



General Assembly

**Substitute Bill No. 7372**

January Session, 2007

\*        HB07372LAB        051507        \*

**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 Section 9-622 of the general statutes is repealed and the  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, any person who intends to  
181 communicate with the State Elections Enforcement Commission on  
182 behalf of a person that is the subject of any investigation undertaken  
183 by the commission pursuant to section 9-7b of the general statutes, as  
184 amended by this act, shall, prior to any such communication, file with  
185 the commission a written authorization to so communicate with the  
186 commission that is signed by the person who is the subject of such  
187 investigation.

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

193 (c) Not later than October 1, 2008, the State Elections Enforcement  
194 Commission shall adopt regulations, in accordance with the provisions  
195 of chapter 54 of the general statutes, to separate the negotiation and  
196 settlement functions of the commission from the process of hearing  
197 complaints such that any panel that hears a preliminary complaint  
198 shall not be the panel that judges such complaint in the event that  
199 negotiation and settlement efforts fail in such matter. Such regulations  
200 shall also provide for an intermediate step in the commission's  
201 assessment of a civil penalty for an alleged violation of any provision  
202 under the jurisdiction of the commission such that any individual who  
203 may be ordered to pay such civil penalty shall be provided with the  
204 opportunity to present a defense in such matter, including, but not

205 limited to, the offering of testimony and evidence before the  
206 commission.

207 Sec. 7. Subsection (b) of section 9-605 of the general statutes is  
208 repealed and the following is substituted in lieu thereof (*Effective*  
209 *October 1, 2007*):

210 (b) The statement shall include: (1) The name and address of the  
211 committee; (2) a statement of the purpose of the committee; (3) the  
212 name and address of its campaign treasurer, and deputy campaign  
213 treasurer if applicable; (4) the name, address and position of its  
214 chairman, and other principal officers if applicable, including, but not  
215 limited to, the name and address of any campaign manager; (5) the  
216 name and address of the depository institution for its funds; (6) the  
217 name of each person, other than an individual, that is a member of the  
218 committee; (7) the name and party affiliation of each candidate whom  
219 the committee is supporting and the office or position sought by each  
220 candidate; (8) if the committee is supporting the entire ticket of any  
221 party, a statement to that effect and the name of the party; (9) if the  
222 committee is supporting or opposing any referendum question, a brief  
223 statement identifying the substance of the question; (10) if the  
224 committee is established by a business entity or organization, the name  
225 of the entity or organization; (11) if the committee is established by an  
226 organization, whether it will receive its funds from the organization's  
227 treasury or from voluntary contributions; (12) if the committee files  
228 reports with the Federal Elections Commission or any out-of-state  
229 agency, a statement to that effect including the name of the agency;  
230 (13) a statement indicating whether the committee is established for a  
231 single primary, election or referendum or for ongoing political  
232 activities; (14) if the committee is established by or on behalf of a  
233 lobbyist, a statement to that effect and the name of the lobbyist; and  
234 (15) the name and address of the person making the initial contribution  
235 or disbursement, if any, to the committee. If no such contribution or  
236 disbursement has been made at the time of the filing of such statement,  
237 the campaign treasurer of the committee shall, not later than forty-  
238 eight hours after receipt of such contribution or disbursement, file a

239 report with the State Elections Enforcement Commission. The report  
240 shall be in the same form as statements filed under section 9-608.

241 Sec. 8. Subsection (a) of section 9-606 of the general statutes is  
242 repealed and the following is substituted in lieu thereof (*Effective*  
243 *October 1, 2007*):

244 (a) The campaign treasurer of each committee shall be responsible  
245 for (1) depositing, receiving and reporting all contributions and other  
246 funds in the manner specified in section 9-608, (2) making and  
247 reporting expenditures, (3) reporting expenses incurred but not yet  
248 paid, (4) filing the statements required under section 9-608, [and] (5)  
249 keeping internal records of each entry made on such statements, (6)  
250 making any determination to return a contribution made to the  
251 committee, and (7) serving as the primary contact person for such  
252 committee. The campaign treasurer of each committee shall deposit  
253 contributions in the committee's designated depository within fourteen  
254 days after receiving them. The campaign treasurer of each political  
255 committee or party committee which makes a contribution of goods to  
256 another committee shall send written notice to the campaign treasurer  
257 of the recipient committee before the close of the reporting period  
258 during which the contribution was made. The notice shall be signed by  
259 the campaign treasurer of the committee making the contribution and  
260 shall include the full name of such committee, the date on which the  
261 contribution was made, a complete description of the contribution and  
262 the value of the contribution. Any dispute concerning the information  
263 contained in such notice shall be resolved by the campaign treasurer of  
264 the recipient committee. Such resolution shall not impair in any way  
265 the authority of the State Elections Enforcement Commission under  
266 section 9-7b. The campaign treasurer of the recipient committee shall  
267 preserve each such notice received for the period prescribed by  
268 subsection (f) of section 9-607.

269 Sec. 9. Subsection (c) of section 1-84 of the general statutes is  
270 repealed and the following is substituted in lieu thereof (*Effective from*  
271 *passage*):

272 (c) No public official or state employee shall wilfully and knowingly  
273 disclose, for financial gain, to any other person, confidential  
274 information acquired by him in the course of and by reason of his  
275 official duties or employment and no public official or state employee  
276 shall use his public office or position or any confidential information  
277 received through his holding such public office or position to obtain  
278 financial gain for himself, his spouse, child, child's spouse, parent,  
279 brother or sister, or other employer or a business with which he is  
280 associated.

281 Sec. 10. Section 1-85 of the general statutes is repealed and the  
282 following is substituted in lieu thereof (*Effective from passage*):

283 A public official, including an elected state official, or state  
284 employee has an interest which is in substantial conflict with the  
285 proper discharge of his duties or employment in the public interest  
286 and of his responsibilities as prescribed in the laws of this state, if he  
287 has reason to believe or expect that he, his spouse, a dependent child,  
288 his or her other employer or a business with which he is associated  
289 will derive a direct monetary gain or suffer a direct monetary loss, as  
290 the case may be, by reason of his official activity. A public official,  
291 including an elected state official, or state employee does not have an  
292 interest which is in substantial conflict with the proper discharge of his  
293 duties in the public interest and of his responsibilities as prescribed by  
294 the laws of this state, if any benefit or detriment accrues to him, his  
295 spouse, a dependent child, his or her other employer or a business  
296 with which he, his spouse or such dependent child is associated as a  
297 member of a profession, occupation or group to no greater extent than  
298 any other member of such profession, occupation or group. A public  
299 official, including an elected state official or state employee who has a  
300 substantial conflict may not take official action on the matter.

301 Sec. 11. Subsection (a) of section 1-86 of the general statutes is  
302 repealed and the following is substituted in lieu thereof (*Effective from*  
303 *passage*):

304 (a) Any public official or state employee, other than an elected state  
305 official, who, in the discharge of such official's or employee's official  
306 duties, would be required to take an action that would affect a  
307 financial interest of such official or employee, such official's or  
308 employee's spouse, parent, brother, sister, child or the spouse of a  
309 child, such official's or employee's other employer or a business with  
310 which such official or employee is associated, other than an interest of  
311 a de minimis nature, an interest that is not distinct from that of a  
312 substantial segment of the general public or an interest in substantial  
313 conflict with the performance of official duties, as defined in section 1-  
314 85, as amended by this act, has a potential conflict of interest. Under  
315 such circumstances, such official or employee shall, if such official or  
316 employee is a member of a state regulatory agency, either excuse  
317 himself or herself from the matter or prepare a written statement  
318 signed under penalty of false statement describing the matter  
319 requiring action and the nature of the potential conflict and explaining  
320 why despite the potential conflict, such official or employee is able to  
321 vote and otherwise participate fairly, objectively and in the public  
322 interest. Such public official or state employee shall deliver a copy of  
323 the statement to the Office of State Ethics and enter a copy of the  
324 statement in the journal or minutes of the agency. If such official or  
325 employee is not a member of a state regulatory agency, such official or  
326 employee shall, in the case of either a substantial or potential conflict,  
327 prepare a written statement signed under penalty of false statement  
328 describing the matter requiring action and the nature of the conflict  
329 and deliver a copy of the statement to such official's or employee's  
330 immediate superior, if any, who shall assign the matter to another  
331 employee, or if such official or employee has no immediate superior,  
332 such official or employee shall take such steps as the Office of State  
333 Ethics shall prescribe or advise.

334 Sec. 12. (NEW) (*Effective from passage*) Notwithstanding any  
335 provision of the general statutes, no registrant, as defined in section 1-  
336 91 of the general statutes, shall serve as a member of any state board or  
337 commission, provided any such registrant may fulfill such registrant's

338 current term as a member of any state board or commission.

339 Sec. 13. Section 1-205 of the general statutes is repealed and the  
340 following is substituted in lieu thereof (*Effective from passage*):

341 (a) There shall be a Freedom of Information Commission consisting  
342 of five members appointed by the Governor, with the advice and  
343 consent of either house of the General Assembly, who shall serve for  
344 terms of four years from the July first of the year of their appointment,  
345 except that of the members appointed prior to and serving on July 1,  
346 1977, one shall serve for a period of six years from July 1, 1975, one  
347 shall serve for a period of four years from July 1, 1975, and one shall  
348 serve for a period of six years from July 1, 1977. Of the two new  
349 members first appointed after July 1, 1977, one shall serve from the  
350 date of such appointment until June 30, 1980, and one shall serve from  
351 the date of such appointment until June 30, 1982. No more than three  
352 members shall be members of the same political party.

353 (b) Each member shall receive two hundred dollars per day for each  
354 day such member is present at a commission hearing or meeting, and  
355 shall be entitled to reimbursement for actual and necessary expenses  
356 incurred in connection therewith, in accordance with the provisions of  
357 section 4-1.

358 (c) The Governor shall select one of its members as a chairman. The  
359 commission shall maintain a permanent office at Hartford in such  
360 suitable space as the Commissioner of Public Works provides. All  
361 papers required to be filed with the commission shall be delivered to  
362 such office.

363 (d) The commission shall, subject to the provisions of the Freedom  
364 of Information Act promptly review the alleged violation of said  
365 Freedom of Information Act and issue an order pertaining to the same.  
366 Said commission shall have the power to investigate all alleged  
367 violations of said Freedom of Information Act and may for the purpose  
368 of investigating any violation hold a hearing, administer oaths,  
369 examine witnesses, receive oral and documentary evidence, have the

370 power to subpoena witnesses under procedural rules adopted by the  
371 commission to compel attendance and to require the production for  
372 examination of any books and papers which the commission deems  
373 relevant in any matter under investigation or in question. In case of a  
374 refusal to comply with any such subpoena or to testify with respect to  
375 any matter upon which that person may be lawfully interrogated, the  
376 superior court for the judicial district of Hartford, on application of the  
377 commission, may issue an order requiring such person to comply with  
378 such subpoena and to testify; failure to obey any such order of the  
379 court may be punished by the court as a contempt thereof.

380 (e) The Freedom of Information Commission, and the Department  
381 of Information Technology with respect to access to and disclosure of  
382 computer-stored public records, shall conduct training sessions, at  
383 least annually, for members of public agencies for the purpose of  
384 educating such members as to the requirements of sections 1-7 to 1-14,  
385 inclusive, 1-16 to 1-18, inclusive, 1-200 to 1-202, inclusive, 1-205, 1-206,  
386 1-210 to 1-217, inclusive, 1-225 to 1-232, inclusive, 1-240, 1-241 and 19a-  
387 342.

388 (f) Not later than December 31, 2001, the Freedom of Information  
389 Commission shall create, publish and provide to the chief elected  
390 official of each municipality a model ordinance concerning the  
391 establishment by any municipality of a municipal freedom of  
392 information advisory board to facilitate the informed and efficient  
393 exchange of information between the commission and such  
394 municipality. The commission may amend the model ordinance from  
395 time to time.

396 (g) When the General Assembly is in session, the Governor shall  
397 have the authority to fill any vacancy on the commission, with the  
398 advice and consent of either house of the General Assembly. When the  
399 General Assembly is not in session any vacancy shall be filled  
400 pursuant to the provisions of section 4-19. A vacancy in the  
401 commission shall not impair the right of the remaining members to  
402 exercise all the powers of the commission and three members of the

403 commission shall constitute a quorum.

404 (h) The commission shall employ an executive director and general  
405 counsel without the approval of the Department of Administrative  
406 Services. The salary of such executive director and general counsel  
407 shall be determined by the commission within the limits of any funds  
408 appropriated to the commission. Such executive director and general  
409 counsel shall be entitled to all (1) fringe benefits, including, but not  
410 limited to, those provided under chapter 67, (2) disability retirement  
411 benefits provided under chapter 65, (3) benefits under the state  
412 employees retirement system provided under chapter 66, and (4)  
413 benefits provided under any prevailing collective bargaining  
414 agreement negotiated in accordance with subdivision (1) of subsection  
415 (f) of section 5-278 that are provided to other state employees. On or  
416 before July 1, 2008, and annually thereafter, the chairperson of the  
417 commission shall conduct a written evaluation of the performance of  
418 such executive director and general counsel. Such executive director  
419 and general counsel may be removed by the commission for just cause  
420 in accordance with the provisions of chapter 67, and shall have the  
421 right to appeal such decision in accordance with section 5-202. The  
422 executive director and general counsel shall be responsible for hiring  
423 all employees of the commission in accordance with subsection (i) of  
424 this section.

425 (i) Notwithstanding any provision of the general statutes, the  
426 commission may employ executive, managerial and confidential  
427 employees as may be necessary to carry out the duties and  
428 responsibilities of such commission, within the limits of any funds  
429 appropriated to the commission. The executive director and general  
430 counsel shall hire and assign such employees to positions established  
431 by the commission without the review or approval of the Department  
432 of Administrative Services. Such employees shall (1) be exempt from  
433 the classified service, and (2) be entitled to all (A) fringe benefits,  
434 including, but not limited to, those provided under chapter 67, (B)  
435 disability retirement benefits provided under chapter 65, (C) benefits  
436 under the state employees retirement system provided under chapter

437 66, and (D) benefits provided under any prevailing collective  
438 bargaining agreement negotiated in accordance with subdivision (1) of  
439 subsection (f) of section 5-278 that are provided to other state  
440 employees. On or before July 1, 2008, and annually thereafter, the  
441 executive director and general counsel shall conduct a written  
442 evaluation of the performance of each such employee. Such employees  
443 may be removed by the executive director and general counsel for just  
444 cause in accordance with the provisions of chapter 67, and shall have  
445 the right to appeal such decision as provided in section 5-202.

446 (j) To the extent practicable, the executive director and general  
447 counsel shall use existing titles and classifications established by the  
448 Department of Administrative Services when assigning executive,  
449 managerial and confidential employees to positions in accordance with  
450 subsection (i) of this section.

451 ~~[(h)]~~ (k) The commission shall, subject to the provisions of chapter  
452 67, employ such other employees as may be necessary to carry out the  
453 provisions of this chapter. The commission may enter into such  
454 contractual agreements as may be necessary for the discharge of its  
455 duties, within the limits of its appropriated funds and in accordance  
456 with established procedures.

457 ~~[(i)]~~ (l) The commission shall make available to the public the  
458 printed reports of its decisions, opinions and related materials at a  
459 reasonable cost not to exceed the actual cost thereof to said  
460 commission but not less than twenty-eight dollars per item.

461 ~~[(j)]~~ (m) The Freedom of Information Commission shall not be  
462 construed to be a commission or board within the meaning of section  
463 4-9a.

464 Sec. 14. Section 9-7a of the general statutes is repealed and the  
465 following is substituted in lieu thereof (*Effective from passage*):

466 (a) There is established a State Elections Enforcement Commission  
467 to consist of five members, not more than two of whom shall be

468 members of the same political party and at least one of whom shall not  
469 be affiliated with any political party. Of the members first appointed  
470 hereunder, one shall be appointed by the minority leader of the House  
471 of Representatives and shall hold office for a term of one year from  
472 July 1, 1974; one shall be appointed by the minority leader of the  
473 Senate and shall hold office for a term of three years from said July  
474 first; one shall be appointed by the speaker of the House of  
475 Representatives and shall hold office for a term of one year from said  
476 July first; one shall be appointed by the president pro tempore of the  
477 Senate and shall hold office for a term of three years from said July  
478 first, and one shall be appointed by the Governor, provided that such  
479 member shall not be affiliated with any political party, and shall hold  
480 office for a term of five years from said July first. Thereafter, members  
481 shall be appointed for terms of five years from July first in the year of  
482 their appointment and shall be appointed by the person holding the  
483 same office as was held by the person making the original  
484 appointment, provided any person chosen to fill a vacancy shall be  
485 appointed only for the unexpired term of the member whom he shall  
486 succeed. All appointments shall be made with the consent of the state  
487 Senate and House of Representatives, provided the initial appointees  
488 may serve without confirmation from July 1, 1974, subject to approval  
489 at the next regular session of the General Assembly. No person who  
490 has served within the previous three years as a public official, other  
491 than a member of the State Elections Enforcement Commission, or who  
492 has served within the previous three years as a political party officer,  
493 shall be appointed to membership on the commission. For purposes of  
494 this subsection the term "public official" means an individual who  
495 holds or has held a state, district or municipal office as defined in  
496 section 9-372 but shall not include a justice of the peace or a notary  
497 public and the term "political party officer" means an officer or  
498 member of a national committee of a political party, state central or  
499 town committee, or any person employed by any such committee for  
500 compensation. The commission shall elect one of its members to serve  
501 as chairperson and another member to serve as vice-chairperson. Each  
502 member of the commission shall be compensated at the rate of two

503 hundred dollars per day for any day on which he participates in a  
504 regular commission meeting or hearing, and shall be paid by the state  
505 for his reasonable expenses, including necessary stenographic and  
506 clerical help.

507 (b) A vacancy in the commission shall not impair the right of the  
508 remaining members to exercise all the powers of the commission, and  
509 three members of said commission shall constitute a quorum.

510 (c) The commission shall at the close of each fiscal year report to the  
511 General Assembly and the Governor concerning the action it has taken  
512 including, but not limited to a list of all complaints investigated by the  
513 commission and the disposition of each such complaint, by voting  
514 districts, where the alleged violation occurred; the names, salaries and  
515 duties of the individuals in its employ and the money it has disbursed;  
516 and shall make such further reports on the matters within its  
517 jurisdiction and such recommendations for further legislation as may  
518 appear desirable.

519 (d) The commission shall employ an executive director and general  
520 counsel without the approval of the Department of Administrative  
521 Services. The salary of such executive director and general counsel  
522 shall be determined by the commission within the limits of any funds  
523 appropriated to the commission. Such executive director and general  
524 counsel shall be entitled to all (1) fringe benefits, including, but not  
525 limited to, those provided under chapter 67, (2) disability retirement  
526 benefits provided under chapter 65, (3) benefits under the state  
527 employees retirement system provided under chapter 66, and (4)  
528 benefits provided under any prevailing collective bargaining  
529 agreement negotiated in accordance with subdivision (1) of subsection  
530 (f) of section 5-278 that are provided to other state employees. On or  
531 before July 1, 2008, and annually thereafter, the chairperson of the  
532 commission shall conduct a written evaluation of the performance of  
533 such executive director and general counsel. Such executive director  
534 and general counsel may be removed by the commission for just cause  
535 in accordance with the provisions of chapter 67, and shall have the

536 right to appeal such decision in accordance with section 5-202. The  
537 executive director and general counsel shall be responsible for hiring  
538 all employees of the commission in accordance with subsection (e) of  
539 this section.

540 (e) Notwithstanding any provision of the general statutes, the  
541 commission may employ executive, managerial and confidential  
542 employees as may be necessary to carry out the duties and  
543 responsibilities of the commission, within the limits of any funds  
544 appropriated to such commission. The executive director and general  
545 counsel shall hire and assign such employees to positions established  
546 by the commission without the review or approval of the Department  
547 of Administrative Services. Such employees shall (1) be exempt from  
548 the classified service, and (2) be entitled to all (A) fringe benefits,  
549 including, but not limited to, those provided under chapter 67, (B)  
550 disability retirement benefits provided under chapter 65, (C) benefits  
551 under the state employees retirement system provided under chapter  
552 66, and (D) benefits provided under any prevailing collective  
553 bargaining agreement negotiated in accordance with subdivision (1) of  
554 subsection (f) of section 5-278 that are provided to other state  
555 employees. On or before July 1, 2008, and annually thereafter, the  
556 executive director and general counsel shall conduct a written  
557 evaluation of the performance of each such employee. Such employees  
558 may be removed by the executive director and general counsel for just  
559 cause in accordance with the provisions of chapter 67, and shall have  
560 the right to appeal such decision as provided in section 5-202.

561 (f) To the extent practicable, the executive director and general  
562 counsel shall use existing titles and classifications established by the  
563 Department of Administrative Services when assigning executive,  
564 managerial and confidential employees to positions in accordance with  
565 subsection (e) of this section.

566 [(d)] (g) The commission shall, subject to the provisions of chapter  
567 67, employ such other employees as may be necessary to carry out the  
568 provisions of this section, section 9-7b and section 9-623 and may

569 apply to the Commissioner of Public Safety or to the Chief State's  
570 Attorney for necessary investigatory personnel, which the same are  
571 hereby authorized to provide.

572 [(e)] (h) Notwithstanding the provisions of sections 5-266a and 5-  
573 266b, no member or employee of the commission shall (1) be a  
574 candidate in any primary or election, (2) hold any elected public office,  
575 provided a member or employee of the commission who holds an  
576 elected public office as of October 1, 1994, may continue to hold such  
577 office prior to April 1, 1995, (3) be a political party officer, as defined in  
578 subsection (a) of this section, or (4) hold any office of any committee, as  
579 defined in section 9-601. The members and employees of the  
580 commission shall otherwise be subject to the provisions of sections 5-  
581 266a and 5-266b.

582 [(f)] (i) The commission shall not be construed to be a board or  
583 commission within the meaning of section 4-9a.

584 [(g)] (j) In the case of a written complaint filed with the commission  
585 pursuant to section 9-7b on or after January 1, 1988, if the commission  
586 does not, by the sixtieth day following receipt of the complaint, either  
587 issue a decision or render its determination that probable cause or no  
588 probable cause exists for one or more violations of state election laws,  
589 the complainant or respondent may apply to the superior court for the  
590 judicial district of Hartford for an order to show cause why the  
591 commission has not acted upon the complaint and to provide evidence  
592 that the commission has unreasonably delayed action. Such  
593 proceeding shall be privileged with respect to assignment for trial. The  
594 commission shall appear and give appropriate explanation in the  
595 matter. The court may, in its discretion, order the commission to: (1)  
596 Continue to proceed pursuant to section 9-7b, (2) act by a date certain  
597 or (3) refer the complaint to the Chief State's Attorney. Nothing in this  
598 subsection shall require the commission, in any proceeding brought  
599 pursuant to this subsection, to disclose records or documents which  
600 are not required to be disclosed pursuant to subsection (b) of section 1-  
601 210. Nothing in this subsection shall preclude the commission from

602 continuing its investigation or taking any action permitted by section  
 603 9-7b, unless otherwise ordered by the court. The commission or any  
 604 other party may, within seven days after a decision by the court under  
 605 this subsection, file an appeal of the decision with the Appellate Court.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>October 1, 2007</i>	9-622
Sec. 2	<i>October 1, 2007</i>	New section
Sec. 3	<i>October 1, 2007</i>	2-1c
Sec. 4	<i>October 1, 2007</i>	2-1d
Sec. 5	<i>October 1, 2007</i>	9-7b
Sec. 6	<i>October 1, 2007</i>	New section
Sec. 7	<i>October 1, 2007</i>	9-605(b)
Sec. 8	<i>October 1, 2007</i>	9-606(a)
Sec. 9	<i>from passage</i>	1-84(c)
Sec. 10	<i>from passage</i>	1-85
Sec. 11	<i>from passage</i>	1-86(a)
Sec. 12	<i>from passage</i>	New section
Sec. 13	<i>from passage</i>	1-205
Sec. 14	<i>from passage</i>	9-7a

**Statement of Legislative Commissioners:**

In section 13, new subsections (h) and (i) were rewritten to clarify that the executive director and general counsel of the Freedom of Information Commission is one position and, in new subsection (k), "other" was added before "employees" to clarify that the subsection applies to the hiring of employees not addressed under new subsections (i) and (j). In section 14, new subsections (d) and (e) were rewritten to clarify that the executive director and general counsel of the State Elections Enforcement Commission is one position and, in new subsection (g), "other" was added before "employees" to clarify that the subsection applies to the hiring of employees not addressed under new subsections (e) and (f).

**LAB**      *Joint Favorable Subst.*