
 31 under oath by an individual, as described in subdivision (1) of  
 32 subsection (a) of this section, that is filed against a candidate  
 33 committee, more than one year after the filing of such candidate  
 34 committee's final statement to the commission pursuant to section 9-  
 35 608.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>October 1, 2007</i>	9-7a(g)
Sec. 2	<i>October 1, 2007</i>	9-7b

**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:**

Agency Affected	Fund-Effect
Elect. Enforcement Com.	GF - None

Note: GF=General Fund

**Municipal Impact:** None

**Explanation**

The bill imposes a one year statute of limitations on filing complaints against candidate committees to the State Elections Enforcement Commission. This time limitation will have no fiscal impact.

**OLR Bill Analysis****sSB 40*****AN ACT LIMITING THE LENGTH OF TIME TO FILE A COMPLAINT WITH THE STATE ELECTIONS ENFORCEMENT COMMISSION AGAINST A CANDIDATE COMMITTEE.*****SUMMARY:**

This bill establishes a deadline for individuals to file complaints against candidate committees. Under the bill, the State Elections Enforcement Commission (SEEC) may only accept written complaints from individuals made under oath for one year after the candidate committee has filed its final campaign finance statement for the election cycle. The bill also makes a conforming change.

EFFECTIVE DATE: October 1, 2007

**BACKGROUND*****Schedule for Filing Termination Reports***

Candidate committees file their final campaign finance statements, or termination reports, at different times depending on when they reconcile their accounts. A committee that eliminates any surplus or deficit by December 31 following a November election generally files a termination report on the next filing date, which is January 10 or the next business day.

A committee that carries a surplus must spend or distribute it (1) within 90 days after a primary if a candidate loses, or an election not held in November or (2) by January 31 following a November election. Committees must report surplus distributions to the SEEC within seven days of making them and generally terminate with this statement.

If a committee has a deficit it must file monthly supplemental

statements beginning on February 7, or the next business day, until the account is reconciled and it can terminate.

**COMMITTEE ACTION**

Government Administration and Elections Committee

Joint Favorable Substitute

Yea 10    Nay 3    (03/30/2007)