



General Assembly

February Session, 2010

Raised Bill No. 5470

LCO No. 2029

02029_____GAE

Referred to Committee on Government Administration and Elections

Introduced by:
(GAE)

AN ACT CONCERNING THE STATE ELECTIONS ENFORCEMENT COMMISSION AND CAMPAIGN TREASURERS.

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

1 Section 1. Subsection (b) of section 9-623 of the 2010 supplement to
2 the general statutes is repealed and the following is substituted in lieu
3 thereof (*Effective July 1, 2010*):

4 (b) (1) If any campaign treasurer fails to file any statement required
5 by section 9-608, or if any candidate fails to file either (A) a statement
6 for the formation of a candidate committee as required by section 9-
7 604, or (B) a certification pursuant to section 9-603 that the candidate is
8 exempt from forming a candidate committee as required by section
9 9-604, within the time required, the campaign treasurer or candidate,
10 as the case may be, shall pay a late filing fee of one hundred dollars. A
11 campaign treasurer may request a waiver of such fee and the State
12 Elections Enforcement Commission shall grant such waiver if the
13 commission determines that a campaign treasurer submitted any such
14 statement or certification late because of a hardship experienced by the
15 treasurer.

16 (2) In the case of any such statement or certification that is required
17 to be filed with the State Elections Enforcement Commission, the
18 commission shall, not later than ten days after the filing deadline is, or
19 should be, known to have passed, notify by certified mail, return
20 receipt requested, the person required to file that, if such statement or
21 certification is not filed not later than twenty-one days after such
22 notice, the person is in violation of section 9-603, 9-604 or 9-608.

23 (3) In the case of any such statement or certification that is required
24 to be filed with a town clerk, the town clerk shall forthwith after the
25 filing deadline is, or should be, known to have passed, notify by
26 certified mail, return receipt requested, the person required to file that,
27 if such statement or certification is not filed not later than seven days
28 after the town clerk mails such notice, the town clerk shall notify the
29 State Elections Enforcement Commission that the person is in violation
30 of section 9-603, 9-604 or 9-608.

31 (4) The penalty for any violation of section 9-603, 9-604 or 9-608 shall
32 be a fine of not less than two hundred dollars or more than two
33 thousand dollars or imprisonment for not more than one year, or both.

34 Sec. 2. Section 9-7b of the general statutes is repealed and the
35 following is substituted in lieu thereof (*Effective January 1, 2010*):

36 (a) The State Elections Enforcement Commission shall have the
37 following duties and powers:

38 (1) To make investigations on its own initiative or with respect to
39 statements filed with the commission by the Secretary of the State or
40 any town clerk, or upon written complaint under oath by any
41 individual, with respect to alleged violations of any provision of the
42 general statutes relating to any election or referendum, any primary
43 held pursuant to section 9-423, 9-425 or 9-464 or any primary held
44 pursuant to a special act, and to hold hearings when the commission
45 deems necessary to investigate violations of any provisions of the
46 general statutes relating to any such election, primary or referendum,

47 and for the purpose of such hearings the commission may administer
48 oaths, examine witnesses and receive oral and documentary evidence,
49 and shall have the power to subpoena witnesses under procedural
50 rules the commission shall adopt, to compel their attendance and to
51 require the production for examination of any books and papers which
52 the commission deems relevant to any matter under investigation or in
53 question. In connection with its investigation of any alleged violation
54 of any provision of chapter 145, or of any provision of section 9-359 or
55 section 9-359a, the commission shall also have the power to subpoena
56 any municipal clerk and to require the production for examination of
57 any absentee ballot, inner and outer envelope from which any such
58 ballot has been removed, depository envelope containing any such
59 ballot or inner or outer envelope as provided in sections 9-150a and 9-
60 150b and any other record, form or document as provided in section 9-
61 150b, in connection with the election, primary or referendum to which
62 the investigation relates. In case of a refusal to comply with any
63 subpoena issued pursuant to this subsection or to testify with respect
64 to any matter upon which that person may be lawfully interrogated,
65 the superior court for the judicial district of Hartford, on application of
66 the commission, may issue an order requiring such person to comply
67 with such subpoena and to testify; failure to obey any such order of the
68 court may be punished by the court as a contempt thereof. In any
69 matter under investigation which concerns the operation or inspection
70 of or outcome recorded on any voting machine, the commission may
71 issue an order to the municipal clerk to impound such machine until
72 the investigation is completed;

73 (2) To levy a civil penalty not to exceed (A) two thousand dollars
74 per offense against any person the commission finds to be in violation
75 of any provision of chapter 145, part V of chapter 146, part I of chapter
76 147, chapter 148, section 7-9, section 9-12, subsection (a) of section 9-17,
77 section 9-19b, 9-19e, 9-19g, 9-19h, 9-19i, 9-20, 9-21, 9-23a, 9-23g, 9-23h,
78 9-23j to 9-23o, inclusive, 9-23r, 9-26, 9-31a, 9-32, 9-35, 9-35b, 9-35c, 9-
79 40a, 9-42, 9-43, 9-50a, 9-56, 9-59, 9-168d, 9-170, 9-171, 9-172, 9-232i to 9-
80 232o, inclusive, 9-404a to 9-404c, inclusive, 9-409, 9-410, 9-412, 9-436, 9-

81 436a, 9-453e to 9-453h, inclusive, 9-453k or 9-453o, (B) two thousand
82 dollars per offense against any town clerk, registrar of voters, an
83 appointee or designee of a town clerk or registrar of voters, or any
84 other election or primary official whom the commission finds to have
85 failed to discharge a duty imposed by any provision of chapter 146 or
86 147, (C) two thousand dollars per offense against any person the
87 commission finds to have (i) improperly voted in any election, primary
88 or referendum, and (ii) not been legally qualified to vote in such
89 election, primary or referendum, or (D) two thousand dollars per
90 offense or twice the amount of any improper payment or contribution,
91 whichever is greater, against any person the commission finds to be in
92 violation of any provision of chapter 155 or 157. The commission may
93 levy a civil penalty against any person under subparagraph (A), (B),
94 (C) or (D) of this subdivision only after giving the person an
95 opportunity to be heard at a hearing conducted in accordance with
96 sections 4-176e to 4-184, inclusive. In the case of failure to pay any such
97 penalty levied pursuant to this subsection within thirty days of written
98 notice sent by certified or registered mail to such person, the superior
99 court for the judicial district of Hartford, on application of the
100 commission, may issue an order requiring such person to pay the
101 penalty imposed and such court costs, state marshal's fees and
102 attorney's fees incurred by the commission as the court may
103 determine. Any civil penalties paid, collected or recovered under
104 subparagraph (D) of this subdivision for a violation of any provision of
105 chapter 155 applying to the office of the Treasurer shall be deposited
106 on a pro rata basis in any trust funds, as defined in section 3-13c,
107 affected by such violation;

108 (3) (A) To issue an order requiring any person the commission finds
109 to have received any contribution or payment which is prohibited by
110 any of the provisions of chapter 155 or 157, after an opportunity to be
111 heard at a hearing conducted in accordance with the provisions of
112 sections 4-176e to 4-184, inclusive, to return such contribution or
113 payment to the donor or payor, or to remit such contribution or
114 payment to the state for deposit in the General Fund or the Citizens'

115 Election Fund, whichever is deemed necessary to effectuate the
116 purposes of chapter 155 or 157, as the case may be;

117 (B) To issue an order when the commission finds that an intentional
118 violation of any provision of chapter 155 or 157 has been committed,
119 after an opportunity to be heard at a hearing conducted in accordance
120 with sections 4-176e to 4-184, inclusive, which order may contain one
121 or more of the following sanctions: (i) Removal of a campaign
122 treasurer, deputy campaign treasurer or solicitor; (ii) prohibition on
123 serving as a campaign treasurer, deputy campaign treasurer or
124 solicitor, for a period not to exceed four years; and (iii) in the case of a
125 party committee or a political committee, suspension of all political
126 activities, including, but not limited to, the receipt of contributions and
127 the making of expenditures, provided the commission may not order
128 such a suspension unless the commission has previously ordered the
129 removal of the campaign treasurer and notifies the officers of the
130 committee that the commission is considering such suspension;

131 (C) To issue an order revoking any person's eligibility to be
132 appointed or serve as an election, primary or referendum official or
133 unofficial checker or in any capacity at the polls on the day of an
134 election, primary or referendum, when the commission finds such
135 person has intentionally violated any provision of the general statutes
136 relating to the conduct of an election, primary or referendum, after an
137 opportunity to be heard at a hearing conducted in accordance with
138 sections 4-176e to 4-184, inclusive;

139 (D) To issue an order to enforce the provisions of the Help America
140 Vote Act, P.L. 107-252, as amended from time to time, as the
141 commission deems appropriate;

142 (E) To issue an order following the commission's determination of
143 the right of an individual to be or remain an elector when such
144 determination is made (i) pursuant to an appeal taken to the
145 commission from a decision of the registrars of voters or board of
146 admission of electors under section 9-311, or (ii) following the

147 commission's investigation pursuant to subdivision (1) of this
148 subsection;

149 (F) To issue a cease and desist order for violation of any general
150 statute or regulation under the commission's jurisdiction and to take
151 reasonable actions necessary to compel compliance with such statute
152 or regulation;

153 (4) To issue an order to a candidate committee that receives moneys
154 from the Citizens' Election Fund pursuant to chapter 157, to comply
155 with the provisions of chapter 157, after an opportunity to be heard at
156 a hearing conducted in accordance with the provisions of sections 4-
157 176e to 4-184, inclusive;

158 (5) To inspect or audit at any reasonable time and upon reasonable
159 notice the accounts or records of any campaign treasurer or principal
160 campaign treasurer, as required by chapter 155 or 157 and to audit any
161 such election, primary or referendum held within the state; provided,
162 (A) (i) not later than two months preceding the day of an election at
163 which a candidate is seeking election, the commission shall complete
164 any audit it has initiated in the absence of a complaint that involves a
165 committee of the same candidate from a previous election, and (ii)
166 during the two-month period preceding the day of an election at
167 which a candidate is seeking election, the commission shall not initiate
168 an audit in the absence of a complaint that involves a committee of the
169 same candidate from a previous election, and (B) the commission shall
170 not audit any caucus, as defined in subdivision (1) of section 9-372;

171 (6) To attempt to secure voluntary compliance, by informal methods
172 of conference, conciliation and persuasion, with any provision of
173 chapter 149, 151 to 153, inclusive, 155, 156 or 157 or any other
174 provision of the general statutes relating to any such election, primary
175 or referendum;

176 (7) To consult with the Secretary of the State, the Chief State's
177 Attorney or the Attorney General on any matter which the commission

178 deems appropriate;

179 (8) To refer to the Chief State's Attorney evidence bearing upon
180 violation of any provision of chapter 149, 151 to 153, inclusive, 155, 156
181 or 157 or any other provision of the general statutes pertaining to or
182 relating to any such election, primary or referendum;

183 (9) To refer to the Attorney General evidence for injunctive relief
184 and any other ancillary equitable relief in the circumstances of
185 subdivision (8) of this subsection. Nothing in this subdivision shall
186 preclude a person who claims that he is aggrieved by a violation of any
187 provision of chapter 152 or any other provision of the general statutes
188 relating to referenda from pursuing injunctive and any other ancillary
189 equitable relief directly from the Superior Court by the filing of a
190 complaint;

191 (10) To refer to the Attorney General evidence pertaining to any
192 ruling which the commission finds to be in error made by election
193 officials in connection with any election, primary or referendum. Those
194 remedies and procedures available to parties claiming to be aggrieved
195 under the provisions of sections 9-323, 9-324, 9-328 and 9-329a shall
196 apply to any complaint brought by the Attorney General as a result of
197 the provisions of this subdivision;

198 (11) To consult with the United States Department of Justice and the
199 United States Attorney for Connecticut on any investigation pertaining
200 to a violation of this section, section 9-12, subsection (a) of section 9-17
201 or section 9-19b, 9-19e, 9-19g, 9-19h, 9-19i, 9-20, 9-21, 9-23a, 9-23g, 9-
202 23h, 9-23j to 9-23o, inclusive, 9-26, 9-31a, 9-32, 9-35, 9-35b, 9-35c, 9-40a,
203 9-42, 9-43, 9-50a, 9-56 or 9-59 and to refer to said department and
204 attorney evidence bearing upon any such violation for prosecution
205 under the provisions of the National Voter Registration Act of 1993,
206 P.L. 103-31, as amended from time to time;

207 (12) To inspect reports filed with town clerks pursuant to chapter
208 155 and refer to the Chief State's Attorney evidence bearing upon any

209 violation of law therein if such violation was committed knowingly
210 and wilfully;

211 (13) To intervene in any action brought pursuant to the provisions
212 of sections 9-323, 9-324, 9-328 and 9-329a upon application to the court
213 in which such action is brought when in the opinion of the court it is
214 necessary to preserve evidence of possible criminal violation of the
215 election laws;

216 (14) To adopt and publish regulations pursuant to chapter 54 to
217 carry out the provisions of section 9-7a, this section, and chapters 155
218 and 157; to issue upon request and publish advisory opinions in the
219 Connecticut Law Journal upon the requirements of chapters 155 and
220 157, and to make recommendations to the General Assembly
221 concerning suggested revisions of the election laws;

222 (15) To the extent that the State Elections Enforcement Commission
223 is involved in the investigation of alleged or suspected criminal
224 violations of any provision of the general statutes pertaining to or
225 relating to any such election, primary or referendum and is engaged in
226 such investigation for the purpose of presenting evidence to the Chief
227 State's Attorney, the State Elections Enforcement Commission shall be
228 deemed a law enforcement agency for purposes of subdivision (3) of
229 subsection (b) of section 1-210, provided nothing in this section shall be
230 construed to exempt the State Elections Enforcement Commission in
231 any other respect from the requirements of the Freedom of Information
232 Act, as defined in section 1-200;

233 (16) To enter into such contractual agreements as may be necessary
234 for the discharge of its duties, within the limits of its appropriated
235 funds and in accordance with established procedures;

236 (17) To provide the Secretary of the State with notice and copies of
237 all decisions rendered by the commission in contested cases, advisory
238 opinions and declaratory judgments, at the time such decisions,
239 judgments and opinions are made or issued;

240 (18) To receive and determine complaints filed under the Help
241 America Vote Act, P.L. 107-252, as amended from time to time, by any
242 person who believes there is a violation of any provision of Title III of
243 P.L. 107-252, as amended. Any complaint filed under this subdivision
244 shall be in writing, notarized and signed and sworn by the person
245 filing the complaint. At the request of the complainant, there shall be a
246 hearing on the record, conducted in accordance with sections 4-167e to
247 4-184, inclusive. The commission shall make a final determination with
248 respect to a complaint prior to the expiration of the ninety-day period
249 beginning on the date the complaint is filed, unless the complainant
250 consents to a longer period for making such determination. If the
251 commission fails to meet the applicable deadline under this
252 subdivision with respect to a complaint, the commission shall resolve
253 the complaint within sixty days after the expiration of such ninety-day
254 period under an alternative dispute resolution procedure established
255 by the commission;

256 (19) To notify each campaign treasurer of a committee of any change
257 to any provision of title 9 or to any regulation adopted pursuant to
258 said title, any special act or public act concerning elections, or any
259 interpretation by the commission of any such provision, regulation,
260 special or public act;

261 (20) To respond, not later than ten business days after receipt of a
262 telephonic question from a campaign treasurer of a committee, with a
263 written explanation to such treasurer.

264 (b) In the case of a refusal to comply with an order of the
265 commission issued pursuant to subdivision (3) or (4) of subsection (a)
266 of this section, the superior court for the judicial district of Hartford,
267 on application of the commission, may issue a further order to comply.
268 Failure to obey such further order may be punished by the court as a
269 contempt thereof.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>July 1, 2010</i>	9-623(b)
Sec. 2	<i>January 1, 2010</i>	9-7b

Statement of Purpose:

To provide for a waiver of late filing fees for certain disclosures and certifications to campaign treasurers experiencing hardship, to require the State Election and Enforcement Commission to inform campaign treasurers of changes to elections laws and regulations and to require the commission to respond to telephonic questions from campaign treasurers with a written response.

[Proposed deletions are enclosed in brackets. Proposed additions are indicated by underline, except that when the entire text of a bill or resolution or a section of a bill or resolution is new, it is not underlined.]