



House of Representatives

General Assembly

File No. 575

January Session, 2009

Substitute House Bill No. 6662

House of Representatives, April 9, 2009

The Committee on Government Administration and Elections reported through REP. SPALLONE of the 36th Dist., Chairperson of the Committee on the part of the House, that the substitute bill ought to pass.

AN ACT CONCERNING CERTAIN REVISIONS TO THE CITIZENS' ELECTION PROGRAM.

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

1 Section 1. Subsection (b) of section 9-606 of the general statutes is
2 repealed and the following is substituted in lieu thereof (*Effective*
3 *January 1, 2010, and applicable to primaries and elections held on or after said*
4 *date*):

5 (b) A contribution in the form of a check drawn on a joint bank
6 account shall, for the purpose of allocation, be deemed to be a
7 contribution made by the individual who signed the check. If a check
8 is signed by more than one individual, the total amount of the check
9 shall be divided equally among the cosigners for the purpose of
10 allocation, except such contribution shall be allocated in accordance
11 with the provisions of any written statement from the holders of such
12 joint bank account that indicates how such contribution should be
13 allocated. If a committee receives an anonymous contribution of more

14 than fifteen dollars the campaign treasurer shall immediately remit the
15 contribution to the State Treasurer. The State Treasurer shall deposit
16 the contribution in the General Fund.

17 Sec. 2. Subsection (a) of section 9-608 of the general statutes is
18 repealed and the following is substituted in lieu thereof (*Effective*
19 *January 1, 2010, and applicable to primaries and elections held on or after said*
20 *date*):

21 (a) (1) Each campaign treasurer of a committee [, other than a state
22 central committee,] shall file a statement, sworn under penalty of false
23 statement with the proper authority in accordance with the provisions
24 of section 9-603, as amended by this act, (A) on the tenth calendar day
25 in the months of January, April, July and October, provided, if such
26 tenth calendar day is a Saturday, Sunday or legal holiday, the
27 statement shall be filed on the next business day, (B) on the seventh
28 day preceding each regular state election, except that (i) in the case of a
29 candidate or exploratory committee established for an office to be
30 elected at a municipal election, the statement shall be filed on the
31 seventh day preceding a regular municipal election in lieu of such
32 date, [and] (ii) in the case of a town committee, the statement shall be
33 filed on the seventh day preceding each municipal election in addition
34 to such date, and (iii) in the case of a candidate committee in a state
35 election that is required to file any supplemental campaign finance
36 statements pursuant to subdivisions (1) and (2) of subsection (a) of
37 section 9-712, as amended by this act, such supplemental campaign
38 finance statement shall satisfy the filing requirements of this
39 subsection, and (C) if the committee has made or received a
40 contribution or expenditure in connection with any other election, a
41 primary or a referendum, on the seventh day preceding the election,
42 primary or referendum, provided in the case of a candidate committee
43 in a primary that is required to file any supplemental campaign
44 finance statement pursuant to subdivisions (1) and (2) of subsection (a)
45 of section 9-712, as amended by this act, such supplemental campaign
46 finance statements shall satisfy the filing requirements of this
47 subsection. The statement shall be complete as of midnight of the last

48 day of the month preceding the month in which the statement is
49 required to be filed, except that for the statement required to be filed
50 on the seventh day preceding the election, primary or referendum, the
51 statement shall be complete as of [seven days] midnight of the second
52 day immediately preceding the required filing day. The statement shall
53 cover a period to begin with the first day not included in the last filed
54 statement. In the case of a candidate committee, the statement required
55 to be filed in January shall be in lieu of the statement formerly required
56 to be filed within forty-five days following an election.

57 (2) Each campaign treasurer of a candidate committee, within thirty
58 days following any primary, and each campaign treasurer of a political
59 committee formed for a single primary, election or referendum, within
60 forty-five days after any election or referendum not held in November,
61 shall file statements in the same manner as is required of them under
62 subdivision (1) of this subsection. If the campaign treasurer of a
63 candidate committee established by a candidate, who is unsuccessful
64 in the primary or has terminated his candidacy prior to the primary,
65 distributes all surplus funds within thirty days following the
66 scheduled primary and discloses the distribution on the postprimary
67 statement, such campaign treasurer shall not be required to file any
68 subsequent statement unless the committee has a deficit, in which case
69 he shall file any required statements in accordance with the provisions
70 of subdivision (3) of subsection (e) of this section.

71 [(3) In the case of state central committees, (A) on the tenth calendar
72 day in the months of January, April and July, provided, if such tenth
73 calendar day is a Saturday, Sunday or legal holiday, on the next
74 business day, and (B) on the twelfth day preceding any election, the
75 campaign treasurer of each such committee shall file with the proper
76 authority, a statement, sworn under penalty of false statement,
77 complete as of the last day of the month immediately preceding the
78 month in which such statement is to be filed in the case of statements
79 required to be filed in January, April and July, and complete as of the
80 nineteenth day preceding an election, in the case of the statement
81 required to be filed on the twelfth day preceding an election, and in

82 each case covering a period to begin with the first day not included in
83 the last filed statement.]

84 Sec. 3. Subsections (c) to (e), inclusive, of section 9-608 of the general
85 statutes are repealed and the following is substituted in lieu thereof
86 (*Effective January 1, 2010*):

87 (c) (1) Each statement filed under subsection (a), (e) or (f) of this
88 section shall include, but not be limited to: (A) An itemized accounting
89 of each contribution, if any, including the full name and complete
90 address of each contributor and the amount of the contribution; (B) in
91 the case of anonymous contributions, the total amount received and
92 the denomination of the bills; (C) an itemized accounting of each
93 expenditure, if any, including the full name and complete address of
94 each payee, including secondary payees whenever the primary or
95 principal payee is known to include charges which the primary payee
96 has already paid or will pay directly to another person, vendor or
97 entity, the amount and the purpose of the expenditure, the candidate
98 supported or opposed by the expenditure, whether the expenditure is
99 made independently of the candidate supported or is an in-kind
100 contribution to the candidate, and a statement of the balance on hand
101 or deficit, as the case may be; (D) an itemized accounting of each
102 expense incurred but not paid, provided if the expense is incurred by
103 use of a credit card, the accounting shall include secondary payees,
104 and the amount owed to each such payee; (E) the name and address of
105 any person who is the guarantor of a loan to, or the cosigner of a note
106 with, the candidate on whose behalf the committee was formed, or the
107 campaign treasurer in the case of a party committee or a political
108 committee or who has advanced a security deposit to a telephone
109 company, as defined in section 16-1, for telecommunications service
110 for a committee; (F) for each business entity or person purchasing
111 advertising space in a program for a fund-raising affair, the name and
112 address of the business entity or the name and address of the person,
113 and the amount and aggregate amounts of such purchases; (G) for
114 each individual who contributes in excess of one hundred dollars but
115 not more than one thousand dollars, in the aggregate, to the extent

116 known, the principal occupation of such individual and the name of
117 the individual's employer, if any; (H) for each individual who
118 contributes in excess of one thousand dollars in the aggregate, the
119 principal occupation of such individual, the name of the individual's
120 employer, if any; (I) for each itemized contribution made by a lobbyist,
121 the spouse of a lobbyist or any dependent child of a lobbyist who
122 resides in the lobbyist's household, a statement to that effect; and (J) for
123 each individual who contributes in excess of four hundred dollars in
124 the aggregate to or for the benefit of any candidate's campaign for
125 nomination at a primary or election to the office of chief executive
126 officer of a town, city or borough, a statement indicating whether the
127 individual or a business with which he is associated has a contract
128 with said municipality that is valued at more than five thousand
129 dollars. Each campaign treasurer shall include in such statement (i) an
130 itemized accounting of the receipts and expenditures relative to any
131 testimonial affair held under the provisions of section 9-609 or any
132 other fund-raising affair, which is referred to in subsection (b) of
133 section 9-601a, and (ii) the date, location and a description of the affair.

134 (2) Each contributor described in subparagraph (G), (H), (I) or (J) of
135 subdivision (1) of this subsection shall, at the time the contributor
136 makes such a contribution, provide the information which the
137 campaign treasurer is required to include under said subparagraph in
138 the statement filed under subsection (a), (e) or (f) of this section.
139 Notwithstanding any provision of subdivision (2) of section 9-7b, any
140 contributor described in subparagraph (G) of subdivision (1) of this
141 subsection who does not provide such information at the time the
142 contributor makes such a contribution and any treasurer shall not be
143 subject to the provisions of subdivision (2) of section 9-7b. If a
144 campaign treasurer receives a contribution from an individual which
145 separately, or in the aggregate, is in excess of one thousand dollars and
146 the contributor has not provided the information required by said
147 subparagraph (H) or if a campaign treasurer receives a contribution
148 from an individual to or for the benefit of any candidate's campaign
149 for nomination at a primary or election to the office of chief executive
150 officer of a town, city or borough, which separately, or in the

151 aggregate, is in excess of four hundred dollars and the contributor has
152 not provided the information required by said subparagraph (J), the
153 campaign treasurer: (i) Within three business days after receiving the
154 contribution, shall send a request for such information to the
155 contributor by certified mail, return receipt requested; (ii) shall not
156 deposit the contribution until the campaign treasurer obtains such
157 information from the contributor, notwithstanding the provisions of
158 section 9-606, as amended by this act; and (iii) shall return the
159 contribution to the contributor if the contributor does not provide the
160 required information within fourteen days after the treasurer's written
161 request or the end of the reporting period in which the contribution
162 was received, whichever is later. Any failure of a contributor to
163 provide the information which the campaign treasurer is required to
164 include under said subparagraph (G) or (I), which results in
165 noncompliance by the campaign treasurer with the provisions of said
166 subparagraph (G) or (I), shall be a complete defense to any action
167 against the campaign treasurer for failure to disclose such information.

168 (3) In addition to the requirements of subdivision (2) of this
169 subsection, each contributor who makes a contribution to a candidate
170 or exploratory committee for Governor, Lieutenant Governor,
171 Attorney General, State Comptroller, Secretary of the State, State
172 Treasurer, state senator or state representative, any political committee
173 established or controlled by such candidates or authorized to make
174 contributions to such candidates or committees, and any party
175 committee that separately, or in the aggregate, exceeds fifty dollars
176 shall provide with the contribution: [a certification that the contributor
177 is not a principal of a state contractor or prospective state contractor, as
178 defined in subsection (g) of section 9-612, nor a communicator lobbyist
179 or a member of the immediate family of a communicator lobbyist and
180 shall provide the name of the employer of the contributor] (A) The
181 name of the contributor's employer, (B) whether the contributor is a
182 "communicator lobbyist", as defined in section 1-91, or an immediate
183 family member of a communicator lobbyist, (C) whether the
184 contributor is a "state contractor" or "principal of a state contractor or
185 prospective state contractor", as such terms are defined in section 9-

186 612, and (D) a certification that the contributor is not prohibited from
187 making a contribution to such candidate or committee pursuant to
188 subsection (g) of section 9-610 and subsection (g) of section 9-612. The
189 State Elections Enforcement Commission shall prepare a sample form
190 for such certification by the contributor and shall make it available to
191 campaign treasurers and contributors. Such sample form shall include
192 an explanation of the contribution prohibitions and exceptions
193 contained in subsections (g) and (i) of section 9-610 and subsection (g)
194 of section 9-612 in addition to an explanation of the terms
195 "communicator lobbyist", [and] "principal of a state contractor or
196 principal of a prospective state contractor", "immediate family member
197 of a communicator lobbyist", "state contractor" and "prospective state
198 contractor". The information on such sample form shall be included in
199 any written solicitation conducted by any such committee. If a
200 campaign treasurer receives such a contribution and the contributor
201 has not provided such certification, the campaign treasurer shall: [(A)]
202 (i) Not later than three business days after receiving the contribution,
203 send a request for the certification to the contributor by certified mail,
204 return receipt requested; [(B)] (ii) not deposit the contribution until the
205 campaign treasurer obtains the certification from the contributor,
206 notwithstanding the provisions of section 9-606, as amended by this
207 act; and [(C)] (iii) return the contribution to the contributor if the
208 contributor does not provide the certification not later than fourteen
209 days after the treasurer's written request or at the end of the reporting
210 period in which the contribution was received, whichever is later. If a
211 campaign treasurer deposits a contribution based on a certification that
212 is later determined to be false, the treasurer shall [not be in violation of
213 this subdivision] have a complete defense to any action against such
214 campaign treasurer for the receipt of such contribution. Such defense
215 shall not be available to a campaign treasurer who knew or had reason
216 to know that the certification was false prior to depositing such
217 contribution.

218 (4) Contributions from a single individual to a campaign treasurer
219 in the aggregate totaling fifty dollars or less need not be individually
220 identified in the statement, but a sum representing the total amount of

221 all such contributions made by all such individuals during the period
222 to be covered by such statement shall be a separate entry, identified
223 only by the words "total contributions from small contributors".

224 (5) Each statement filed by the campaign treasurer of a party
225 committee, a legislative caucus committee or a legislative leadership
226 committee shall include an itemized accounting of each organization
227 expenditure made by the committee. Concomitant with the filing of
228 any such statement containing an accounting of an organization
229 expenditure made by the committee for the benefit of [a participating]
230 any candidate for the office of state senator or state representative,
231 such campaign treasurer shall provide notice of the amount and
232 purpose of the organization expenditure to the candidate committee of
233 such candidate.

234 (6) In addition to the other applicable requirements of this section,
235 the campaign treasurer of a candidate committee of a participating
236 candidate for the office of state senator or state representative who has
237 received the benefit of any organization expenditure shall, not later
238 than the time of dissolving such committee, file a statement with the
239 State Elections Enforcement Commission that lists, if known to such
240 candidate committee, the committee which made such organization
241 expenditure for such candidate's behalf and the amount and purpose
242 of such organization expenditure.

243 (7) Statements filed in accordance with this section shall remain
244 public records of the state for five years from the date such statements
245 are filed.

246 (d) At the time of filing statements required under this section, the
247 campaign treasurer of each candidate committee shall send to the
248 candidate a duplicate statement and the campaign treasurer of each
249 party committee and each political committee other than an
250 exploratory committee shall send to the chairman of the committee a
251 duplicate statement. Each statement required to be filed with the
252 commission under this section, [and subsection (g) of section 9-610,]
253 subsection (e) of section 9-612, section 9-706 or section 9-712, as

254 amended by this act, shall be deemed to be filed in a timely manner if:
255 (1) For statements filed as hard copies, including, but not limited to,
256 those statements delivered by the United States Postal Service, courier
257 service, parcel service or hand delivery, the statement is received by
258 the commission by five o'clock p.m. on the day the statement is
259 required to be filed, (2) for statements authorized by the commission to
260 be filed electronically, including, but not limited to, those statements
261 filed via electronic mail, facsimile machine, web-based programs
262 created by the commission or other electronic means, the statement is
263 transmitted to the commission by midnight on the day the statement is
264 required to be filed, or (3) for statements required to be filed pursuant
265 to subsection (e) of section 9-612, section 9-706, as amended by this act,
266 or section 9-712, as amended by this act, by the deadline specified in
267 each such section. Any other filing required pursuant to this section
268 shall be deemed to be filed in a timely manner if it is delivered by hand
269 to the office of the proper authority before four-thirty o'clock p.m. or
270 postmarked by the United States Postal Service before midnight on the
271 required filing day. If the day for any such filing falls on a Saturday,
272 Sunday or legal holiday, the statement shall be filed on the next
273 business day thereafter.

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

282 (A) Such committees may distribute their surplus to a party
283 committee, or a political committee organized for ongoing political
284 activities, return such surplus to all contributors to the committee on a
285 prorated basis of contribution, distribute all or any part of such surplus
286 to the Citizens' Election Fund established in section 9-701 or distribute
287 such surplus to any charitable organization which is a tax-exempt

288 organization under Section 501(c)(3) of the Internal Revenue Code of
289 1986, or any subsequent corresponding internal revenue code of the
290 United States, as from time to time amended, provided (i) no candidate
291 committee may distribute such surplus to a committee which has been
292 established to finance future political campaigns of the candidate, (ii) a
293 candidate committee which received moneys from the Citizens'
294 Election Fund shall distribute such surplus to such fund, and (iii) a
295 candidate committee for a nonparticipating candidate, as described in
296 subsection (b) of section 9-703, as amended by this act, or a candidate
297 committee for a participating candidate that did not receive moneys
298 from the Citizens' Election Fund may only distribute any such surplus
299 to the Citizens' Election Fund or to a charitable organization;

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

303 (C) (i) Each political committee formed solely to aid or promote the
304 success or defeat of any referendum question, which does not receive
305 contributions from a business entity or an organization, shall distribute
306 its surplus to a party committee, to a political committee organized for
307 ongoing political activities, to a national committee of a political party,
308 to all contributors to the committee on a prorated basis of contribution,
309 to state or municipal governments or agencies or to any organization
310 which is a tax-exempt organization under Section 501(c)(3) of the
311 Internal Revenue Code of 1986, or any subsequent corresponding
312 internal revenue code of the United States, as from time to time
313 amended. (ii) Each political committee formed solely to aid or promote
314 the success or defeat of any referendum question, which receives
315 contributions from a business entity or an organization, shall distribute
316 its surplus to all contributors to the committee on a prorated basis of
317 contribution, to state or municipal governments or agencies, or to any
318 organization which is tax-exempt under said provisions of the Internal
319 Revenue Code. Notwithstanding the provisions of this subsection, a
320 committee formed for a single referendum shall not be required to
321 expend its surplus not later than ninety days after the referendum and

322 may continue in existence if a substantially similar referendum
323 question on the same issue will be submitted to the electorate within
324 six months after the first referendum. If two or more substantially
325 similar referenda on the same issue are submitted to the electorate,
326 each no more than six months apart, the committee shall expend such
327 surplus within ninety days following the date of the last such
328 referendum;

329 (D) The campaign treasurer of the candidate committee of a
330 candidate who is elected to office may, upon the authorization of such
331 candidate, expend surplus campaign funds to pay for the cost of
332 clerical, secretarial or other office expenses necessarily incurred by
333 such candidate in preparation for taking office; except such surplus
334 shall not be distributed for the personal benefit of any individual or to
335 any organization; and

336 (E) The campaign treasurer of a candidate committee, or of a
337 political committee, other than a political committee formed for
338 ongoing political activities or an exploratory committee, shall, prior to
339 the dissolution of such committee, either (i) distribute any equipment
340 purchased, including, but not limited to, computer equipment, to any
341 recipient as set forth in subparagraph (A) of this subdivision, or (ii) sell
342 any equipment purchased, including but not limited to computer
343 equipment, to any person for fair market value and then distribute the
344 proceeds of such sale to any recipient as set forth in said subparagraph
345 (A).

346 (2) Notwithstanding any provisions of this chapter, the campaign
347 treasurer of the candidate committee of a candidate who has
348 withdrawn from a primary or election may, prior to the primary or
349 election, distribute its surplus to any organization which is tax-exempt
350 under Section 501(c)(3) of the Internal Revenue Code of 1986, or any
351 subsequent corresponding internal revenue code of the United States,
352 as from time to time amended, or return such surplus to all
353 contributors to the committee on a prorated basis of contribution.

354 (3) Not later than seven days after such distribution or not later than

355 seven days after all funds have been expended in accordance with
356 subparagraph (D) of subdivision (1) of this subsection, the campaign
357 treasurer shall file a supplemental statement, sworn under penalty of
358 false statement, with the proper authority, identifying all further
359 contributions received since the previous statement and explaining
360 how any surplus has been distributed or expended in accordance with
361 this section. No surplus may be distributed or expended until after the
362 election, primary or referendum.

363 (4) In the event of a deficit, the campaign treasurer shall file a
364 supplemental statement ninety days after an election, primary or
365 referendum not held in November or on the seventh calendar day in
366 February, or the next business day if such day is a Saturday, Sunday or
367 legal holiday, after an election or referendum held in November, with
368 the proper authority and, thereafter, on the seventh day of each month
369 following if on the last day of the previous month there was an
370 increase or decrease in the deficit in excess of five hundred dollars
371 from that reported on the last statement filed. The campaign treasurer
372 shall file such supplemental statements as required until the deficit is
373 eliminated. If any such committee does not have a surplus or a deficit,
374 the statement required to be filed not later than forty-five days
375 following any election or referendum not held in November or on the
376 seventh calendar day in January, or the next business day if such day is
377 a Saturday, Sunday or legal holiday, following an election or
378 referendum held in November, or not later than thirty days following
379 any primary shall be the last required statement.

380 Sec. 4. Subsections (b) and (c) of section 9-702 of the general statutes
381 are repealed and the following is substituted in lieu thereof (*Effective*
382 *January 1, 2010, and applicable to primaries and elections held on or after said*
383 *date*):

384 (b) Any such candidate committee is eligible to receive such grants
385 for a primary campaign, if applicable, and a general election campaign
386 if (1) the candidate certifies as a participating candidate under section
387 9-703, as amended by this act, (2) the candidate's candidate committee

388 receives the required amount of qualifying contributions under section
389 9-704, as amended by this act, (3) the candidate's candidate committee
390 returns all contributions that do not meet the criteria for qualifying
391 contributions under section 9-704, as amended by this act, or transmits
392 such contributions to the State Elections Enforcement Commission for
393 deposit in the Citizens' Election Fund, (4) the candidate agrees to limit
394 the campaign expenditures of the candidate's candidate committee in
395 accordance with the provisions of subsection (c) of this section, and (5)
396 the candidate submits an application and the commission approves the
397 application in accordance with the provisions of section 9-706, as
398 amended by this act.

399 (c) A candidate participating in the Citizens' Election Program shall
400 limit the expenditures of the candidate's candidate committee (A)
401 before a primary campaign and a general election campaign, to the
402 amount of qualifying contributions permitted in section [9-705] 9-704,
403 as amended by this act, and any personal funds provided by the
404 candidate under subsection (c) of section 9-710, (B) for a primary
405 campaign, to the sum of (i) the amount of such qualifying
406 contributions and personal funds that have not been spent before the
407 primary campaign, (ii) the amount of the grant for the primary
408 campaign authorized under section 9-705, as amended by this act, and
409 (iii) the amount of any additional moneys for the primary campaign
410 authorized under section 9-713 or 9-714, and (C) for a general election
411 campaign, to the sum of (i) the amount of such qualifying
412 contributions and personal funds that have not been spent before the
413 general election campaign, (ii) any unexpended funds from any grant
414 for a primary campaign authorized under section 9-705, as amended
415 by this act, or from any additional moneys for a primary campaign
416 authorized under section 9-713 or 9-714, (iii) the amount of the grant
417 for the general election campaign authorized under section 9-705, as
418 amended by this act, and (iv) the amount of any additional moneys for
419 the general election campaign authorized under section 9-713 or 9-714.
420 The candidate committee of a minor or petitioning party candidate
421 who has received a general election campaign grant from the fund
422 pursuant to section 9-705, as amended by this act, shall be permitted to

423 receive contributions in addition to the qualifying contributions subject
424 to the limitations and restrictions applicable to participating
425 candidates for the same office, provided such minor or petitioning
426 party candidate shall limit the expenditures of the candidate
427 committee for a general election campaign to the sum of the qualifying
428 contributions and personal funds, the amount of the general election
429 campaign grant received and the amount raised in additional
430 contributions that is equivalent to the difference between the amount
431 of the applicable general election campaign grant for a major party
432 candidate for such office and the amount of the general election
433 campaign grant received by such minor or petitioning party candidate.

434 Sec. 5. Subsection (a) of section 9-703 of the general statutes is
435 repealed and the following is substituted in lieu thereof (*Effective*
436 *January 1, 2010, and applicable to primaries and elections held on or after said*
437 *date*):

438 (a) Each candidate for nomination or election to the office of state
439 senator or state representative in 2008, or thereafter, or the office of
440 Governor, Lieutenant Governor, Attorney General, State Comptroller,
441 Secretary of the State or State Treasurer in 2010, or thereafter, shall file
442 an affidavit with the State Elections Enforcement Commission. The
443 affidavit shall include a written certification that the candidate either
444 intends to abide by the expenditure limits under the Citizens' Election
445 Program set forth in subsection (c) of section 9-702, or does not intend
446 to abide by said limits. If the candidate intends to abide by said limits,
447 the affidavit shall also include written certifications (1) that the
448 campaign treasurer of the candidate committee for said candidate shall
449 expend any moneys received from the Citizens' Election Fund in
450 accordance with the provisions of subsection (g) of section 9-607 and
451 regulations adopted by the State Elections Enforcement Commission
452 under subsection (e) of section 9-706, (2) that the candidate shall repay
453 to the fund any such moneys that are not expended in accordance with
454 subsection (g) of said section 9-607 and said regulations, (3) that the
455 candidate and the campaign treasurer shall comply with the
456 provisions of subdivision (1) of subsection (a) of section 9-711, and (4)

457 stating the candidate's status as a major party, minor party or
458 petitioning party candidate and, in the case of a major party or minor
459 party candidate, the name of such party. The written certification
460 described in subdivision (3) of this subsection shall be made by both
461 the candidate and the campaign treasurer of the candidate committee
462 for said candidate. A candidate for nomination or election to any such
463 office shall file such affidavit not later than four o'clock p.m. on the
464 twenty-fifth day before the day of a primary, if applicable, or on the
465 fortieth day before the day of the election for such office, except that in
466 the case of a special election for the office of state senator or state
467 representative, the candidate shall file such affidavit not later than four
468 o'clock p.m. on the twenty-fifth day before the day of such special
469 election. Notwithstanding the provisions of this subsection, a
470 candidate who is not required to form a candidate committee pursuant
471 to subdivision (3) or (4) of subsection (b) of section 9-604 who files a
472 certification with the State Elections Enforcement Commission
473 pursuant to subsection (c) of section 9-603 and who does not intend to
474 participate in the Citizens' Election Program shall not be required to
475 file such affidavit of intent not to abide by the expenditure limits. Any
476 such candidate shall be referred to as a nonparticipating candidate, in
477 accordance with subsection (b) of this section.

478 Sec. 6. Section 9-704 of the general statutes is repealed and the
479 following is substituted in lieu thereof (*Effective January 1, 2010, and*
480 *applicable to primaries and elections held on or after said date*):

481 (a) The amount of qualifying contributions that the candidate
482 committee of a candidate shall be required to receive in order to be
483 eligible for grants from the Citizens' Election Fund shall be:

484 (1) In the case of a candidate for nomination or election to the office
485 of Governor, contributions from individuals in the aggregate amount
486 of two hundred fifty thousand dollars, of which two hundred twenty-
487 five thousand dollars or more is contributed by individuals residing in
488 the state. The provisions of this subdivision shall be subject to the
489 following: (A) The candidate committee shall return or transmit to the

490 State Elections Enforcement Commission for deposit in the Citizens'
491 Election Fund at the time of submitting the grant application the
492 portion of any contribution or contributions from any individual,
493 including said candidate, that exceeds one hundred dollars, and such
494 excess portion shall not be considered in calculating such amounts,
495 [and] (B) the candidate committee or exploratory committee of a
496 candidate for such office shall submit to the State Elections
497 Enforcement Commission documentation demonstrating that any
498 contribution or contributions meet the criteria for qualifying
499 contributions on or about the time that such committee files the
500 financial disclosure statement pursuant to subsection (a) of section 9-
501 608, as amended by this act, and (C) all contributions received by (i) an
502 exploratory committee established by said candidate, or (ii) an
503 exploratory committee or candidate committee of a candidate for the
504 office of Lieutenant Governor who is deemed to be jointly
505 campaigning with a candidate for nomination or election to the office
506 of Governor under subsection (a) of section 9-709, which meet the
507 criteria for qualifying contributions to candidate committees under this
508 section shall be considered in calculating such amounts; and

509 (2) In the case of a candidate for nomination or election to the office
510 of Lieutenant Governor, Attorney General, State Comptroller, State
511 Treasurer or Secretary of the State, contributions from individuals in
512 the aggregate amount of seventy-five thousand dollars, of which sixty-
513 seven thousand five hundred dollars or more is contributed by
514 individuals residing in the state. The provisions of this subdivision
515 shall be subject to the following: (A) The candidate committee shall
516 return or transmit to the State Elections Enforcement Commission for
517 deposit in the Citizens' Election Fund at the time of submitting the
518 grant application the portion of any contribution or contributions from
519 any individual, including said candidate, that exceeds one hundred
520 dollars, and such excess portion shall not be considered in calculating
521 such amounts, [and] (B) the candidate committee or exploratory
522 committee of a candidate for such office shall submit to the State
523 Elections Enforcement Commission documentation demonstrating that
524 any contribution or contributions meet the criteria for qualifying

525 contributions on or about the time that the committee files the financial
526 disclosure statement pursuant to subsection (a) of section 9-608, as
527 amended by this act, and (C) all contributions received by an
528 exploratory committee established by said candidate that meet the
529 criteria for qualifying contributions to candidate committees under this
530 section shall be considered in calculating such amounts.

531 (3) In the case of a candidate for nomination or election to the office
532 of state senator for a district, contributions from individuals in the
533 aggregate amount of fifteen thousand dollars, including contributions
534 from at least three hundred individuals residing in municipalities
535 included, in whole or in part, in said district. The provisions of this
536 subdivision shall be subject to the following: (A) The candidate
537 committee shall return or transmit to the State Elections Enforcement
538 Commission for deposit in the Citizens' Election Fund at the time of
539 submitting the grant application the portion of any contribution or
540 contributions from any individual, including said candidate, that
541 exceeds one hundred dollars, and such excess portion shall not be
542 considered in calculating the aggregate contribution amount under
543 this subdivision, (B) no contribution shall be counted for the purposes
544 of the requirement under this subdivision for contributions from at
545 least three hundred individuals residing in municipalities included, in
546 whole or in part, in the district unless the contribution is five dollars or
547 more, and (C) all contributions received by an exploratory committee
548 established by said candidate that meet the criteria for qualifying
549 contributions to candidate committees under this section shall be
550 considered in calculating the aggregate contribution amount under
551 this subdivision and all such exploratory committee contributions that
552 also meet the requirement under this subdivision for contributions
553 from at least three hundred individuals residing in municipalities
554 included, in whole or in part, in the district shall be counted for the
555 purposes of said requirement.

556 (4) In the case of a candidate for nomination or election to the office
557 of state representative for a district, contributions from individuals in
558 the aggregate amount of five thousand dollars, including contributions

559 from at least one hundred fifty individuals residing in municipalities
560 included, in whole or in part, in said district. The provisions of this
561 subdivision shall be subject to the following: (A) The candidate
562 committee shall return or transmit to the State Elections Enforcement
563 Commission for deposit in the Citizens' Election Fund at the time of
564 submitting the grant application the portion of any contribution or
565 contributions from any individual, including said candidate, that
566 exceeds one hundred dollars, and such excess portion shall not be
567 considered in calculating the aggregate contribution amount under
568 this subdivision, (B) no contribution shall be counted for the purposes
569 of the requirement under this subdivision for contributions from at
570 least one hundred fifty individuals residing in municipalities included,
571 in whole or in part, in the district unless the contribution is five dollars
572 or more, and (C) all contributions received by an exploratory
573 committee established by said candidate that meet the criteria for
574 qualifying contributions to candidate committees under this section
575 shall be considered in calculating the aggregate contribution amount
576 under this subdivision and all such exploratory committee
577 contributions that also meet the requirement under this subdivision for
578 contributions from at least one hundred fifty individuals residing in
579 municipalities included, in whole or in part, in the district shall be
580 counted for the purposes of said requirement.

581 (5) Notwithstanding the provisions of subdivisions (3) and (4) of
582 this subsection, in the case of a special election for the office of state
583 senator or state representative for a district, (A) the aggregate amount
584 of qualifying contributions that the candidate committee of a candidate
585 for such office shall be required to receive in order to be eligible for a
586 grant from the Citizens' Election Fund shall be seventy-five per cent or
587 more of the corresponding amount required under the applicable said
588 subdivision (3) or (4), and (B) the number of contributions required
589 from individuals residing in municipalities included, in whole or in
590 part, in said district shall be seventy-five per cent or more of the
591 corresponding number required under the applicable said subdivision
592 (3) or (4).

593 (b) Each individual who makes a contribution of more than fifty
594 dollars to a candidate committee established to aid or promote the
595 success of a participating candidate for nomination or election shall
596 include with the contribution a certification that contains the same
597 information described in subdivision (3) of subsection (c) of section 9-
598 608, as amended by this act, and shall follow the same procedure
599 prescribed in said subsection.

600 (c) The following shall not be deemed to be qualifying contributions
601 under subsection (a) of this section and shall be returned by the
602 campaign treasurer of the candidate committee to the contributor or
603 transmitted to the State Elections Enforcement Commission for deposit
604 in the Citizens' Election Fund:

605 (1) A contribution from a communicator lobbyist or a member of the
606 immediate family of a communicator lobbyist;

607 (2) A contribution from a principal of a state contractor or
608 prospective state contractor;

609 (3) A contribution of less than five dollars, and a contribution of five
610 dollars or more from an individual who does not provide the full name
611 and complete address of the individual; [and]

612 (4) A contribution under subdivision (1) or (2) of subsection (a) of
613 this section from an individual who does not reside in the state, in
614 excess of the applicable limit on contributions from out-of-state
615 individuals in subsection (a) of this section; and

616 (5) A contribution made by an individual who is less than twelve
617 years of age.

618 (d) After a candidate committee receives the applicable aggregate
619 amount of qualifying contributions under subsection (a) of this section,
620 the candidate committee shall transmit any additional contributions
621 that it receives to the State Treasurer for deposit in the Citizens'
622 Election Fund.

623 (e) As used in this section, (1) "communicator lobbyist" has the same
624 meaning as provided in section 1-91, (2) "immediate family" means the
625 spouse or a dependent child of an individual, and (3) "principal of a
626 state contractor or prospective state contractor" has the same meaning
627 as provided in subsection (g) of section 9-612.

628 Sec. 7. Subsection (j) of section 9-705 of the general statutes is
629 repealed and the following is substituted in lieu thereof (*Effective*
630 *January 1, 2010, and applicable to primaries and elections held on or after said*
631 *date*):

632 (j) Notwithstanding the provisions of subsections (a) to (i), inclusive,
633 of this section:

634 (1) The initial grant that a qualified candidate committee for a
635 candidate is eligible to receive under subsections (a) to (i), inclusive, of
636 this section shall be reduced by the amount of any personal funds that
637 the candidate provides for the candidate's campaign for nomination or
638 election pursuant to subsection (c) of section 9-710;

639 (2) If a participating candidate is nominated at a primary and does
640 not expend the entire grant for the primary campaign authorized
641 under subsection (a), (b), (e) or (f) of this section or all moneys that
642 may be received for the primary campaign under section 9-713 or 9-
643 714, the amount of the grant for the general election campaign shall be
644 reduced by the total amount of any such unexpended primary
645 campaign grant and moneys;

646 (3) If a participating candidate who is nominated for election does
647 not have any opponent in the general election campaign, the amount
648 of the general election campaign grant for which the qualified
649 candidate committee for said candidate shall be eligible shall be thirty
650 per cent of the applicable amount set forth in subsections (a) to (i),
651 inclusive, of this section. For purposes of this subdivision, a
652 participating candidate shall be deemed to have an opponent if (A) a
653 major party has properly endorsed a candidate and made the requisite
654 filing with the Secretary of the State within the time specified in section

655 9-391 or 9-400, as applicable, (B) any candidate of any other major
656 party has received not less than fifteen per cent of the vote of
657 convention delegates and has complied with the filing requirements
658 set forth in section 9-400, or (C) any candidate of any other major party
659 has circulated a petition and obtained the required number of
660 signatures for filing a candidacy for nomination and has either
661 qualified for the primary or has been deemed the party's nominee; and

662 (4) If the only opponent or opponents of a participating candidate
663 who is nominated for election to an office are eligible minor party
664 candidates or eligible petitioning party candidates and no such eligible
665 minor party candidate's or eligible petitioning party candidate's
666 candidate committee has received a total amount of contributions of
667 any type that is equal to or greater than the amount of the qualifying
668 contributions that a candidate for such office is required to receive
669 under section 9-704, as amended by this act, to be eligible for grants
670 from the Citizens' Election Fund, the amount of the general election
671 campaign grant for such participating candidate shall be sixty per cent
672 of the applicable amount set forth in this section.

673 Sec. 8. Subsections (b) to (g), inclusive, of section 9-706 of the general
674 statutes are repealed and the following is substituted in lieu thereof
675 (*Effective January 1, 2010, and applicable to primaries and elections held on*
676 *or after said date*):

677 (b) The application shall include a written certification that:

678 (1) The candidate committee has received the required amount of
679 qualifying contributions;

680 (2) The candidate committee has repaid all moneys borrowed on
681 behalf of the campaign, as required by subsection (b) of section 9-710;

682 (3) The candidate committee has returned any contribution of five
683 dollars or more from an individual who does not include the
684 individual's name and address with the contribution;

685 (4) The candidate committee has returned or transmitted to the State

686 Elections Enforcement Commission for deposit in the Citizens' Election
687 Fund all contributions or portions of contributions that do not meet the
688 criteria for qualifying contributions under section 9-704, as amended
689 by this act, and transmitted all excess qualifying contributions to the
690 Citizens' Election Fund;

691 (5) The campaign treasurer of the candidate committee will: (A)
692 Comply with the provisions of chapters 155 and 157, and (B) maintain
693 and furnish all records required pursuant to chapters 155 and 157 and
694 any regulation adopted pursuant to such chapters;

695 (6) All moneys received from the Citizens' Election Fund will be
696 deposited upon receipt into the depository account of the candidate
697 committee;

698 (7) The campaign treasurer of the candidate committee will expend
699 all moneys received from the fund in accordance with the provisions of
700 subsection (g) of section 9-607 and regulations adopted by the State
701 Elections Enforcement Commission under subsection (e) of this
702 section; and

703 (8) If the candidate withdraws from the campaign, becomes
704 ineligible or dies during the campaign, the candidate committee of the
705 candidate will return to the commission, for deposit in the fund, all
706 moneys received from the fund pursuant to sections 9-700 to 9-716,
707 inclusive, which said candidate committee has not spent as of the date
708 of such occurrence.

709 (c) The application shall be accompanied by a cumulative itemized
710 accounting of all funds received, expenditures made and expenses
711 incurred but not yet paid by the candidate committee as of three days
712 [before the applicable application deadline contained in subsection (g)
713 of this section] preceding the day the application is filed. Such
714 accounting shall be sworn to under penalty of false statement by the
715 campaign treasurer of the candidate committee. The commission shall
716 prescribe the form of the application and the cumulative itemized
717 accounting. The form for such accounting shall conform to the

718 requirements of section 9-608, as amended by this act. Both the
719 candidate and the campaign treasurer of the candidate committee shall
720 sign the application.

721 (d) In accordance with the provisions of subsection (g) of this
722 section, the commission shall review the application, determine
723 whether (1) the candidate committee for the applicant has received the
724 required qualifying contributions, (2) in the case of an application for a
725 grant from the fund for a primary campaign, the applicant has met the
726 applicable condition under subsection (a) of this section for applying
727 for such grant and complied with the provisions of subsections (b) and
728 (c) of this section, (3) in the case of an application for a grant from the
729 fund for a general election campaign, the applicant has met the
730 applicable condition under subsection (a) of this section for applying
731 for such moneys and complied with the provisions of subsections (b)
732 and (c) of this section, and (4) in the case of an application by a minor
733 party or petitioning party candidate for a grant from the fund for a
734 general election campaign, the applicant qualifies as an eligible minor
735 party candidate or an eligible petitioning party candidate, whichever is
736 applicable. If the commission approves an application, the commission
737 shall determine the amount of the grant payable to the candidate
738 committee for the applicant pursuant to section 9-705, as amended by
739 this act, from the fund, and notify the State Comptroller and the
740 candidate of such candidate committee, of such amount. If the timing
741 of the commission's approval of the grant in relation to the Secretary of
742 the State's determination of ballot status is such that the commission
743 cannot determine whether the qualified candidate committee is
744 entitled to the applicable full initial grant for the primary or election or
745 the applicable partial grant for the primary or election, as the case may
746 be, the commission shall approve the lesser applicable partial initial
747 grant. The commission shall then authorize the payment of the
748 remaining portion of the applicable grant after the commission has
749 knowledge of the circumstances regarding the ballot status of the
750 opposing candidates in such primary or election. Not later than two
751 business days following notification by the commission, the State
752 Comptroller shall draw an order on the State Treasurer for payment of

753 any such approved amount to the qualified candidate committee from
754 the fund.

755 (e) The State Elections Enforcement Commission shall adopt
756 regulations, in accordance with the provisions of chapter 54, on
757 permissible expenditures under subsection (g) of section 9-607 for
758 qualified candidate committees receiving grants from the fund under
759 sections 9-700 to 9-716, inclusive.

760 (f) If a nominated participating candidate dies, withdraws the
761 candidate's candidacy or becomes disqualified to hold the office for
762 which the candidate has been nominated after the commission
763 approves the candidate's application for a grant under this section, the
764 candidate committee of the candidate who is nominated to replace said
765 candidate pursuant to section 9-460 shall be eligible to receive grants
766 from the fund without complying with the provisions of section 9-704,
767 as amended by this act, if said replacement candidate files an affidavit
768 under section 9-703, as amended by this act, certifying the candidate's
769 intent to abide by the expenditure limits set forth in subsection (c) of
770 section 9-702, as amended by this act, and notifies the commission on a
771 form prescribed by the commission.

772 (g) (1) Any application submitted pursuant to this section for a
773 primary or general election shall be submitted in accordance with the
774 following schedule: (A) By five o'clock p.m. on the third Thursday in
775 May of the year that the primary or election will be held at which such
776 participating candidate will seek nomination or election, or (B) by five
777 o'clock p.m. on any subsequent Thursday of such year, provided no
778 application shall be accepted by the commission after five o'clock p.m.
779 on or after the fourth to last Friday prior to the primary or election at
780 which such participating candidate will seek nomination or election.
781 Not later than four business days following any such Thursday or
782 Friday, as applicable, for participating candidates seeking nomination
783 or election to the office of state senator or state representative, or, ten
784 business days following any such Thursday or Friday, as applicable,
785 for participating candidates seeking nomination or election to the

786 office of Governor, Lieutenant Governor, Attorney General, State
787 Comptroller, State Treasurer or Secretary of the State or, in the event of
788 a national, regional or local emergency or local natural disaster, as
789 soon thereafter as is practicable, the commission shall review any
790 application received by such Thursday or Friday, in accordance with
791 the provisions of subsection (d) of this section, and determine whether
792 such application shall be approved or disapproved, except if an
793 application for a general election grant is received during the seven
794 calendar days preceding the last primary application deadline, as set
795 forth in this subsection, such application shall be reviewed not later
796 than ten business days or four business days, as applicable, after the
797 first application deadline following the last primary application
798 deadline. For any such application that is approved, any disbursement
799 of funds shall be made not later than twelve business days prior to any
800 such primary or general election. From the third week of June in even-
801 numbered years until the third week in July, the commission shall
802 meet twice weekly to determine whether or not to approve
803 applications for grants if there are pending grant applications.

804 (2) Notwithstanding the provisions of subdivision (1) of this
805 subsection, no application for a special election shall be accepted by
806 the commission after five o'clock p.m. on or after ten business days
807 prior to the special election at which such participating candidate will
808 seek election. Not later than three business days following such
809 deadline, or, in the event of a national, regional or local emergency or
810 local natural disaster, as soon thereafter as practicable, the commission
811 shall review any such application received by such deadline, in
812 accordance with the provisions of subsection (d) of this section, and
813 determine whether such application shall be approved or disapproved.
814 For any such application that is approved, any disbursement of funds
815 shall be made not later than seven business days prior to any such
816 special election.

817 (3) The commission shall publish such application review schedules
818 and meeting schedules on the commission's web site and with the
819 Secretary of the State.

820 Sec. 9. Section 9-712 of the general statutes is repealed and the
821 following is substituted in lieu thereof (*Effective January 1, 2010, and*
822 *applicable to primaries and elections held on or after said date*):

823 [(a) (1) If a candidate committee in a primary campaign or a general
824 election campaign in which there is at least one participating candidate
825 initially receives contributions, loans or other funds or makes or incurs
826 an obligation to make, an expenditure that, in the aggregate, exceeds
827 ninety per cent of the applicable expenditure limit for the applicable
828 primary or general election period, the campaign treasurer of the
829 candidate committee receiving such contributions, loans or other funds
830 or making or incurring the obligation to make the excess expenditure
831 shall file a supplemental campaign finance statement with the State
832 Elections Enforcement Commission in accordance with the provisions
833 of subdivision (2) of this subsection.

834 (2) If a candidate committee receives contributions, loans or other
835 funds, or makes or incurs an obligation to make an expenditure that, in
836 the aggregate, exceeds ninety per cent of the applicable expenditure
837 limit for the applicable primary or general election campaign period
838 more than twenty days before the day of such primary or election, the
839 campaign treasurer of said candidate shall file an initial supplemental
840 campaign finance disclosure statement with the commission not later
841 than forty-eight hours after receiving such contributions, loans or other
842 funds, or making or incurring such expenditure. If said candidate
843 committee receives contributions, loans or other funds, or makes or
844 incurs an obligation to make expenditures, that, in the aggregate,
845 exceed ninety per cent of the applicable expenditure limit for the
846 applicable primary or general election campaign period twenty days or
847 less before the day of such primary or election, the campaign treasurer
848 of such candidate shall file such statement with the commission not
849 later than twenty-four hours after receiving such contributions, loans
850 or funds, or making or incurring such expenditure.

851 (3) After the initial filing of a statement under subdivisions (1) and
852 (2) of this subsection, the campaign treasurer of the candidate filing the

853 statement and the campaign treasurer of all of the opposing candidates
854 shall file periodic supplemental campaign finance statements with the
855 commission on the following schedule: (A) If the date of the applicable
856 primary or general election is more than five weeks after the date the
857 initial supplemental campaign finance disclosure statement is due to
858 be filed in accordance with subdivisions (1) and (2) of this subsection,
859 periodic supplemental campaign finance statements shall be filed bi-
860 weekly on every other Thursday, beginning the second Thursday after
861 the initial statement is filed; and (B) if the date of the applicable
862 primary election or general election is five weeks or less away, periodic
863 supplemental campaign finance statements shall be filed: (i) In the case
864 of a primary campaign, on the first Thursday following the date in July
865 on which candidates are required to file campaign finance statements
866 pursuant to subsection (a) of section 9-608, or the first Thursday
867 following the supplemental campaign finance statement filed under
868 subdivisions (1) and (2) of this subsection, whichever is later, and each
869 Thursday thereafter until the Thursday before the day of the primary,
870 inclusive, and (ii) in the case of a general election campaign, on the
871 first Thursday following the date in October on which candidates are
872 required to file campaign finance statements pursuant to subsection (a)
873 of section 9-608, or the first Thursday following the supplemental
874 campaign finance statement filed under subdivision (1) of this
875 subsection, whichever is later, and each Thursday thereafter until the
876 Thursday after the day of the election, inclusive.]

877 (a) (1) The campaign treasurer of each candidate committee in a
878 primary campaign or a general election campaign in which there is at
879 least one participating candidate shall file weekly supplemental
880 campaign finance statements with the State Elections Enforcement
881 Commission in accordance with the provisions of subdivision (2) of
882 this subsection. Such weekly statements shall be in lieu of the
883 campaign finance statements due pursuant to subparagraphs (B) and
884 (C) of subdivision (1) of subsection (a) of section 9-608, as amended by
885 this act.

886 (2) Each such campaign treasurer shall file weekly supplemental

887 campaign finance statements with the commission pursuant to the
888 following schedule: (A) In the case of a primary campaign, on the next
889 Thursday following the date in July on which treasurers are required
890 to file campaign finance statements pursuant to subsection (a) of
891 section 9-608, as amended by this act, and each Thursday thereafter up
892 to and including the Thursday before the day of the primary, and (B)
893 in the case of a general election campaign, on the next Thursday
894 following the date in October on which candidates are required to file
895 campaign finance statements pursuant to subsection (a) of section 9-
896 608, as amended by this act, and each Thursday thereafter up to and
897 including the Thursday before the day of the election. The statement
898 shall be complete as of midnight of the second day preceding the
899 required filing day. The statement shall cover the period beginning
900 with the first day not included in the last filed statement.

901 (3) Notwithstanding the provisions of subdivisions (1) and (2) of
902 this subsection, if a participating candidate committee in a primary
903 campaign or a general election campaign in which there is at least one
904 participating candidate makes expenditures or incurs an obligation to
905 make expenditures that, in the aggregate, exceed one hundred per cent
906 of the applicable expenditure limit for the applicable primary or
907 general election campaign period, the campaign treasurer of the
908 candidate committee making or incurring the obligation to make such
909 excess expenditure or expenditures shall file a declaration of excess
910 expenditures statement with the commission, pursuant to the
911 following schedule: (A) If a candidate committee makes expenditures
912 or incurs an obligation to make such expenditures more than twenty
913 days before the day of such primary or election, the campaign
914 treasurer of such candidate shall file such statement with the
915 commission not later than forty-eight hours after making such
916 expenditures or incurring an obligation to make such expenditures,
917 and (B) if a candidate committee makes such expenditures or incurs an
918 obligation to make such expenditures twenty days or less before the
919 day of such primary or election, the campaign treasurer of such
920 candidate shall file such statement with the commission not later than
921 twenty-four hours after making such expenditures or incurring an

922 obligation to make such expenditures. The statement shall be complete
923 as of midnight of the first day immediately preceding the required
924 filing day. The statement shall cover a period beginning with the first
925 day not included in the last filed statement.

926 (4) Notwithstanding the provisions of subdivisions (1) [, (2) and (3)]
927 and (2) of this subsection, if a nonparticipating candidate committee in
928 a primary campaign or a general election campaign in which there is at
929 least one participating candidate receives contributions, loans or other
930 funds, or makes or incurs an obligation to make expenditures that, in
931 the aggregate, exceed one hundred per cent, one hundred twenty-five
932 per cent, one hundred fifty per cent, or one hundred seventy-five per
933 cent of the applicable expenditure limit for the applicable primary or
934 general election campaign period, the campaign treasurer of the
935 candidate committee receiving the contributions, incurring the loans or
936 raising the funds, or making or incurring the obligation to make the
937 excess expenditure or expenditures shall file a declaration of excess
938 receipts or expenditures statement with the commission [, within the
939 deadlines set forth in subdivision (2) of this subsection] pursuant to the
940 following schedule: (A) If a candidate committee receives such
941 contributions, loans or other funds, or makes expenditures or incurs an
942 obligation to make such expenditures more than twenty days before
943 the day of such primary or election, the campaign treasurer of such
944 candidate shall file such statement with the commission not later than
945 forty-eight hours after receiving such contributions, loans or other
946 funds, or making such expenditures or incurring an obligation to make
947 such expenditures, and (B) if a candidate committee receives such
948 contributions, loans or other funds, or makes such expenditures or
949 incurs an obligation to make such expenditures twenty days or less
950 before the day of such primary or election, the campaign treasurer of
951 such candidate shall file such statement with the commission not later
952 than twenty-four hours after receiving such contributions, loans or
953 funds, or making such expenditures or incurring an obligation to make
954 such expenditures. The statement shall be complete as of midnight of
955 the first day immediately preceding the required filing day. The
956 statement shall cover a period beginning with the first day not

957 included in the last filed statement.

958 (5) Each [supplemental] statement required under subdivision (1),
959 (2), (3) or (4) of this subsection for a candidate shall disclose the name
960 of the candidate, the name of the candidate's campaign committee and
961 the total amount of campaign contributions, loans or other funds
962 received, or expenditures made or obligated to be made by such
963 candidate committee during the primary campaign or the general
964 election campaign, whichever is applicable, [as of the day before the
965 date on which such statement is required to be filed] and the
966 information required under subsection (c) of section 9-608, as amended
967 by this act. The commission shall adopt regulations, in accordance
968 with the provisions of chapter 54, specifying permissible media for the
969 transmission of such statements to the commission, which shall
970 include electronic mail.

971 (6) Notwithstanding the provisions of this subsection, the
972 statements required to be filed pursuant to subdivisions (1) and (2) of
973 this subsection shall not be required to be filed by (A) a candidate
974 committee of a nonparticipating candidate that has filed an exemption
975 from filing campaign finance statements pursuant to subsection (b) of
976 section 9-608, as amended by this act, unless or until such a candidate
977 committee receives or expends an amount in excess of one thousand
978 dollars for purposes of the primary or election for which such
979 committee was formed, or (B) a candidate committee of a participating
980 candidate that is unopposed, except that such candidate committee
981 shall file a supplemental statement on the last Thursday before the
982 applicable primary or general election. Such statement shall be
983 complete as of midnight of the second day preceding the required
984 filing day and shall cover a period beginning with the first day not
985 included in the last filed statement.

986 (b) (1) As used in this section and section 9-713, "excess expenditure"
987 means an expenditure made, or obligated to be made, by a
988 nonparticipating or a participating candidate who is opposed by one
989 or more other participating candidates in a primary campaign or a

990 general election campaign, which is in excess of the amount of the
 991 applicable limit on expenditures for said participating candidates for
 992 said campaign and which is the sum of (A) the applicable qualifying
 993 contributions that the participating candidate is required to receive
 994 under section 9-704, as amended by this act, to be eligible for grants
 995 from the Citizens' Election Fund, and (B) one hundred per cent of the
 996 applicable full grant amount for a major party candidate authorized
 997 under section 9-705, as amended by this act, for the applicable
 998 campaign period.

999 (2) The commission shall confirm whether an expenditure described
 1000 in a declaration filed under this subsection is an excess expenditure.

1001 (c) If a campaign treasurer fails to file any statement or declaration
 1002 required by this section within the time required, said campaign
 1003 treasurer shall be subject to a civil penalty, imposed by the
 1004 commission, of not more than one thousand dollars for the first failure
 1005 to file the statement within the time required and not more than five
 1006 thousand dollars for any subsequent such failure.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>January 1, 2010, and applicable to primaries and elections held on or after said date</i>	9-606(b)
Sec. 2	<i>January 1, 2010, and applicable to primaries and elections held on or after said date</i>	9-608(a)
Sec. 3	<i>January 1, 2010</i>	9-608(c) to (e)
Sec. 4	<i>January 1, 2010, and applicable to primaries and elections held on or after said date</i>	9-702(b) and (c)
Sec. 5	<i>January 1, 2010, and applicable to primaries and elections held on or after said date</i>	9-703(a)

Sec. 6	<i>January 1, 2010, and applicable to primaries and elections held on or after said date</i>	9-704
Sec. 7	<i>January 1, 2010, and applicable to primaries and elections held on or after said date</i>	9-705(j)
Sec. 8	<i>January 1, 2010, and applicable to primaries and elections held on or after said date</i>	9-706(b) to (g)
Sec. 9	<i>January 1, 2010, and applicable to primaries and elections held on or after said date</i>	9-712

Statement of Legislative Commissioners:

In Subdivs. (5) and (6) of Subsec. (c) of Sec. 3, references to "Governor, Lieutenant Governor, Attorney General, State Comptroller, State Treasurer and Secretary of the State" were removed for consistency with other substitute changes to the bill. In Subdiv. (3) of subsec. (j) of Sec. 7, technical changes were made for accuracy and in Subdivs. (3) and (4) of subsec. (a) of Sec. 9, technical changes were made for accuracy and clarity.

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 House thereof for any purpose:

OFA Fiscal Note

State Impact: None

Municipal Impact: None

Explanation

The bill makes various changes to the Citizens' Election Program that include: altering the time frame for review of grant applications for statewide offices from 4 to 10 business days; clarifying filing and grant disbursement dates; and it establishes a date regarding when a participating candidate is officially opposed to determine the appropriate level of grant amounts. These modifications to the law have no fiscal impact.

The Out Years

State Impact: None

Municipal Impact: None

OLR Bill Analysis**sHB 6662*****AN ACT CONCERNING CERTAIN REVISIONS TO THE CITIZENS' ELECTION PROGRAM.*****SUMMARY:**

This bill modifies state election laws on campaign finance and the Citizens' Election Program. It makes several changes affecting campaign finance reporting for candidates who participate in the program (participating candidates) and those who do not (nonparticipating candidates), including changes to procedures and requirements for periodic and supplemental campaign finance statements.

The bill allows people who make donations from a joint checking account to allocate the contribution between them and changes the certification requirement for those who contribute over \$50.

The bill establishes a date by which participating candidates in the Citizens' Election Program are considered "opposed" for the purpose of determining grant amounts. It revises the procedure for submitting supplemental campaign finance statements and for reporting excess expenditures, eliminating the requirement that (1) all candidates report spending when they reach 90% of the applicable spending limit and (2) participating candidates submit reports when their spending exceeds 100%, 125%, 150%, or 175% of the limit.

The bill expands reporting requirements for statewide office candidates with respect to their qualifying contributions and generally gives the State Elections Enforcement Commission (SEEC) 10, rather than four, days to review their applications for Citizens' Election Fund (CEF) grants. By law, statewide office candidates are those running for governor, lieutenant governor, attorney general, state comptroller,

secretary of the state, and state treasurer.

The bill makes conforming and technical changes.

EFFECTIVE DATE: January 1, 2010

CAMPAIGN FINANCE

§ 1 — Contributions by Joint Checking Account Holders

By law, campaign treasurers must equally divide campaign contributions made by joint checking account holders who co-sign the check.

The bill creates an exception to the law by allowing the account holders to indicate how they want the contribution attributed. They must include their intent on a statement that is presumably submitted with the check.

§§ 2-3 — Campaign Finance Statements

By law, the following committees and individuals must file periodic campaign finance statements with the SEEC: (1) candidate committees for statewide and legislative candidates; (2) party committees; (3) individual lobbyists; and (4) political committees (known as PACs) other than those formed to aid or promote the success or defeat of a municipal referendum or municipal office candidates.

The bill exempts certain candidates from filing these statements and makes changes affecting the period the statements must cover and the criteria for determining whether they are considered timely. It also changes the filing schedule for state central committees and expands reporting requirements for organization expenditures.

Exemption from Filing Periodic Campaign Finance Reports.

Under current law, if any candidate in a primary or general election campaign with at least one participating candidate receives contributions, loans, or other funds or makes or obligates to make an expenditure that in the aggregate exceeds 90% of the applicable spending limit for the primary or general election period, the

campaign treasurer must also file supplemental campaign finance reports with the SEEC. (The bill revises the procedure for filing supplemental campaign finance reports by eliminating the 90% threshold and requiring every candidate to submit these reports before each primary and election. See EXCESS SPENDING AND REPORTING.)

The bill eliminates the dual filing requirement by allowing any supplemental report to satisfy the requirements for periodic campaign finance reports, including those required to be filed in January, April, July, and October, which presumably precede most supplemental finance reporting.

Period Covered. The bill slightly expands, the period periodic campaign finance statements must cover. It does not change the filing deadlines for submitting them. Monthly statements must include information through midnight on the last day, rather than simply the last day, of the month before the filing deadline. Statements required to be filed seven days before an election, primary, or referendum must include information through midnight on the second, rather the seventh, day preceding the filing deadline.

Timely Submission to SEEC. Under the bill, periodic campaign finance statements must be received by the SEEC by a specified time on the filing deadline to be considered timely, not just postmarked by the filing deadline. To be deemed on time, the SEEC must receive hard copies by 5:00 PM and electronic submissions by midnight on the filing deadline. Under the bill, authorized electronic means include e-mail, fax, and SEEC-created web-based programs.

The bill specifies that grant applications, supplemental campaign finance statements, and independent expenditure reports are considered timely when they are filed according to the procedures existing law establishes.

State Central Committees. The bill aligns the filing schedule for state central committees with the schedule for most other party

committees, candidate committees, and PACs. Generally, they must file on the 10th day of January, April, July, and October, but not on a weekend or holiday. They must also file on the seventh day before a regular state election and on the seventh day before any other election, primary, or referendum for which the committee has made or received a contribution or expenditure.

Under current law, state central committees submit reports three times per year and also file on the 12th day preceding any election.

Organization Expenditures. The law requires each campaign finance statement that a legislative caucus, legislative leadership, or party committee treasurer files to include an itemized accounting of organization expenditures made to benefit participating legislative candidates. The bill expands this requirement to also include organization expenditures made to benefit nonparticipating legislative candidates.

§ 3 — Certifying Contributions Over \$50

The law prohibits communicator lobbyists, principals of state and prospective state contractors, and their immediate family members from making contributions to (1) candidate and exploratory committees for statewide and legislative candidates, (2) PACs authorized to contribute to those candidates, and (3) party committees. Under current law, individuals who make contributions to these committees that separately or in the aggregate exceed \$50 must certify that they are not a communicator lobbyist or a principal of a state or prospective state contractor.

The bill (1) potentially expands the PACs covered by the ban to include those that statewide or legislative candidates establish or control and (2) changes the certification contents.

Under the bill, these contributors must provide a certification attesting to the fact that they are not prohibited from making a contribution under either the contractor or lobbyist contribution ban. The bill requires the SEEC to amend the sample form upon which

certifications are made to include an explanation of the contribution bans and their exceptions, and an explanation of the terms “immediate family member of a communicator lobbyist,” “state contractor,” and “prospective state contractor.” The form already includes “communicator lobbyist” and “principal of a state contractor or principal of a prospective state contractor.” The bill provides treasurers who deposit a contribution based on a certification a complete defense to any action taken against them concerning the contribution, unless they knew or had reason to know that the certification was false prior to the deposit.

In addition to the certification, the bill requires individuals who make contributions to any of the covered committees that separately or in the aggregate exceed \$50 to state whether they are (1) a communicator lobbyist, or the immediate family member of one or (2) a state contractor, or a principal of a state or prospective state contractor, which includes immediate family members. Under the bill, as under existing law, they must also provide the name of their employer.

§ 3 — *Surplus Donations*

By law, candidate committees and political committees, other than ongoing PACs or exploratory committees, must spend or distribute surplus funds within 90 days of (1) a primary when a candidate loses, (2) an election, or (3) a referendum.

The bill treats participating candidates who do not qualify for or receive grant money as nonparticipating candidates, allowing them to distribute their surplus funds to charitable organizations or the CEF. The law, unchanged by the bill, requires participating candidates who receive grants to distribute any surplus to the CEF.

CITIZENS’ ELECTION PROGRAM

The Citizens’ Election Program is a system of public campaign financing under which statewide and legislative candidates who receive qualifying contributions, agree to abide by certain spending

limits, and comply with other requirements, are eligible to receive state grants to fund their campaigns.

§ 5 — Exemption from Affidavit of Intent

By law, candidates who finance their campaigns entirely from personal funds or do not receive or spend over \$1,000 from other sources are not required to form a candidate committee and must attest to their eligibility for this exemption in a sworn statement.

If these candidates do not intend to participate in the Citizens' Election Program, the bill further exempts them from the requirement to file an affidavit certifying their intent to abide or not abide by the program's spending limits. Like other candidates who do not intend to participate, they are called "nonparticipating candidates."

§ 6 — Qualifying Contributions

The bill expands statewide office candidates' reporting requirement with respect to qualifying contributions. By law, all participating candidates, whether running for statewide or legislative office, must submit documentation with their grant application demonstrating that their contributions meet the qualifying contribution criteria (see BACKGROUND). The bill requires statewide office candidate and exploratory committees to also file documentation on or about the same time they submit periodic campaign finance reports.

In addition, the bill prohibits contributions made by minors under age 12 from counting as qualifying contributions. By law, minors under age 18 can contribute a maximum of \$30 to (1) exploratory and candidate committees and (2) PACs and party committees in a calendar year.

§ 7 — Determining Opposition Status

The bill establishes a date by which participating candidates are considered "opposed" for the purpose of the program. Under the bill, a participating candidate is considered to have a major party opponent if, by the nominating or petition deadline set by law: (1) a major party endorses a candidate, (2) a candidate from any other major party

receives at least 15% of the delegate vote on a roll-call at the party convention, or (3) a candidate qualifies as a petitioning candidate for any other major party's nomination.

By law, participating candidates who are opposed are eligible for a full grant while those who are unopposed are eligible for 30% of the applicable grant amount.

§ 8 — Grant Applications

The bill (1) extends, from four to 10 days, the time the SEEC has to review most grant applications from statewide office candidates and (2) specifies that the SEEC will not review general election grant applications it receives during the seven days before the last primary application deadline until after the next deadline, a week later.

Within 10 business days following Thursday or Friday submissions, the SEEC must review the applications it has received from statewide office candidates and determine whether to approve or reject each one. The SEEC must continue to review applications from legislative candidates within four business days.

§§ 3 & 9 — Excess Spending and Reporting

By law, participating candidates are entitled to additional money from the CEF if their opponents exceed certain spending limits, that is, if they make excess expenditures. The bill (1) revises the procedure for submitting supplemental campaign finance statements and for reporting excess expenditures and (2) deems candidates who submit supplemental campaign finance statements to have satisfied the periodic campaign finance report filing requirement.

Supplemental Campaign Finance Statements. Under current law, if a candidate in a primary or general election campaign with at least one participating candidate receives contributions, loans, or other funds, or makes or obligates to make an expenditure that in the aggregate exceeds 90% of the applicable spending limit for the primary or general election period, his or her campaign treasurer must file a supplemental campaign finance statement with the SEEC. Thereafter,

the campaign treasurer filing the initial supplemental statement and the campaign treasurers for all opposing candidates must file periodic supplemental campaign finance statements according to a specified schedule.

The bill eliminates the 90% threshold and requires the campaign treasurer of each candidate in a primary or general election campaign with at least one participating candidate to file weekly supplemental campaign finance statements according to the following schedule:

1. for a primary campaign, on the Thursday following the July filing date set by law, and every subsequent Thursday, including the one before the primary and
2. for a general election campaign, on the Thursday following the October filing date, and every subsequent Thursday, including the one before the election.

Supplemental statements must cover the following period: the first day not included in the last statement through midnight on the second day preceding the filing deadline.

Excess Expenditures. Under current law, each campaign treasurer of a candidate in a primary or general election campaign with at least one participating candidate must file a declaration of excess receipts or expenditures when the candidate committee receives contributions, loans, or other funds, or makes or obligates to make an expenditure that in the aggregate exceeds 100% of the applicable spending limit. The treasurer must do the same if the candidate has receipts or expenditures that in the aggregate exceed 125%, 150%, or 175% of the applicable spending limit for the primary or general election. These requirements apply to treasurers for participating and nonparticipating candidates.

With respect to excess expenditures, the bill (1) bases reporting for participating candidates on their expenditures only and (2) eliminates the requirement that they file declarations at the 125%, 150%, and 175%

thresholds.

Under the bill, if a participating candidate in a primary or general election campaign with at least one participating candidate makes or obligates to make an expenditure that in the aggregate exceeds 100% of the applicable spending limit for the primary or general election period, his or her campaign treasurer must file a declaration of excess expenditures with the SEEC. The bill does not change the filing schedule. If the candidate exceeds the threshold more than 20 days before the primary or general election, the treasurer must file the declaration of excess expenditures with the commission within 48 hours of the occurrence. If a candidate reaches the threshold 20 or fewer days before the primary or election, the treasurer must file the declaration within 24 hours.

The bill does not change the procedure for nonparticipating candidates. If a nonparticipating candidate in a primary or general election campaign with at least one participating candidate exceeds one of the thresholds (100%, 125%, 150%, or 175%), the treasurer must file the declaration of excess receipts or expenditures with the commission according to the same schedule for participating candidates.

The bill specifies that declarations of excess expenditures must cover the following period: the first day not included in the last statement through midnight on the first day preceding the filing deadline.

BACKGROUND

Qualifying Contributions

In addition to the certification from contributors that they are not a state contractor or prospective state contractor or a communicator lobbyist or an immediate family member of one, contributions must include:

1. the contributor's name and address;

2. the amount, form, and date;
3. the candidate committee's name;
4. whether the contributor is 18 or older;
5. the name of the contributor's employer and the contributor's occupation; and
6. an affirmation that the contribution is being made from personal funds, is not being reimbursed, is not a loan, and is not otherwise prohibited.

Related Bill

sHB 6663, favorably reported by the Government Administration and Elections Committee on March 30, makes several changes to the Citizens' Election Program, including some affecting organization expenditures, primary grants for candidates in party-dominant districts, and using grant funds for post-election expenses.

COMMITTEE ACTION

Government Administration and Elections Committee

Joint Favorable Substitute

Yea 15 Nay 0 (03/25/2009)