



General Assembly

February Session, 2010

***Raised Bill No. 5471***

LCO No. 2043

\*02043\_\_\_\_\_GAE\*

Referred to Committee on Government Administration and Elections

Introduced by:  
(GAE)

***AN ACT CONCERNING INDEPENDENT EXPENDITURES.***

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

1 Section 1. Section 9-601 of the general statutes is repealed and the  
2 following is substituted in lieu thereof (*Effective from passage*):

3 As used in this chapter and [sections 9-700 to 9-716, inclusive] and  
4 chapter 157:

5 (1) "Committee" means a party committee, political committee or a  
6 candidate committee organized, as the case may be, for a single  
7 primary, election or referendum, or for ongoing political activities, to  
8 aid or promote the success or defeat of any political party, any one or  
9 more candidates for public office or the position of town committee  
10 member or any referendum question.

11 (2) "Party committee" means a state central committee or a town  
12 committee. "Party committee" does not mean a party-affiliated or  
13 district, ward or borough committee which receives all of its funds  
14 from the state central committee of its party or from a single town

15 committee with the same party affiliation. Any such committee so  
16 funded shall be construed to be a part of its state central or town  
17 committee for purposes of this chapter and sections 9-700 to 9-716,  
18 inclusive.

19 (3) "Political committee" means (A) a committee organized by a  
20 business entity or organization, (B) persons other than individuals, or  
21 two or more individuals organized or acting jointly conducting their  
22 activities in or outside the state, (C) an exploratory committee, (D) a  
23 committee established by or on behalf of a slate of candidates in a  
24 primary for the office of justice of the peace, but does not mean a  
25 candidate committee or a party committee, (E) a legislative caucus  
26 committee, or (F) a legislative leadership committee.

27 (4) "Candidate committee" means any committee designated by a  
28 single candidate, or established with the consent, authorization or  
29 cooperation of a candidate, for the purpose of a single primary or  
30 election and to aid or promote such candidate's candidacy alone for a  
31 particular public office or the position of town committee member, but  
32 does not mean a political committee or a party committee.

33 (5) "Exploratory committee" means a committee established by a  
34 candidate for a single primary or election (A) to determine whether to  
35 seek nomination or election to (i) the General Assembly, (ii) a state  
36 office, as defined in subsection (e) of section 9-610, or (iii) any other  
37 public office, and (B) if applicable, to aid or promote said candidate's  
38 candidacy for nomination to the General Assembly or any such state  
39 office.

40 (6) "National committee" means the organization which according to  
41 the bylaws of a political party is responsible for the day-to-day  
42 operation of the party at the national level.

43 (7) "Organization" means all labor organizations, (A) as defined in  
44 the Labor-Management Reporting and Disclosure Act of 1959, as from  
45 time to time amended, or (B) as defined in subdivision (9) of section

46 31-101, employee organizations as defined in subsection (d) of section  
47 5-270 and subdivision (6) of section 7-467, bargaining representative  
48 organizations for teachers, any local, state or national organization, to  
49 which a labor organization pays membership or per capita fees, based  
50 upon its affiliation or membership, and trade or professional  
51 associations which receive their funds exclusively from membership  
52 dues, whether organized in or outside of this state, but does not mean  
53 a candidate committee, party committee or a political committee.

54 (8) "Business entity" means the following, whether organized in or  
55 outside of this state: Stock corporations, banks, insurance companies,  
56 business associations, bankers associations, insurance associations,  
57 trade or professional associations which receive funds from  
58 membership dues and other sources, partnerships, joint ventures,  
59 private foundations, as defined in Section 509 of the Internal Revenue  
60 Code of 1986, or any subsequent corresponding internal revenue code  
61 of the United States, as from time to time amended; trusts or estates;  
62 corporations organized under sections 38a-175 to 38a-192, inclusive,  
63 38a-199 to 38a-209, inclusive, and 38a-214 to 38a-225, inclusive, and  
64 chapters 594 to 597, inclusive; cooperatives, and any other association,  
65 organization or entity which is engaged in the operation of a business  
66 or profit-making activity; but does not include professional service  
67 corporations organized under chapter 594a and owned by a single  
68 individual, nonstock corporations which are not engaged in business  
69 or profit-making activity, organizations, as defined in subdivision (6)  
70 of this section, candidate committees, party committees and political  
71 committees as defined in this section. For purposes of this chapter,  
72 corporations which are component members of a controlled group of  
73 corporations, as those terms are defined in Section 1563 of the Internal  
74 Revenue Code of 1986, or any subsequent corresponding internal  
75 revenue code of the United States, as from time to time amended, shall  
76 be deemed to be one corporation.

77 (9) "Individual" means a human being, a sole proprietorship, or a  
78 professional service corporation organized under chapter 594a and

79 owned by a single human being.

80 (10) "Person" means an individual, committee, firm, partnership,  
81 organization, association, syndicate, company trust, corporation,  
82 limited liability company or any other legal entity of any kind but does  
83 not mean the state or any political or administrative subdivision of the  
84 state.

85 (11) "Candidate" means an individual who seeks nomination for  
86 election or election to public office whether or not such individual is  
87 elected, and for the purposes of this chapter and sections 9-700 to 9-  
88 716, inclusive, an individual shall be deemed to seek nomination for  
89 election or election if such individual has (A) been endorsed by a party  
90 or become eligible for a position on the ballot at an election or primary,  
91 or (B) solicited or received contributions, made expenditures or given  
92 such individual's consent to any other person to solicit or receive  
93 contributions or make expenditures with the intent to bring about such  
94 individual's nomination for election or election to any such office.  
95 "Candidate" also means a slate of candidates which is to appear on the  
96 ballot in a primary for the office of justice of the peace. For the  
97 purposes of sections 9-600 to 9-610, inclusive, as amended by this act,  
98 and section 9-621, as amended by this act, "candidate" also means an  
99 individual who is a candidate in a primary for town committee  
100 members.

101 (12) "Campaign treasurer" means the individual appointed by a  
102 candidate or by the chairperson of a party committee or a political  
103 committee to receive and disburse funds on behalf of the candidate or  
104 committee.

105 (13) "Deputy campaign treasurer" means the individual appointed  
106 by the candidate or by the chairperson of a committee to serve in the  
107 capacity of the campaign treasurer if the campaign treasurer is unable  
108 to perform the campaign treasurer's duties.

109 (14) "Solicitor" means an individual appointed by a campaign

110 treasurer of a committee to receive, but not to disburse, funds on  
111 behalf of the committee.

112 (15) "Referendum question" means a question to be voted upon at  
113 any election or referendum, including a proposed constitutional  
114 amendment.

115 (16) "Lobbyist" means a lobbyist, as defined in section 1-91 and  
116 "communicator lobbyist" means a communicator lobbyist, as defined  
117 in section 1-91.

118 (17) "Business with which he is associated" means any business in  
119 which the contributor is a director, officer, owner, limited or general  
120 partner or holder of stock constituting five per cent or more of the total  
121 outstanding stock of any class. Officer refers only to the president,  
122 executive or senior vice-president or treasurer of such business.

123 [(18) "Independent expenditure" means an expenditure that is made  
124 without the consent, knowing participation, or consultation of, a  
125 candidate or agent of the candidate committee and is not a coordinated  
126 expenditure.

127 (19) "Coordinated expenditure" means an expenditure made by a  
128 person:

129 (A) In cooperation, consultation, in concert with, at the request,  
130 suggestion or direction of, or pursuant to a general or particular  
131 understanding with (i) a candidate, candidate committee, political  
132 committee or party committee, or (ii) a consultant or other agent acting  
133 on behalf of a candidate, candidate committee, political committee or  
134 party committee;

135 (B) For the production, dissemination, distribution or publication, in  
136 whole or in substantial part, of any broadcast or any written, graphic  
137 or other form of political advertising or campaign communication  
138 prepared by (i) a candidate, candidate committee, political committee  
139 or party committee, or (ii) a consultant or other agent acting on behalf

140 of a candidate, candidate committee, political committee or party  
141 committee;

142 (C) Based on information about a candidate's plans, projects or  
143 needs, provided by (i) a candidate, candidate committee, political  
144 committee or party committee, or (ii) a consultant or other agent acting  
145 on behalf of a candidate, candidate committee, political committee or  
146 party committee, with the intent that such expenditure be made;

147 (D) Who, in the same election cycle, is serving or has served as the  
148 campaign chairperson, campaign treasurer or deputy treasurer of a  
149 candidate committee, political committee or party committee  
150 benefiting from such expenditure, or in any other executive or  
151 policymaking position as a member, employee, fundraiser, consultant  
152 or other agent of a candidate, candidate committee, political committee  
153 or party committee;

154 (E) For fundraising activities (i) with or for a candidate, candidate  
155 committee, political committee or party committee, or a consultant or  
156 other agent acting on behalf of a candidate, candidate committee,  
157 political committee or party committee, or (ii) for the solicitation or  
158 receipt of contributions on behalf of a candidate, candidate committee,  
159 political committee or party committee, or a consultant or other agent  
160 acting on behalf of a candidate, candidate committee, political  
161 committee or party committee;

162 (F) Based on information about a candidate's campaign plans,  
163 projects or needs, that is directly or indirectly provided by said  
164 candidate, the candidate's candidate committee, a political committee  
165 or a party committee, or a consultant or other agent acting on behalf of  
166 said candidate, candidate committee, political committee or party  
167 committee, to the person making the expenditure or said person's  
168 agent, with an express or tacit understanding that said person is  
169 considering making the expenditure; or

170 (G) For a communication that clearly identifies a candidate during

171 an election campaign, if the person making the expenditure, or said  
172 person's agent, has informed said candidate, the candidate's candidate  
173 committee, a political committee or a party committee, or a consultant  
174 or other agent acting on behalf of said candidate, candidate committee,  
175 political committee or party committee, concerning the  
176 communication's contents, intended audience, timing, location or  
177 mode or frequency of dissemination.]

178 [(20)] (18) "Federal account" means a depository account that is  
179 subject to the disclosure and contribution limits provided under the  
180 Federal Election Campaign Act of 1971, as amended from time to time.

181 [(21)] (19) "Public funds" means funds belonging to, or under the  
182 control of, the state or a political subdivision of the state.

183 [(22)] (20) "Legislative caucus committee" means a committee  
184 established under subdivision (2) of subsection (e) of section 9-605 by  
185 the majority of the members of a political party who are also state  
186 representatives or state senators.

187 [(23)] (21) "Legislative leadership committee" means a committee  
188 established under subdivision (3) of subsection (e) of section 9-605 by a  
189 leader of the General Assembly.

190 [(24)] (22) "Immediate family" means the spouse or a dependent  
191 child of an individual.

192 [(25)] (23) "Organization expenditure" means an expenditure by a  
193 party committee, legislative caucus committee or legislative leadership  
194 committee for the benefit of a candidate or candidate committee for:

195 (A) The preparation, display or mailing or other distribution of a  
196 party candidate listing. As used in this subparagraph, "party candidate  
197 listing" means any communication that meets the following criteria: (i)  
198 The communication lists the name or names of candidates for election  
199 to public office, (ii) the communication is distributed through public  
200 advertising such as broadcast stations, cable television, newspapers or

201 similar media, or through direct mail, telephone, electronic mail,  
202 publicly accessible sites on the Internet or personal delivery, (iii) the  
203 treatment of all candidates in the communication is substantially  
204 similar, and (iv) the content of the communication is limited to (I) for  
205 each such candidate, identifying information, including photographs,  
206 the office sought, the office currently held by the candidate, if any, the  
207 party enrollment of the candidate, a brief statement concerning the  
208 candidate's positions, philosophy, goals, accomplishments or  
209 biography and the positions, philosophy, goals or accomplishments of  
210 the candidate's party, (II) encouragement to vote for each such  
211 candidate, and (III) information concerning voting, including voting  
212 hours and locations;

213 (B) A document in printed or electronic form, including a party  
214 platform, a copy of an issue paper, information pertaining to the  
215 requirements of this title, a list of registered voters and voter  
216 identification information, which document is created or maintained  
217 by a party committee, legislative caucus committee or legislative  
218 leadership committee for the general purposes of party or caucus  
219 building and is provided (i) to a candidate who is a member of the  
220 party that has established such party committee, or (ii) to a candidate  
221 who is a member of the party of the caucus or leader who has  
222 established such legislative caucus committee or legislative leadership  
223 committee, whichever is applicable;

224 (C) A campaign event at which a candidate or candidates are  
225 present;

226 (D) The retention of the services of an advisor to provide assistance  
227 relating to campaign organization, financing, accounting, strategy, law  
228 or media; or

229 (E) The use of offices, telephones, computers and similar equipment  
230 which does not result in additional cost to the party committee,  
231 legislative caucus committee or legislative leadership committee.



232 [(26)] (24) "Solicit" means (A) requesting that a contribution be  
233 made, (B) participating in any fund-raising activities for a candidate  
234 committee, exploratory committee, political committee or party  
235 committee, including, but not limited to, forwarding tickets to  
236 potential contributors, receiving contributions for transmission to any  
237 such committee or bundling contributions, (C) serving as chairperson,  
238 treasurer or deputy treasurer of any such committee, or (D)  
239 establishing a political committee for the sole purpose of soliciting or  
240 receiving contributions for any committee. "Solicit" does not include (i)  
241 making a contribution that is otherwise permitted under this chapter,  
242 (ii) informing any person of a position taken by a candidate for public  
243 office or a public official, (iii) notifying the person of any activities of,  
244 or contact information for, any candidate for public office, or (iv)  
245 serving as a member in any party committee or as an officer of such  
246 committee that is not otherwise prohibited in this subdivision.

247 [(27) "Agent" means any person acting at the direction of an  
248 individual.]

249 (25) "Entity" means the following, whether organized in this or any  
250 other state: an organization, corporation, cooperative association,  
251 limited partnership, professional association, limited liability  
252 company, and limited liability partnership.

253 Sec. 2. (NEW) (*Effective from passage*) (a) As used in chapters 155 and  
254 157 of the general statutes, the term "independent expenditure" means  
255 an expenditure, as defined in section 9-601b of the general statutes,  
256 that is made without the consent, coordination, or consultation of, a  
257 candidate or agent of the candidate, candidate committee, political  
258 committee or party committee.

259 (b) When the State Elections Enforcement Commission evaluates an  
260 expenditure to determine whether such expenditure is an independent  
261 expenditure, there shall be a rebuttable presumption that the following  
262 expenditures are not independent expenditures:

263 (1) An expenditure made by a person in cooperation, consultation,  
264 in concert with, at the request, suggestion or direction of, or pursuant  
265 to a general or particular understanding with (A) a candidate,  
266 candidate committee, political committee or party committee, or (B) a  
267 consultant or other agent acting on behalf of a candidate, candidate  
268 committee, political committee or party committee;

269 (2) An expenditure made by a person for the production,  
270 dissemination, distribution or publication, in whole or in substantial  
271 part, of any broadcast or any written, graphic or other form of political  
272 advertising or campaign communication prepared by (A) a candidate,  
273 candidate committee, political committee or party committee, or (B) a  
274 consultant or other agent acting on behalf of a candidate, candidate  
275 committee, political committee or party committee;

276 (3) An expenditure made by a person based on information about a  
277 candidate's, political committee's, or party committee's plans, projects  
278 or needs, provided by (A) a candidate, candidate committee, political  
279 committee or party committee, or (B) a consultant or other agent acting  
280 on behalf of a candidate, candidate committee, political committee or  
281 party committee, with the intent that such expenditure be made;

282 (4) An expenditure made by an individual who, in the same election  
283 cycle, is serving or has served as the campaign chairperson, campaign  
284 treasurer or deputy treasurer of a candidate committee, political  
285 committee or party committee benefiting from such expenditure, or in  
286 any other executive or policymaking position as a member, employee,  
287 fundraiser, consultant or other agent of a candidate, candidate  
288 committee, political committee or party committee;

289 (5) An expenditure made by a person who is an officer, director,  
290 member, employee, fundraiser, consultant or other agent who serves  
291 the entity, political committee or party committee in an executive or  
292 policymaking position serves as or has served in the same election  
293 cycle as the candidate, campaign chairperson, campaign treasurer or  
294 deputy treasurer of a candidate committee, political committee or

295 party committee benefiting from such expenditure, or in any other  
296 executive or policymaking position of the candidate committee,  
297 political committee or party committee;

298 (6) An expenditure made by a person for fundraising activities (A)  
299 with or for a candidate, candidate committee, political committee or  
300 party committee, or a consultant or other agent acting on behalf of a  
301 candidate, candidate committee, political committee or party  
302 committee, or (B) for the solicitation or receipt of contributions on  
303 behalf of a candidate, candidate committee, political committee or  
304 party committee, or a consultant or other agent acting on behalf of a  
305 candidate, candidate committee, political committee or party  
306 committee;

307 (7) An expenditure made by a person based on information about a  
308 candidate's campaign plans, projects or needs, that is directly or  
309 indirectly provided by said candidate, the candidate's candidate  
310 committee, a political committee or a party committee, or a consultant  
311 or other agent acting on behalf of said candidate, candidate committee,  
312 political committee or party committee, to the person making the  
313 expenditure or said person's agent, with an express or tacit  
314 understanding that said person is considering making the expenditure;  
315 and

316 (8) An expenditure made by a person for a communication that  
317 clearly identifies a candidate during an election campaign, if the  
318 person making the expenditure, or said person's agent, has informed  
319 the candidate who benefits from the expenditure, that candidate's  
320 candidate committee, a political committee or a party committee, or a  
321 consultant or other agent acting on behalf of the benefiting candidate  
322 or candidate committee, political committee, or party committee,  
323 concerning the communication's contents, intended audience, timing,  
324 location or mode or frequency of dissemination. As used in this  
325 subdivision, a communication "clearly identifies a candidate" when  
326 that communication contains the name, nickname, initials, photograph

327 or drawing of the candidate or an unambiguous reference to that  
328 candidate, which includes, but is not limited to, a reference that can  
329 only mean that candidate.

330 Sec. 3. Subsection (a) of section 9-601a of the general statutes is  
331 repealed and the following is substituted in lieu thereof (*Effective from*  
332 *passage*):

333 (a) As used in this chapter and [sections 9-700 to 9-716] chapter 157,  
334 inclusive, "contribution" means:

335 (1) Any gift, subscription, loan, advance, payment or deposit of  
336 money or anything of value, made for the purpose of influencing the  
337 nomination for election, or election, of any person or for the purpose of  
338 aiding or promoting the success or defeat of any referendum question  
339 or on behalf of any political party;

340 (2) A written contract, promise or agreement to make a contribution  
341 for any such purpose;

342 (3) The payment by any person, other than a candidate or campaign  
343 treasurer, of compensation for the personal services of any other  
344 person which are rendered without charge to a committee or candidate  
345 for any such purpose;

346 (4) An expenditure [when made by a person with the cooperation  
347 of, or in consultation with, any candidate, candidate committee or  
348 candidate's agent or which is made in concert with, or at the request or  
349 suggestion of, any candidate, candidate committee or candidate's  
350 agent, including a coordinated expenditure] that is not an independent  
351 expenditure; or

352 (5) Funds received by a committee which are transferred from  
353 another committee or other source for any such purpose.

354 Sec. 4. Subsections (a) and (b) of section 9-602 of the general statutes  
355 are repealed and the following is substituted in lieu thereof (*Effective*

356 *from passage*):

357 (a) Except with respect to an individual acting [on his own] alone, or  
358 with respect to a group of two or more individuals acting together that  
359 receives funds or makes or incurs expenditures not exceeding one  
360 thousand dollars in the aggregate, no contributions may be made,  
361 solicited or received and no expenditures may be made, directly or  
362 indirectly, in aid of or in opposition to the candidacy for nomination or  
363 election of any individual or any party or referendum question, unless  
364 (1) the candidate or chairman of the committee has filed a designation  
365 of a campaign treasurer and a depository institution situated in this  
366 state as the depository for the committee's funds, or (2) the candidate  
367 [or, in the event of a referendum question, a group of individuals] has  
368 filed a certification in accordance with the provisions of section 9-604,  
369 [or 9-605, as the case may be.] In the case of a political committee, the  
370 filing of the statement of organization by the chairman of such  
371 committee, in accordance with the provisions of section 9-605, as  
372 amended by this act, shall constitute compliance with the provisions of  
373 this subsection.

374 (b) No contribution in aid of or in opposition to the candidacy of  
375 any person or to any party or referendum question shall be made at  
376 any time, except to the committee's campaign treasurer whose  
377 designation is on file with the proper authority, a solicitor [,] or a  
378 candidate who is exempt from the requirement to form a candidate  
379 committee and has filed a certification. [, or a group of individuals  
380 which have joined solely to support or oppose a referendum question  
381 and have filed a certification.]

382 Sec. 5. Subsection (d) of section 9-605 of the general statutes is  
383 repealed and the following is substituted in lieu thereof (*Effective from*  
384 *passage*):

385 (d) A group of two or more individuals who have joined solely to  
386 promote the success or defeat of a referendum question shall not be  
387 required to file as a political committee, make such designations in

388 accordance with subsections (a) and (b) of this section or file  
389 statements pursuant to section 9-608, if the group does not receive or  
390 expend in excess of one thousand dollars for the entire campaign. [and  
391 the agent of such individuals files a certification with the proper  
392 authority or authorities as required under section 9-603 before an  
393 expenditure is made. The certification shall include the name of the  
394 group, or the names of the persons who comprise the group, and the  
395 name and address of the agent which shall appear on any  
396 communication paid for or sponsored by the group as required by  
397 section 9-621. If the group receives or expends in excess of one  
398 thousand dollars, the agent] If the group receives funds or makes or  
399 incurs expenditures exceeding one thousand dollars in the aggregate,  
400 the group shall complete the statement of organization and file as a  
401 political committee not later than three business days thereafter, [ The  
402 agent] and shall provide the designated campaign treasurer with all  
403 information required for completion of the statements for filing as  
404 required by section 9-608. [The filing of a certification under this  
405 subsection shall not relieve the group from compliance with the  
406 provisions of this chapter, and the group shall be considered a political  
407 committee established solely for a referendum question for purposes  
408 of the limitations on contributions and expenditures.]

409 Sec. 6. Subsection (e) of section 9-612 of the 2010 supplement to the  
410 general statutes is repealed and the following is substituted in lieu  
411 thereof (*Effective from passage*):

412 (e) (1) Any individual, entity or committee acting alone may [,  
413 independent of any candidate, agent of the candidate, or committee,]  
414 make unlimited independent expenditures. [to promote the success or  
415 defeat of any candidate's campaign for election, or nomination at a  
416 primary, to any office or position.] Except as provided in subdivision  
417 (2) of this subsection, any such individual, [who makes] entity or  
418 committee that makes or obligates to make an independent  
419 expenditure or expenditures in excess of one thousand dollars, [to  
420 promote the success or defeat of any candidate's campaign for election,

421 or nomination at a primary, to any such office or position] in the  
422 aggregate, shall file statements according to the same schedule and in  
423 the same manner as is required of a campaign treasurer of a candidate  
424 committee under section 9-608.

425 (2) Any [person who] individual, entity or committee that makes or  
426 obligates to make an independent expenditure or expenditures [, as  
427 defined in section 9-601, intended] to promote the success or defeat of  
428 a candidate for the office of Governor, Lieutenant Governor, Secretary  
429 of the State, State Treasurer, State Comptroller, Attorney General, state  
430 senator or state representative, which exceeds one thousand dollars, in  
431 the aggregate, during a primary campaign or a general election  
432 campaign, as defined in section 9-700, on or after January 1, 2008, shall  
433 file a report of such independent expenditure to the State Elections  
434 Enforcement Commission. The report shall be in the same form as  
435 statements filed under section 9-608. If the [person] individual, entity  
436 or committee makes or obligates to make such independent  
437 expenditure or expenditures more than twenty days before the day of  
438 a primary or election, the [person] individual, entity or committee  
439 shall file such report not later than forty-eight hours after such  
440 payment or obligation. If the [person] individual, entity or committee  
441 makes or obligates to make such independent expenditure or  
442 expenditures twenty days or less before the day of a primary or  
443 election, the person shall file such report not later than twenty-four  
444 hours after such payment or obligation. The report shall be filed under  
445 penalty of false statement.

446 (3) The independent expenditure report [in subdivision (2) of this  
447 subsection shall include a statement shall (A) identifying] shall (A)  
448 identify the candidate for whom the independent expenditure or  
449 expenditures is intended to promote the success or defeat, [and (B)  
450 affirming that the expenditure is not a coordinated expenditure] (B)  
451 affirm under penalty of false statement that the expenditure is an  
452 independent expenditure, and (C) provide any information that the  
453 State Elections Enforcement Commission requires to facilitate

454 compliance with the provisions of this chapter or chapter 157.

455 (4) Any person may file a complaint with the commission upon the  
456 belief that (A) any such independent expenditure report or statement  
457 is false, or (B) any [person who] individual, entity or committee that is  
458 required to file an independent expenditure report under [subdivision  
459 (2) of] this subsection has failed to do so. The commission shall make a  
460 prompt determination on such a complaint.

461 (5) (A) If [a person] an individual, entity or committee fails to file a  
462 report required under subdivision (2) of this subsection for an  
463 independent expenditure or expenditures made or obligated to be  
464 made more than twenty days before the day of a primary or election,  
465 the person shall be subject to a civil penalty, imposed by the State  
466 Elections Enforcement Commission, of not more than five thousand  
467 dollars. If [a person] an individual, entity or committee fails to file a  
468 report required under subdivision (2) of this subsection for an  
469 independent expenditure or expenditures made or obligated to be  
470 made twenty days or less before the day of a primary or election, [the  
471 person] said individual, entity or committee shall be subject to a civil  
472 penalty, imposed by the State Elections Enforcement Commission, of  
473 not more than ten thousand dollars. (B) If any such failure is knowing  
474 and wilful, the person responsible for the failure shall also be fined not  
475 more than five thousand dollars or imprisoned not more than five  
476 years, or both.

477 Sec. 7. Section 9-613 of the general statutes is amended by adding  
478 subsection (g) as follows (*Effective from passage*):

479 (NEW) (g) Notwithstanding the provisions of this section, an entity,  
480 acting alone, may make independent expenditures.

481 Sec. 8. Section 9-614 of the general statutes is amended by adding  
482 subsection (d) as follows (*Effective from passage*):

483 (NEW) (d) Notwithstanding the provisions of this section, an



484 organization, acting alone, may make independent expenditures.

485 Sec. 9. Section 9-620 of the general statutes is repealed and the  
486 following is substituted in lieu thereof (*Effective from passage*):

487 (a) A political committee formed solely to aid or promote the  
488 success or defeat of a referendum question shall not make  
489 contributions to, or for the benefit of, a party committee, a political  
490 committee, a national committee, a committee of a candidate for  
491 federal or out-of-state office or a candidate committee, except in the  
492 distribution of a surplus, as provided in subsection (e) of section 9-608.

493 (b) A political committee formed solely to aid or promote the  
494 success or defeat of a referendum question shall not receive  
495 contributions from a national committee or from a committee of a  
496 candidate for federal or out-of-state office.

497 (c) No person, [as defined in subdivision (9) of section 9-601,] other  
498 than an individual or a committee, shall make a contribution to a  
499 political committee formed solely to aid or promote the success or  
500 defeat of a referendum question, or to any other person, [as defined in  
501 subdivision (9) of section 9-601,] to aid or promote the success or  
502 defeat of a referendum question, in excess of ten cents for each  
503 individual residing in the state or political subdivision thereof in  
504 which such referendum question is to be voted upon, in accordance  
505 with the last federal decennial census.

506 [(d) Any such person other than an individual or a committee which  
507 makes expenditures or has expenses incurred but not paid in excess of  
508 one thousand dollars in the state or political subdivision thereof in  
509 which a referendum question is to be voted upon, shall file all  
510 designations and sworn financial statements required to be filed by  
511 political committees and comply with all provisions of this chapter  
512 which apply to political committees.]

513 Sec. 10. Section 9-621 of the general statutes is repealed and the

514 following is substituted in lieu thereof (*Effective from passage*):

515 (a) No individual shall make or incur any expenditure with the  
516 [cooperation of, at the request or suggestion of,] consent of, in  
517 coordination with or in consultation with any candidate, candidate  
518 committee or candidate's agent; [,] no group of two or more  
519 individuals acting together that receives funds or makes or incurs  
520 expenditures not exceeding one thousand dollars in the aggregate and  
521 has not formed a political committee shall make or incur any  
522 expenditure; and no candidate or committee shall make or incur any  
523 expenditure including an organization expenditure for a party  
524 candidate listing, as defined in subparagraph (A) of subdivision [(25)]  
525 (23) of section 9-601, as amended by this act, for any written, typed or  
526 other printed communication, or any web-based, written  
527 communication, which promotes the success or defeat of any  
528 candidate's campaign for nomination at a primary or election or  
529 promotes or opposes any political party or solicits funds to benefit any  
530 political party or committee unless such communication bears upon its  
531 face (1) the words "paid for by" and the following: (A) In the case of  
532 such an individual, the name and address of such individual; (B) in the  
533 case of a committee other than a party committee, the name of the  
534 committee and its campaign treasurer; [or] (C) in the case of a party  
535 committee, the name of the committee; or (D) in the case of a group of  
536 two or more individuals that receives funds or makes or incurs  
537 expenditures not exceeding one thousand dollars in the aggregate and  
538 has not formed a political committee, the name of the group and the  
539 name and address of its agent, and (2) the words "approved by" and  
540 the following: (A) In the case of an individual, group or committee  
541 other than a candidate committee making or incurring an expenditure  
542 with the [cooperation of, at the request or suggestion of,] consent of, in  
543 coordination with or in consultation with any candidate, candidate  
544 committee or candidate's agent, the name of [such individual] the  
545 candidate; or (B) in the case of a candidate committee, the name of the  
546 candidate.

547 (b) In addition to the requirements of subsection (a) of this section:

548 (1) No candidate or candidate committee or exploratory committee  
549 established by a candidate shall make or incur any expenditure for  
550 television advertising or Internet video advertising, which promotes  
551 the success of such candidate's campaign for nomination at a primary  
552 or election or the defeat of another candidate's campaign for  
553 nomination at a primary or election, unless (A) at the end of such  
554 advertising there appears simultaneously, for a period of not less than  
555 four seconds, (i) a clearly identifiable photographic or similar image of  
556 the candidate making such expenditure, (ii) a clearly readable printed  
557 statement identifying such candidate, and indicating that such  
558 candidate has approved the advertising, and (iii) a simultaneous,  
559 personal audio message, in the following form: "I am .... (candidate's  
560 name) and I approved this message", and (B) the candidate's name and  
561 image appear in, and the candidate's voice is contained in, the  
562 narrative of the advertising, before the end of such advertising;

563 (2) No candidate or candidate committee or exploratory committee  
564 established by a candidate shall make or incur any expenditure for  
565 radio advertising or Internet audio advertising, which promotes the  
566 success of such candidate's campaign for nomination at a primary or  
567 election or the defeat of another candidate's campaign for nomination  
568 at a primary or election, unless (A) the advertising ends with a  
569 personal audio statement by the candidate making such expenditure  
570 (i) identifying such candidate and the office such candidate is seeking,  
571 and (ii) indicating that such candidate has approved the advertising in  
572 the following form: "I am .... (candidate's name) and I approved this  
573 message", and (B) the candidate's name and voice are contained in the  
574 narrative of the advertising, before the end of such advertising; and

575 (3) No candidate or candidate committee or exploratory committee  
576 established by a candidate shall make or incur any expenditure for  
577 automated telephone calls which promote the success of such  
578 candidate's campaign for nomination at a primary or election or the

579 defeat of another candidate's campaign for nomination at a primary or  
580 election, unless the candidate's name and voice are contained in the  
581 narrative of the call, before the end of such call.

582 (c) No business entity, organization, association, committee, or  
583 group of two or more individuals who have joined solely to promote  
584 the success or defeat of a referendum question [and is required to file a  
585 certification in accordance with subsection (d) of section 9-605,] shall  
586 make or incur any expenditure for any written, typed or other printed  
587 communication which promotes the success or defeat of any  
588 referendum question unless such communication bears upon its face  
589 the words "paid for by" and the following: (1) In the case of a business  
590 entity, organization or association, the name of the business entity,  
591 organization or association and the name of its chief executive officer  
592 or equivalent; (2) in the case of a political committee, the name of the  
593 committee and the name of its campaign treasurer; (3) in the case of a  
594 party committee, the name of the committee; or (4) in the case of such a  
595 group of two or more individuals, the name of the group [as it appears  
596 on the certification filed in accordance with subsection (d) of section 9-  
597 605,] and the name and address of its agent.

598 (d) The provisions of subsections (a), (b) and (c) of this section do  
599 not apply to (1) any editorial, news story, or commentary published in  
600 any newspaper, magazine or journal on its own behalf and upon its  
601 own responsibility and for which it does not charge or receive any  
602 compensation whatsoever, (2) any banner, (3) political paraphernalia  
603 including pins, buttons, badges, emblems, hats, bumper stickers or  
604 other similar materials, or (4) signs with a surface area of not more  
605 than thirty-two square feet.

606 (e) The campaign treasurer of a candidate committee which  
607 sponsors any written, typed or other printed communication for the  
608 purpose of raising funds to eliminate a campaign deficit of that  
609 committee shall include in such communication a statement that the  
610 funds are sought to eliminate such a deficit.

611 (f) The campaign treasurer of an exploratory committee or  
612 candidate committee established by a candidate for nomination or  
613 election to the office of Treasurer which committee sponsors any  
614 written, typed or other printed communication for the purpose of  
615 raising funds shall include in such communication a statement  
616 concerning the prohibitions set forth in subsection (n) of section 1-84,  
617 subsection (f) of section 9-612 and subsection (f) of section 9-613.

618 (g) In the event a campaign treasurer of a candidate committee is  
619 replaced pursuant to subsection (c) of section 9-602, nothing in this  
620 section shall be construed to prohibit the candidate committee from  
621 distributing any printed communication subject to the provisions of  
622 this section that has already been printed or otherwise produced, even  
623 though such communication does not accurately designate the  
624 successor campaign treasurer of such candidate committee.

625 (h) (1) No entity shall make or incur an independent expenditure for  
626 any written, typed or other printed communication, or any web-based,  
627 written communication, which promotes the success or defeat of any  
628 candidate for nomination or election or promotes or opposes any  
629 political party or solicits funds to benefit any political party or  
630 committee, unless such communication bears upon its face the words  
631 "Paid for by" and the name of the entity, the name of its chief executive  
632 officer or equivalent, and its principal business address and the words  
633 "This message was made independent of any candidate or political  
634 party."

635 (2) In addition to the requirements of subdivision (1) of this  
636 subsection, no entity, shall make or incur an independent expenditure  
637 for television advertising or Internet video advertising, which  
638 promotes the success or defeat of any candidate for nomination or  
639 election or promotes or opposes any political party or solicits funds to  
640 benefit any political party or committee, unless at the end of such  
641 advertising there appears simultaneously, for a period of not less than  
642 four seconds, (A) a clearly identifiable video, photographic or similar

643 image of the entity's chief executive officer or equivalent, and (B) a  
644 simultaneous, personal audio message, in the following form: "I am ....  
645 (name of entity's chief executive officer or equivalent), .... (title) of ....  
646 (entity). This message was made independent of any candidate or  
647 political party, and I approved its content.".

648 (3) In addition to the requirements of subdivision (1) of this  
649 subsection, no entity shall make or incur an independent expenditure  
650 for radio advertising or Internet audio advertising, which promotes the  
651 election or defeat of any candidate for nomination or election or  
652 promotes or opposes any political party or solicits funds to benefit any  
653 political party or committee, unless the advertising ends with a  
654 personal audio statement by the entity's chief executive officer or  
655 equivalent (A) identifying the entity paying for the expenditure, and  
656 (B) indicating that the message was made independent of any  
657 candidate or political party, using the following form: "I am .... (name  
658 of entity's chief executive officer or equivalent), .... (title), of ....  
659 (entity). This message was made independent of any candidate or  
660 political party, and I approved its content.".

661 (4) In addition to the requirements of subdivision (1) of this  
662 subsection, no entity shall make or incur an independent expenditure  
663 for automated telephone calls which promote the election or defeat of  
664 any candidate for nomination or election or promotes or opposes any  
665 political party or solicits funds to benefit any political party or  
666 committee, unless the narrative of the telephone call identifies the  
667 entity making the expenditure and its chief executive officer or  
668 equivalent.

669 Sec. 11. Section 9-622 of the general statutes is repealed and the  
670 following is substituted in lieu thereof (*Effective from passage*):

671 The following persons shall be guilty of illegal practices and shall be  
672 punished in accordance with the provisions of section 9-623:

673 (1) Any person who, directly or indirectly, individually or by

674 another person, gives or offers or promises to any person any money,  
675 gift, advantage, preferment, entertainment, aid, emolument or other  
676 valuable thing for the purpose of inducing or procuring any person to  
677 sign a nominating, primary or referendum petition or to vote or refrain  
678 from voting for or against any person or for or against any measure at  
679 any election, caucus, convention, primary or referendum;

680 (2) Any person who, directly or indirectly, receives, accepts,  
681 requests or solicits from any person, committee, association,  
682 organization or corporation, any money, gift, advantage, preferment,  
683 aid, emolument or other valuable thing for the purpose of inducing or  
684 procuring any person to sign a nominating, primary or referendum  
685 petition or to vote or refrain from voting for or against any person or  
686 for or against any measure at any such election, caucus, primary or  
687 referendum;

688 (3) Any person who, in consideration of any money, gift, advantage,  
689 preferment, aid, emolument or other valuable thing paid, received,  
690 accepted or promised to the person's advantage or any other person's  
691 advantage, votes or refrains from voting for or against any person or  
692 for or against any measure at any such election, caucus, primary or  
693 referendum;

694 (4) Any person who solicits from any candidate any money, gift,  
695 contribution, emolument or other valuable thing for the purpose of  
696 using the same for the support, assistance, benefit or expenses of any  
697 club, company or organization, or for the purpose of defraying the cost  
698 or expenses of any political campaign, primary, referendum or  
699 election;

700 (5) Any person who, directly or indirectly, pays, gives, contributes  
701 or promises any money or other valuable thing to defray or towards  
702 defraying the cost or expenses of any campaign, primary, referendum  
703 or election to any person, committee, company, club, organization or  
704 association, other than to a campaign treasurer, except that this  
705 subdivision shall not apply to any expenses for postage, telegrams,

706 telephoning, stationery, express charges, traveling, meals, lodging or  
707 photocopying incurred by any candidate for office or for nomination to  
708 office, so far as may be permitted under the provisions of this chapter;

709 (6) Any person who, in order to secure or promote the person's own  
710 nomination or election as a candidate, or that of any other person,  
711 directly or indirectly, promises to appoint, or promises to secure or  
712 assist in securing the appointment, nomination or election of any other  
713 person to any public position, or to any position of honor, trust or  
714 emolument; but any person may publicly announce the person's own  
715 choice or purpose in relation to any appointment, nomination or  
716 election in which the person may be called to take part, if the person is  
717 nominated for or elected to such office;

718 (7) Any person who, directly or indirectly, individually or through  
719 another person, makes a payment or promise of payment to a  
720 campaign treasurer in a name other than the person's own, and any  
721 campaign treasurer who knowingly receives a payment or promise of  
722 payment, or enters or causes the same to be entered in the person's  
723 accounts in any other name than that of the person by whom such  
724 payment or promise of payment is made;

725 (8) Any person who knowingly and wilfully violates any provision  
726 of this chapter;

727 (9) Any person who offers or receives a cash contribution in excess  
728 of one hundred dollars to promote the success or defeat of any political  
729 party, candidate or referendum question;

730 (10) Any person who solicits, makes or receives a contribution that  
731 is otherwise prohibited by any provision of this chapter;

732 (11) Any department head or deputy department head of a state  
733 department who solicits a contribution on behalf of, or for the benefit  
734 of, any candidate for state, district or municipal office or any political  
735 party;



736 (12) Any municipal employee who solicits a contribution on behalf  
737 of, or for the benefit of, any candidate for state, district or municipal  
738 office, any political committee or any political party, from (A) an  
739 individual under the supervision of such employee, or (B) the spouse  
740 or a dependent child of such individual;

741 (13) Any person who makes [a coordinated] an expenditure, that is,  
742 not an independent expenditure for a candidate without the  
743 knowledge of said candidate. No candidate shall be civilly or  
744 criminally liable with regard to any such [coordinated] expenditure;

745 (14) Any chief of staff of a legislative caucus who solicits a  
746 contribution on behalf of or for the benefit of any candidate for state,  
747 district or municipal office from an employee of the legislative caucus;

748 (15) Any chief of staff for a state-wide elected official who solicits a  
749 contribution on behalf of or for the benefit of any candidate for state,  
750 district or municipal office from a member of such official's staff; or

751 (16) Any chief of staff for the Governor or Lieutenant Governor who  
752 solicits a contribution on behalf of or for the benefit of any candidate  
753 for state, district or municipal office from a member of the staff of the  
754 Governor or Lieutenant Governor, or from any commissioner or  
755 deputy commissioner of any state agency.

756 Sec. 12. Section 9-718 of the general statutes is repealed and the  
757 following is substituted in lieu thereof (*Effective from passage*):

758 (a) Notwithstanding any provision of the general statutes, no party  
759 committee, legislative caucus committee or legislative leadership  
760 committee [, as defined in section 9-601,] shall make an organization  
761 expenditure [, as defined in subdivision (25) of section 9-601,] for the  
762 benefit of a participating candidate or the candidate committee of a  
763 participating candidate in the Citizens' Election Program for the office  
764 of state senator in an amount that exceeds ten thousand dollars for the  
765 general election campaign.

766 (b) Notwithstanding any provision of the general statutes, no party  
 767 committee, legislative caucus committee or legislative leadership  
 768 committee [, as defined in section 9-601,] shall make an organization  
 769 expenditure [, as defined in subdivision (25) of section 9-601,] for the  
 770 purposes described in subparagraph (A) of subdivision [(25)] (23) of  
 771 section 9-601, as amended by this act, for the benefit of a participating  
 772 candidate or the candidate committee of a participating candidate in  
 773 the Citizens' Election Program for the office of state senator for the  
 774 primary campaign.

775 (c) Notwithstanding any provision of the general statutes, no party  
 776 committee, legislative caucus committee or legislative leadership  
 777 committee [, as defined in section 9-601,] shall make an organization  
 778 expenditure [, as defined in subdivision (25) of section 9-601,] for the  
 779 benefit of a participating candidate or the candidate committee of a  
 780 participating candidate in the Citizens' Election Program for the office  
 781 of state representative in an amount that exceeds three thousand five  
 782 hundred dollars for the general election campaign.

783 (d) Notwithstanding any provision of the general statutes, no party  
 784 committee, legislative caucus committee or legislative leadership  
 785 committee [, as defined in section 9-601,] shall make an organization  
 786 expenditure [, as defined in subdivision (25) of section 9-601,] for the  
 787 purposes described in subparagraph (A) of subdivision [(25)] (23) of  
 788 section 9-601, as amended by this act, for the benefit of a participating  
 789 candidate or the candidate committee of a participating candidate in  
 790 the Citizens' Election Program for the office of state representative for  
 791 the primary campaign.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>from passage</i>	9-601
Sec. 2	<i>from passage</i>	New section
Sec. 3	<i>from passage</i>	9-601a(a)
Sec. 4	<i>from passage</i>	9-602(a) and (b)

Sec. 5	<i>from passage</i>	9-605(d)
Sec. 6	<i>from passage</i>	9-612(e)
Sec. 7	<i>from passage</i>	9-613
Sec. 8	<i>from passage</i>	9-614
Sec. 9	<i>from passage</i>	9-620
Sec. 10	<i>from passage</i>	9-621
Sec. 11	<i>from passage</i>	9-622
Sec. 12	<i>from passage</i>	9-718

**Statement of Purpose:**

To provide that independent expenditures made by an entity are properly disclosed and ensure that such expenditures are properly attributed to the entity making the expenditure.

*[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.]*