



General Assembly

February Session, 2010

**Amendment**

LCO No. 4761

**\*HB0547104761HDO\***

Offered by:

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REP. ARESIMOWICZ, 30<sup>th</sup> Dist.  
REP. LAWLOR, 99<sup>th</sup> Dist.  
REP. REEVES, 143<sup>rd</sup> Dist.  
REP. MERRILL, 54<sup>th</sup> Dist.  
REP. O'ROURKE, 32<sup>nd</sup> Dist.  
REP. MCCLUSKEY, 20<sup>th</sup> Dist.  
REP. GODFREY, 110<sup>th</sup> Dist.  
REP. OLSON, 46<sup>th</sup> Dist.  
REP. GIANNAROS, 21<sup>st</sup> Dist.

REP. BARRY, 12<sup>th</sup> Dist.  
REP. URBAN, 43<sup>rd</sup> Dist.  
REP. NARDELLO, 89<sup>th</sup> Dist.  
REP. TERCYAK, 26<sup>th</sup> Dist.  
REP. GERAGOSIAN, 25<sup>th</sup> Dist.  
REP. FONTANA, 87<sup>th</sup> Dist.  
REP. LESSER, 100<sup>th</sup> Dist.  
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REP. WRIGHT E., 41<sup>st</sup> Dist.

To: Subst. House Bill No. 5471

File No. 445

Cal. No. 263

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

1 Strike everything after the enacting clause and substitute the  
2 following in lieu thereof:

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 Section 9-601 of the general statutes is repealed and the  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

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

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

13 (2) "Party committee" means a state central committee or a town  
14 committee. "Party committee" does not mean a party-affiliated or  
15 district, ward or borough committee which receives all of its funds  
16 from the state central committee of its party or from a single town  
17 committee with the same party affiliation. Any such committee so  
18 funded shall be construed to be a part of its state central or town  
19 committee for purposes of this chapter and [sections 9-700 to 9-716,  
20 inclusive] chapter 157.

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

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

35 (5) "Exploratory committee" means a committee established by a  
36 candidate for a single primary or election (A) to determine whether to  
37 seek nomination or election to (i) the General Assembly, (ii) a state  
38 office, as defined in subsection (e) of section 9-610, or (iii) any other

39 public office, and (B) if applicable, to aid or promote [said] such  
40 candidate's candidacy for nomination to the General Assembly or any  
41 such state office.

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

45 (7) "Organization" means all labor organizations, (A) as defined in  
46 the Labor-Management Reporting and Disclosure Act of 1959, as from  
47 time to time amended, or (B) as defined in subdivision (9) of section  
48 31-101, employee organizations as defined in subsection (d) of section  
49 5-270 and subdivision (6) of section 7-467, bargaining representative  
50 organizations for teachers, any local, state or national organization, to  
51 which a labor organization pays membership or per capita fees, based  
52 upon its affiliation or membership, and trade or professional  
53 associations which receive their funds exclusively from membership  
54 dues, whether organized in or outside of this state, but does not mean  
55 a candidate committee, party committee or a political committee.

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

72 (7) of this section, candidate committees, party committees and  
73 political committees as defined in this section. For purposes of this  
74 chapter, corporations which are component members of a controlled  
75 group of corporations, as those terms are defined in Section 1563 of the  
76 Internal Revenue Code of 1986, or any subsequent corresponding  
77 internal revenue code of the United States, as from time to time  
78 amended, shall be deemed to be one corporation.

79 (9) "Individual" means a human being, a sole proprietorship, or a  
80 professional service corporation organized under chapter 594a and  
81 owned by a single human being.

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

87 (11) "Candidate" means an individual who seeks nomination for  
88 election or election to public office whether or not such individual is  
89 elected, and for the purposes of this chapter and [sections 9-700 to 9-  
90 716, inclusive] chapter 157, an individual shall be deemed to seek  
91 nomination for election or election if such individual has (A) been  
92 endorsed by a party or become eligible for a position on the ballot at an  
93 election or primary, or (B) solicited or received contributions, made  
94 expenditures or given such individual's consent to any other person to  
95 solicit or receive contributions or make expenditures with the intent to  
96 bring about such individual's nomination for election or election to any  
97 such office. "Candidate" also means a slate of candidates which is to  
98 appear on the ballot in a primary for the office of justice of the peace.  
99 For the purposes of sections 9-600 to 9-610, inclusive, as amended by  
100 this act, and section 9-621, as amended by this act, "candidate" also  
101 means an individual who is a candidate in a primary for town  
102 committee members.

103 (12) "Campaign treasurer" means the individual appointed by a

104 candidate or by the chairperson of a party committee or a political  
105 committee to receive and disburse funds on behalf of the candidate or  
106 committee.

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

111 (14) "Solicitor" means an individual appointed by a campaign  
112 treasurer of a committee to receive, but not to disburse, funds on  
113 behalf of the committee.

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

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

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

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

129 (19) "Coordinated expenditure" means an expenditure made by a  
130 person:

131 (A) In cooperation, consultation, in concert with, at the request,  
132 suggestion or direction of, or pursuant to a general or particular  
133 understanding with (i) a candidate, candidate committee, political

134 committee or party committee, or (ii) a consultant or other agent acting  
135 on behalf of a candidate, candidate committee, political committee or  
136 party committee;

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

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

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

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

164 (F) Based on information about a candidate's campaign plans,  
165 projects or needs, that is directly or indirectly provided by said

166 candidate, the candidate's candidate committee, a political committee  
167 or a party committee, or a consultant or other agent acting on behalf of  
168 said candidate, candidate committee, political committee or party  
169 committee, to the person making the expenditure or said person's  
170 agent, with an express or tacit understanding that said person is  
171 considering making the expenditure; or

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

180 (18) "Agent" means a person authorized to act for or in place of  
181 another.

182 (19) "Entity" means the following, whether organized in this or any  
183 other state: An organization, corporation, cooperative association,  
184 limited partnership, professional association, limited liability  
185 company, and limited liability partnership.

186 (20) "Federal account" means a depository account that is subject to  
187 the disclosure and contribution limits provided under the Federal  
188 Election Campaign Act of 1971, as amended from time to time.

189 (21) "Public funds" means funds belonging to, or under the control  
190 of, the state or a political subdivision of the state.

191 (22) "Legislative caucus committee" means a committee established  
192 under subdivision (2) of subsection (e) of section 9-605 by the majority  
193 of the members of a political party who are also state representatives  
194 or state senators.

195 (23) "Legislative leadership committee" means a committee

196 established under subdivision (3) of subsection (e) of section 9-605 by a  
197 leader of the General Assembly.

198 (24) "Immediate family" means the spouse or a dependent child of  
199 an individual.

200 (25) "Organization expenditure" means an expenditure by a party  
201 committee, legislative caucus committee or legislative leadership  
202 committee for the benefit of a candidate or candidate committee for:

203 (A) The preparation, display or mailing or other distribution of a  
204 party candidate listing. As used in this subparagraph, "party candidate  
205 listing" means any communication that meets the following criteria: (i)  
206 The communication lists the name or names of candidates for election  
207 to public office, (ii) the communication is distributed through public  
208 advertising such as broadcast stations, cable television, newspapers or  
209 similar media, or through direct mail, telephone, electronic mail,  
210 publicly accessible sites on the Internet or personal delivery, (iii) the  
211 treatment of all candidates in the communication is substantially  
212 similar, and (iv) the content of the communication is limited to (I) for  
213 each such candidate, identifying information, including photographs,  
214 the office sought, the office currently held by the candidate, if any, the  
215 party enrollment of the candidate, a brief statement concerning the  
216 candidate's positions, philosophy, goals, accomplishments or  
217 biography and the positions, philosophy, goals or accomplishments of  
218 the candidate's party, (II) encouragement to vote for each such  
219 candidate, and (III) information concerning voting, including voting  
220 hours and locations;

221 (B) A document in printed or electronic form, including a party  
222 platform, a copy of an issue paper, information pertaining to the  
223 requirements of this title, a list of registered voters and voter  
224 identification information, which document is created or maintained  
225 by a party committee, legislative caucus committee or legislative  
226 leadership committee for the general purposes of party or caucus  
227 building and is provided (i) to a candidate who is a member of the

228 party that has established such party committee, or (ii) to a candidate  
229 who is a member of the party of the caucus or leader who has  
230 established such legislative caucus committee or legislative leadership  
231 committee, whichever is applicable;

232 (C) A campaign event at which a candidate or candidates are  
233 present;

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

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

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

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

257 Sec. 2. (NEW) (*Effective from passage*) (a) As used in chapters 155 and  
258 157 of the general statutes, the term "independent expenditure" means

259 an expenditure, as defined in section 9-601b of the general statutes, as  
260 amended by this act, that is made without the consent, coordination, or  
261 consultation of, a candidate or agent of the candidate, candidate  
262 committee, political committee or party committee.

263 (b) When the State Elections Enforcement Commission evaluates an  
264 expenditure to determine whether such expenditure is an independent  
265 expenditure, there shall be a rebuttable presumption that the following  
266 expenditures are not independent expenditures:

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

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

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

286 (4) An expenditure made by an individual who, in the same election  
287 cycle, is serving or has served as the campaign chairperson, campaign  
288 treasurer or deputy treasurer of a candidate committee, political  
289 committee or party committee benefiting from such expenditure, or in  
290 any other executive or policymaking position, including as a member,

291 employee, fundraiser, consultant or other agent, of a candidate,  
292 candidate committee, political committee or party committee;

293 (5) An expenditure made by a person whose officer, director,  
294 member, employee, fundraiser, consultant or other agent who serves  
295 the person in an executive or policymaking position also serves as or  
296 has served in the same election cycle as the candidate or the campaign  
297 chairperson, campaign treasurer or deputy treasurer of a candidate  
298 committee, political committee or party committee benefiting from  
299 such expenditure, or in any other executive or policymaking position  
300 of the candidate committee, political committee or party committee;

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

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

319 (8) An expenditure made by a person for a communication that  
320 clearly identifies a candidate during an election campaign, if the  
321 person making the expenditure, or such person's agent, has informed  
322 the candidate who benefits from the expenditure, that candidate's

323 candidate committee, a political committee or a party committee, or a  
324 consultant or other agent acting on behalf of the benefiting candidate  
325 or candidate committee, political committee, or party committee,  
326 concerning the communication's contents, or of the intended audience,  
327 timing, location or mode or frequency of dissemination. As used in this  
328 subdivision, a communication "clearly identifies a candidate" when  
329 that communication contains the name, nickname, initials, photograph  
330 or drawing of the candidate or an unambiguous reference to that  
331 candidate, which includes, but is not limited to, a reference that can  
332 only mean that candidate; and

333 (9) An expenditure made by a person or an entity for consultant or  
334 creative services, including, but not limited to, services related to  
335 communications strategy or design or campaign strategy, to be used to  
336 promote or oppose a candidate's election to office if the provider of  
337 such services is also providing consultant or creative services to such  
338 candidate, such candidate's candidate committee, or to any opposing  
339 candidate in the same primary or election, or to such opposing  
340 candidate's candidate committee. For purposes of this subdivision,  
341 communications strategy or design does not include the costs of  
342 printing or costs for the use of a medium for the purpose of  
343 communications.

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

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

349 (1) Any gift, subscription, loan, advance, payment or deposit of  
350 money or anything of value, made for the purpose of influencing the  
351 nomination for election, or election, of any person or for the purpose of  
352 aiding or promoting the success or defeat of any referendum question  
353 or on behalf of any political party;

354 (2) A written contract, promise or agreement to make a contribution

355 for any such purpose;

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

360 (4) An expenditure [when made by a person with the cooperation  
361 of, or in consultation with, any candidate, candidate committee or  
362 candidate's agent or which is made in concert with, or at the request or  
363 suggestion of, any candidate, candidate committee or candidate's  
364 agent, including a coordinated expenditure] that is not an independent  
365 expenditure; or

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

368 Sec. 4. Subsections (a) and (b) of section 9-602 of the general statutes  
369 are repealed and the following is substituted in lieu thereof (*Effective*  
370 *from passage*):

371 (a) Except with respect to an individual acting [on his own] alone, or  
372 with respect to a group of two or more individuals acting together that  
373 receives funds or makes or incurs expenditures not exceeding one  
374 thousand dollars in the aggregate, no contributions may be made,  
375 solicited or received and no expenditures may be made, directly or  
376 indirectly, in aid of or in opposition to the candidacy for nomination or  
377 election of any individual or any party or referendum question, unless  
378 (1) the candidate or chairman of the committee has filed a designation  
379 of a campaign treasurer and a depository institution situated in this  
380 state as the depository for the committee's funds, or (2) the candidate  
381 [or, in the event of a referendum question, a group of individuals] has  
382 filed a certification in accordance with the provisions of section 9-604,  
383 [or 9-605, as the case may be.] In the case of a political committee, the  
384 filing of the statement of organization by the chairman of such  
385 committee, in accordance with the provisions of section 9-605, as  
386 amended by this act, shall constitute compliance with the provisions of

387 this subsection.

388 (b) No contribution in aid of or in opposition to the candidacy of  
389 any person or to any party or referendum question shall be made at  
390 any time, except to the committee's campaign treasurer whose  
391 designation is on file with the proper authority, a solicitor [ ] or a  
392 candidate who is exempt from the requirement to form a candidate  
393 committee and has filed a certification, [ ] or a group of individuals  
394 which have joined solely to support or oppose a referendum question  
395 and have filed a certification.]

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

399 (d) A group of two or more individuals who have joined solely to  
400 promote the success or defeat of a referendum question shall not be  
401 required to file as a political committee, make such designations in  
402 accordance with subsections (a) and (b) of this section or file  
403 statements pursuant to section 9-608, if the group does not receive or  
404 expend in excess of one thousand dollars for the entire campaign, [and  
405 the agent of such individuals files a certification with the proper  
406 authority or authorities as required under section 9-603 before an  
407 expenditure is made. The certification shall include the name of the  
408 group, or the names of the persons who comprise the group, and the  
409 name and address of the agent which shall appear on any  
410 communication paid for or sponsored by the group as required by  
411 section 9-621. If the group receives or expends in excess of one  
412 thousand dollars, the agent] If the group receives funds or makes or  
413 incurs expenditures exceeding one thousand dollars in the aggregate,  
414 the group shall complete the statement of organization and file as a  
415 political committee not later than three business days thereafter. The  
416 [agent] group shall provide the designated campaign treasurer with all  
417 information required for completion of the statements for filing as  
418 required by section 9-608. [The filing of a certification under this  
419 subsection shall not relieve the group from compliance with the

420 provisions of this chapter, and the group shall be considered a political  
421 committee established solely for a referendum question for purposes  
422 of the limitations on contributions and expenditures.]

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

426 (e) (1) Any individual, entity or committee acting alone may [,  
427 independent of any candidate, agent of the candidate, or committee,]  
428 make unlimited independent expenditures. [to promote the success or  
429 defeat of any candidate's campaign for election, or nomination at a  
430 primary, to any office or position.] Except as provided in subdivision  
431 (2) of this subsection, any such individual, [who makes] entity or  
432 committee that makes or obligates to make an independent  
433 expenditure or expenditures in excess of one thousand dollars, [to  
434 promote the success or defeat of any candidate's campaign for election,  
435 or nomination at a primary, to any such office or position] in the  
436 aggregate, shall file statements according to the same schedule and in  
437 the same manner as is required of a campaign treasurer of a candidate  
438 committee under section 9-608.

439 (2) Any [person who] individual, entity or committee that makes or  
440 obligates to make an independent expenditure or expenditures [, as  
441 defined in section 9-601, intended] to promote the success or defeat of  
442 a candidate for the office of Governor, Lieutenant Governor, Secretary  
443 of the State, State Treasurer, State Comptroller, Attorney General, state  
444 senator or state representative, which exceeds one thousand dollars, in  
445 the aggregate, during a primary campaign or a general election  
446 campaign, as defined in section 9-700, on or after January 1, 2008, shall  
447 file a report of such independent expenditure to the State Elections  
448 Enforcement Commission. The report shall be in the same form as  
449 statements filed under section 9-608, except that such report shall be  
450 filed electronically. If the [person] individual, entity or committee  
451 makes or obligates to make such independent expenditure or  
452 expenditures more than [twenty] ninety days before the day of a

453 primary or election, the [person] individual, entity or committee shall  
454 file such report not later than forty-eight hours after such payment or  
455 obligation. If the [person] individual, entity or committee makes or  
456 obligates to make such independent expenditure or expenditures  
457 [twenty] ninety days or less before the day of a primary or election, the  
458 person shall file such report not later than twenty-four hours after such  
459 payment or obligation. The report shall be filed under penalty of false  
460 statement.

461 (3) The independent expenditure report [in subdivision (2) of this  
462 subsection shall include a statement (A) identifying] shall (A) identify  
463 the candidate for whom the independent expenditure or expenditures  
464 is intended to promote the success or defeat, [and (B) affirming that the  
465 expenditure is not a coordinated expenditure] (B) affirm under penalty  
466 of false statement that the expenditure is an independent expenditure,  
467 and (C) provide any information that the State Elections Enforcement  
468 Commission requires to facilitate compliance with the provisions of  
469 this chapter or chapter 157.

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

476 (5) (A) If [a person] an individual, entity or committee fails to file a  
477 report required under subdivision (2) of this subsection for an  
478 independent expenditure or expenditures made or obligated to be  
479 made more than [twenty] ninety days before the day of a primary or  
480 election, the person shall be subject to a civil penalty, imposed by the  
481 State Elections Enforcement Commission, of not more than five  
482 thousand dollars. If [a person] an individual, entity or committee fails  
483 to file a report required under subdivision (2) of this subsection for an  
484 independent expenditure or expenditures made or obligated to be  
485 made [twenty] ninety days or less before the day of a primary or

486 election, [the person] such individual, entity or committee shall be  
487 subject to a civil penalty, imposed by the State Elections Enforcement  
488 Commission, of not more than ten thousand dollars. (B) If any such  
489 failure is knowing and wilful, the person responsible for the failure  
490 shall also be fined not more than five thousand dollars or imprisoned  
491 not more than five years, or both.

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

494 (NEW) (g) Notwithstanding the provisions of this section, a  
495 corporation, cooperative association, limited partnership, professional  
496 association, limited liability company or limited liability partnership,  
497 whether formed in this state or any other, acting alone, may make  
498 independent expenditures.

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

501 (NEW) (d) Notwithstanding the provisions of this section, an  
502 organization, acting alone, may make independent expenditures.

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

505 (a) A political committee formed solely to aid or promote the  
506 success or defeat of a referendum question shall not make  
507 contributions to, or for the benefit of, a party committee, a political  
508 committee, a national committee, a committee of a candidate for  
509 federal or out-of-state office or a candidate committee, except in the  
510 distribution of a surplus, as provided in subsection (e) of section 9-608.

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

515 (c) No person, [as defined in subdivision (9) of section 9-601,] other

516 than an individual or a committee, shall make a contribution to a  
517 political committee formed solely to aid or promote the success or  
518 defeat of a referendum question, or to any other person, [as defined in  
519 subdivision (9) of section 9-601,] to aid or promote the success or  
520 defeat of a referendum question, in excess of ten cents for each  
521 individual residing in the state or political subdivision thereof in  
522 which such referendum question is to be voted upon, in accordance  
523 with the last federal decennial census.

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

531 Sec. 10. Section 9-621 of the general statutes is repealed and the  
532 following is substituted in lieu thereof (*Effective from passage*):

533 (a) No individual shall make or incur any expenditure with the  
534 [cooperation of, at the request or suggestion of,] consent of, in  
535 coordination with or in consultation with any candidate, candidate  
536 committee or candidate's agent, no group of two or more individuals  
537 acting together that receives funds or makes or incurs expenditures not  
538 exceeding one thousand dollars in the aggregate and has not formed a  
539 political committee shall make or incur any expenditure, and no  
540 candidate or committee shall make or incur any expenditure including  
541 an organization expenditure for a party candidate listing, as defined in  
542 subparagraph (A) of subdivision (25) of section 9-601, as amended by  
543 this act, for any written, typed or other printed communication, or any  
544 web-based, written communication, which promotes the success or  
545 defeat of any candidate's campaign for nomination at a primary or  
546 election or promotes or opposes any political party or solicits funds to  
547 benefit any political party or committee unless such communication  
548 bears upon its face (1) the words "paid for by" and the following: (A) In

549 the case of such an individual, the name and address of such  
550 individual; (B) in the case of a committee other than a party committee,  
551 the name of the committee and its campaign treasurer; [or] (C) in the  
552 case of a party committee, the name of the committee; or (D) in the  
553 case of a group of two or more individuals that receives funds or  
554 makes or incurs expenditures not exceeding one thousand dollars in  
555 the aggregate and has not formed a political committee, the name of  
556 the group and the name and address of its agent, and (2) the words  
557 "approved by" and the following: (A) In the case of an individual,  
558 group or committee other than a candidate committee making or  
559 incurring an expenditure with the [cooperation of, at the request or  
560 suggestion of,] consent of, in coordination with or in consultation with  
561 any candidate, candidate committee or candidate's agent, the name of  
562 [such individual] the candidate; or (B) in the case of a candidate  
563 committee, the name of the candidate.

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

565 (1) No candidate or candidate committee or exploratory committee  
566 established by a candidate shall make or incur any expenditure for  
567 television advertising or Internet video advertising, which promotes  
568 the success of such candidate's campaign for nomination at a primary  
569 or election or the defeat of another candidate's campaign for  
570 nomination at a primary or election, unless (A) at the end of such  
571 advertising there appears simultaneously, for a period of not less than  
572 four seconds, (i) a clearly identifiable photographic or similar image of  
573 the candidate making such expenditure, (ii) a clearly readable printed  
574 statement identifying such candidate, and indicating that such  
575 candidate has approved the advertising, and (iii) a simultaneous,  
576 personal audio message, in the following form: "I am .... (candidate's  
577 name) and I approved this message", and (B) the candidate's name and  
578 image appear in, and the candidate's voice is contained in, the  
579 narrative of the advertising, before the end of such advertising;

580 (2) No candidate or candidate committee or exploratory committee  
581 established by a candidate shall make or incur any expenditure for

582 radio advertising or Internet audio advertising, which promotes the  
583 success of such candidate's campaign for nomination at a primary or  
584 election or the defeat of another candidate's campaign for nomination  
585 at a primary or election, unless (A) the advertising ends with a  
586 personal audio statement by the candidate making such expenditure  
587 (i) identifying such candidate and the office such candidate is seeking,  
588 and (ii) indicating that such candidate has approved the advertising in  
589 the following form: "I am .... (candidate's name) and I approved this  
590 message", and (B) the candidate's name and voice are contained in the  
591 narrative of the advertising, before the end of such advertising; and

592 (3) No candidate or candidate committee or exploratory committee  
593 established by a candidate shall make or incur any expenditure for  
594 automated telephone calls which promote the success of such  
595 candidate's campaign for nomination at a primary or election or the  
596 defeat of another candidate's campaign for nomination at a primary or  
597 election, unless the candidate's name and voice are contained in the  
598 narrative of the call, before the end of such call.

599 (c) No business entity, organization, association, committee, or  
600 group of two or more individuals who have joined solely to promote  
601 the success or defeat of a referendum question [and is required to file a  
602 certification in accordance with subsection (d) of section 9-605,] shall  
603 make or incur any expenditure for any written, typed or other printed  
604 communication which promotes the success or defeat of any  
605 referendum question unless such communication bears upon its face  
606 the words "paid for by" and the following: (1) In the case of a business  
607 entity, organization or association, the name of the business entity,  
608 organization or association and the name of its chief executive officer  
609 or equivalent; (2) in the case of a political committee, the name of the  
610 committee and the name of its campaign treasurer; (3) in the case of a  
611 party committee, the name of the committee; or (4) in the case of such a  
612 group of two or more individuals, the name of the group [as it appears  
613 on the certification filed in accordance with subsection (d) of section 9-  
614 605,] and the name and address of its agent.

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

623 (e) The campaign treasurer of a candidate committee which  
624 sponsors any written, typed or other printed communication for the  
625 purpose of raising funds to eliminate a campaign deficit of that  
626 committee shall include in such communication a statement that the  
627 funds are sought to eliminate such a deficit.

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

635 (g) In the event a campaign treasurer of a candidate committee is  
636 replaced pursuant to subsection (c) of section 9-602, nothing in this  
637 section shall be construed to prohibit the candidate committee from  
638 distributing any printed communication subject to the provisions of  
639 this section that has already been printed or otherwise produced, even  
640 though such communication does not accurately designate the  
641 successor campaign treasurer of such candidate committee.

642 (h) (1) No entity shall make or incur an independent expenditure for  
643 any written, typed or other printed communication, or any web-based,  
644 written communication, that promotes the success or defeat of any  
645 candidate for nomination or election or promotes or opposes any  
646 political party or solicits funds to benefit any political party or

647 committee, unless such communication bears upon its face the words  
648 "Paid for by" and the name of the entity, the name of its chief executive  
649 officer or equivalent, and its principal business address and the words  
650 "This message was made independent of any candidate or political  
651 party." In the case of an entity making or incurring such an  
652 independent expenditure, which entity is a tax-exempt organization  
653 under Section 501(c) of the Internal Revenue Code of 1986, or any  
654 subsequent corresponding internal revenue code of the United States,  
655 as amended from time to time, or an incorporated tax-exempt political  
656 organization organized under Section 527 of said code, such  
657 communication shall also bear upon its face the words "Top Five  
658 Contributors" followed by a list of the five persons or entities making  
659 the largest contributions to such organization during the twelve-month  
660 period before the date of such communication.

661 (2) In addition to the requirements of subdivision (1) of this  
662 subsection, no entity shall make or incur an independent expenditure  
663 for television advertising or Internet video advertising, that promotes  
664 the success or defeat of any candidate for nomination or election or  
665 promotes or opposes any political party or solicits funds to benefit any  
666 political party or committee, unless at the end of such advertising there  
667 appears simultaneously, for a period of not less than four seconds, (A)  
668 a clearly identifiable video, photographic or similar image of the  
669 entity's chief executive officer or equivalent, and (B) a personal audio  
670 message, in the following form: "I am .... (name of entity's chief  
671 executive officer or equivalent), .... (title) of .... (entity). This message  
672 was made independent of any candidate or political party, and I  
673 approved its content." In the case of an entity making or incurring  
674 such an independent expenditure, which entity is a tax-exempt  
675 organization under Section 501(c) of the Internal Revenue Code of  
676 1986, or any subsequent corresponding internal revenue code of the  
677 United States, as amended from time to time, or an incorporated tax-  
678 exempt political organization organized under Section 527 of said  
679 code, such advertising shall also include a written message in the  
680 following form: "The top five contributors to the organization

681 responsible for this advertisement are" followed by a list of the five  
682 persons or entities making the largest contributions during the twelve-  
683 month period before the date of such advertisement.

684 (3) In addition to the requirements of subdivision (1) of this  
685 subsection, no entity shall make or incur an independent expenditure  
686 for radio advertising or Internet audio advertising, that promotes the  
687 election or defeat of any candidate for nomination or election or  
688 promotes or opposes any political party or solicits funds to benefit any  
689 political party or committee, unless the advertising ends with a  
690 personal audio statement by the entity's chief executive officer or  
691 equivalent (A) identifying the entity paying for the expenditure, and  
692 (B) indicating that the message was made independent of any  
693 candidate or political party, using the following form: "I am .... (name  
694 of entity's chief executive officer or equivalent), .... (title), of ....  
695 (entity). This message was made independent of any candidate or  
696 political party, and I approved its content." In the case of an entity  
697 making or incurring such an independent expenditure, which entity is  
698 a tax-exempt organization under Section 501(c) of the Internal Revenue  
699 Code of 1986, or any subsequent corresponding internal revenue code  
700 of the United States, as amended from time to time, or an incorporated  
701 tax-exempt political organization organized under Section 527 of said  
702 code, such advertising shall also include (i) an audio message in the  
703 following form: "The top five contributors to the organization  
704 responsible for this advertisement are" followed by a list of the five  
705 persons or entities making the largest contributions during the twelve-  
706 month period before the date of such advertisement, or (ii) in the case  
707 of such an advertisement that is thirty seconds in duration or shorter,  
708 an audio message providing a web site address that lists such five  
709 persons or entities. In such case, the organization shall establish and  
710 maintain such a web site with such listing for the entire period during  
711 which such organization makes such advertisement.

712 (4) In addition to the requirements of subdivision (1) of this  
713 subsection, no entity shall make or incur an independent expenditure  
714 for automated telephone calls that promote the election or defeat of

715 any candidate for nomination or election or promotes or opposes any  
716 political party or solicits funds to benefit any political party or  
717 committee, unless the narrative of the telephone call identifies the  
718 entity making the expenditure and its chief executive officer or  
719 equivalent. In the case of an entity making or incurring such an  
720 independent expenditure, which entity is a tax-exempt organization  
721 under Section 501(c) of the Internal Revenue Code of 1986, or any  
722 subsequent corresponding internal revenue code of the United States,  
723 as amended from time to time, or an incorporated tax-exempt political  
724 organization organized under Section 527 of said code, such narrative  
725 shall also include an audio message in the following form: "The top  
726 five contributors to the organization responsible for this telephone call  
727 are" followed by a list of the five persons or entities making the largest  
728 contributions during the twelve-month period before the date of such  
729 telephone call.

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

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

734 (1) Any person who, directly or indirectly, individually or by  
735 another person, gives or offers or promises to any person any money,  
736 gift, advantage, preferment, entertainment, aid, emolument or other  
737 valuable thing for the purpose of inducing or procuring any person to  
738 sign a nominating, primary or referendum petition or to vote or refrain  
739 from voting for or against any person or for or against any measure at  
740 any election, caucus, convention, primary or referendum;

741 (2) Any person who, directly or indirectly, receives, accepts,  
742 requests or solicits from any person, committee, association,  
743 organization or corporation, any money, gift, advantage, preferment,  
744 aid, emolument or other valuable thing for the purpose of inducing or  
745 procuring any person to sign a nominating, primary or referendum  
746 petition or to vote or refrain from voting for or against any person or

747 for or against any measure at any such election, caucus, primary or  
748 referendum;

749 (3) Any person who, in consideration of any money, gift, advantage,  
750 preferment, aid, emolument or other valuable thing paid, received,  
751 accepted or promised to the person's advantage or any other person's  
752 advantage, votes or refrains from voting for or against any person or  
753 for or against any measure at any such election, caucus, primary or  
754 referendum;

755 (4) Any person who solicits from any candidate any money, gift,  
756 contribution, emolument or other valuable thing for the purpose of  
757 using the same for the support, assistance, benefit or expenses of any  
758 club, company or organization, or for the purpose of defraying the cost  
759 or expenses of any political campaign, primary, referendum or  
760 election;

761 (5) Any person who, directly or indirectly, pays, gives, contributes  
762 or promises any money or other valuable thing to defray or towards  
763 defraying the cost or expenses of any campaign, primary, referendum  
764 or election to any person, committee, company, club, organization or  
765 association, other than to a campaign treasurer, except that this  
766 subdivision shall not apply to any expenses for postage, telegrams,  
767 telephoning, stationery, express charges, traveling, meals, lodging or  
768 photocopying incurred by any candidate for office or for nomination to  
769 office, so far as may be permitted under the provisions of this chapter;

770 (6) Any person who, in order to secure or promote the person's own  
771 nomination or election as a candidate, or that of any other person,  
772 directly or indirectly, promises to appoint, or promises to secure or  
773 assist in securing the appointment, nomination or election of any other  
774 person to any public position, or to any position of honor, trust or  
775 emolument; but any person may publicly announce the person's own  
776 choice or purpose in relation to any appointment, nomination or  
777 election in which the person may be called to take part, if the person is  
778 nominated for or elected to such office;

779 (7) Any person who, directly or indirectly, individually or through  
780 another person, makes a payment or promise of payment to a  
781 campaign treasurer in a name other than the person's own, and any  
782 campaign treasurer who knowingly receives a payment or promise of  
783 payment, or enters or causes the same to be entered in the person's  
784 accounts in any other name than that of the person by whom such  
785 payment or promise of payment is made;

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

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

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

793 (11) Any department head or deputy department head of a state  
794 department who solicits a contribution on behalf of, or for the benefit  
795 of, any candidate for state, district or municipal office or any political  
796 party;

797 (12) Any municipal employee who solicits a contribution on behalf  
798 of, or for the benefit of, any candidate for state, district or municipal  
799 office, any political committee or any political party, from (A) an  
800 individual under the supervision of such employee, or (B) the spouse  
801 or a dependent child of such individual;

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

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

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

812 (16) Any chief of staff for the Governor or Lieutenant Governor who  
813 solicits a contribution on behalf of or for the benefit of any candidate  
814 for state, district or municipal office from a member of the staff of the  
815 Governor or Lieutenant Governor, or from any commissioner or  
816 deputy commissioner of any state agency.

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

819 (a) Notwithstanding any provision of the general statutes, no party  
820 committee, legislative caucus committee or legislative leadership  
821 committee [, as defined in section 9-601,] shall make an organization  
822 expenditure [, as defined in subdivision (25) of section 9-601,] for the  
823 benefit of a participating candidate or the candidate committee of a  
824 participating candidate in the Citizens' Election Program for the office  
825 of state senator in an amount that exceeds ten thousand dollars for the  
826 general election campaign.

827 (b) Notwithstanding any provision of the general statutes, no party  
828 committee, legislative caucus committee or legislative leadership  
829 committee [, as defined in section 9-601,] shall make an organization  
830 expenditure [, as defined in subdivision (25) of section 9-601,] for the  
831 purposes described in subparagraph (A) of subdivision (25) of section  
832 9-601, as amended by this act, for the benefit of a participating  
833 candidate or the candidate committee of a participating candidate in  
834 the Citizens' Election Program for the office of state senator for the  
835 primary campaign.

836 (c) Notwithstanding any provision of the general statutes, no party  
837 committee, legislative caucus committee or legislative leadership  
838 committee [, as defined in section 9-601,] shall make an organization  
839 expenditure [, as defined in subdivision (25) of section 9-601,] for the  
840 benefit of a participating candidate or the candidate committee of a

841 participating candidate in the Citizens' Election Program for the office  
842 of state representative in an amount that exceeds three thousand five  
843 hundred dollars for the general election campaign.

844 (d) Notwithstanding any provision of the general statutes, no party  
845 committee, legislative caucus committee or legislative leadership  
846 committee [, as defined in section 9-601,] shall make an organization  
847 expenditure [, as defined in subdivision (25) of section 9-601,] for the  
848 purposes described in subparagraph (A) of subdivision (25) of section  
849 9-601, as amended by this act, for the benefit of a participating  
850 candidate or the candidate committee of a participating candidate in  
851 the Citizens' Election Program for the office of state representative for  
852 the primary campaign.

853 Sec. 13. Subsection (a) of section 9-601b of the general statutes is  
854 repealed and the following is substituted in lieu thereof (*Effective from*  
855 *passage*):

856 (a) As used in this chapter and [sections 9-700 to 9-716, inclusive]  
857 chapter 157, the term "expenditure" means:

858 (1) Any purchase, payment, distribution, loan, advance, deposit or  
859 gift of money or anything of value, when made for the purpose of  
860 influencing the nomination for election, or election, of any person or  
861 for the purpose of aiding or promoting the success or defeat of any  
862 referendum question or on behalf of any political party;

863 (2) Any advertisement that (A) refers to one or more clearly  
864 identified candidates, (B) is broadcast by radio or television other than  
865 on a public access channel, or appears in a newspaper, magazine or on  
866 a billboard, and (C) is broadcast or appears during the ninety-day  
867 period preceding the date of a primary or an election, other than a  
868 commercial advertisement that refers to an owner, director or officer of  
869 a business entity who is also a candidate and that had previously been  
870 broadcast or appeared when the owner, director or officer was not a  
871 candidate; or

872 (3) The transfer of funds by a committee to another committee."

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
Sec. 13	<i>from passage</i>	9-601b(a)