



STATE OF CONNECTICUT  
STATE ELECTIONS ENFORCEMENT COMMISSION

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**TESTIMONY PRESENTED BEFORE THE GOVERNMENT ADMINISTRATION  
AND ELECTIONS COMMITTEE**

*March 13, 2009*

*Beth A. Rotman, Director of the Citizens' Election Program, 860-256-2940*

*House Bill 6661 An Act Concerning the Status of Candidates and Certain Donations  
Under the Citizens' Election Program*

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The State Elections Enforcement Commission provides the following testimony concerning **House Bill 6661**.

First, the Commission proposal in House Bill 6662 An Act Concerning Certain Revisions to the Citizens' Election Program offers language that eliminates the uncertainty for participating campaigns as to grant amounts and expenditure limits in races with vacancies in nomination. Our proposed language is responsive to the issues identified in House Bill 6661.

As it stands now, if a participating candidate is "opposed" by a major party candidate, he or she is eligible to apply for a full grant in that race. If a participating candidate is "unopposed," he or she is only eligible for one-third of the full grant amount. In the 2008 General Assembly election cycle, certain participating candidates were met with uncertainty as to the implications for their grants in instances where the participating candidate had a nominated opponent who withdrew subsequent to the deadline for nomination and was not immediately replaced. As described by several candidates participating in the Citizens' Election Program (the "Program"), in some instances, such nominated opponents are not replaced until close to the deadline to fill a vacancy (which is 21 days prior to the election). This generally leads to periods of uncertainty for participating candidates who may be uncertain about how much may be spent during the election. Such uncertainty could de-incentivize participation in the Program. Indeed, several participating candidates informed Commission staff that they did not know whether they would participate in the Program due to the uncertainty created by such issues.

Accordingly, the Commission's proposal in HB 6662 sets a firm deadline for determining opposition status. Under the Commission's proposal, a participating candidate that faces an opponent on the statutory deadline for nomination shall be deemed "opposed" for the entire election campaign and will be eligible to apply for and receive a full grant according to this designation. This will create certainty for participating candidates regarding both their grant amounts and expenditure limits for the duration of the election regardless of the shifting ballot status of their opposition – something participating campaigns have no control over. This is important for incentivizing participation in the voluntary Program and protecting the candidates who elect to join the Program.

Section 2 of House Bill 6661 would prove extraordinarily burdensome for campaign treasurers, and accordingly, the Commission cautions against adoption of this proposal. In 2008, many candidates who applied for a grant from the Program utilized what the Commission has termed a "buffer," which allows participating candidates to submit excess qualifying contributions to ensure compliance with threshold qualifications. The proposal in section 2 of HB 6661 would amend current law to permit the campaign treasurer to return additional contributions to contributors, even after submission of the grant application, in lieu of submission of the "buffer" of qualifying contributions to the Citizens' Election Fund.

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It is already sufficiently challenging for treasurers to fulfill the administrative and accounting requirements dictated by current campaign finance laws. The change included in the current proposal, however, would add considerably to the administrative burden placed on campaign treasurers.

More specifically, campaign treasurers would be required to monitor the return and deposit of campaign contributions, even after the essential fundraising portion of the campaign had been completed, and the grant application had been submitted. It would be difficult for campaign treasurers to account for the return and deposit of such contributions to selected contributors. And yet, the campaign treasurer would be required to do just that. They would be burdened with accounting for such deposits to ensure compliance with other Program requirements.

Further, a contributor's failure to deposit a returned contribution could render the participating campaign in violation of Program requirements related to receipt of grant awards. And, moreover the return of the "wrong" contribution could mean that the campaign could become "unqualified" for a grant award.

Accordingly, the Commission cautions against adoption of this proposal. Thank you for your consideration of the Commission's view on this bill.