



General Assembly

February Session, 2010

**Amendment**

LCO No. 3444

**\*HB0532203444HRO\***

Offered by:  
REP. AMAN, 14<sup>th</sup> Dist.

To: House Bill No. 5322

File No. 277

Cal. No. 152

**"AN ACT CONCERNING EXPENDITURE THRESHOLDS FOR A GROUP ORGANIZED SOLELY FOR THE PURPOSE OF PROMOTING THE SUCCESS OR THE DEFEAT OF A REFERENDUM QUESTION."**

1 After the last section, add the following and renumber sections and  
2 internal references accordingly:

3 "Sec. 501. Subsection (a) of section 9-369b of the general statutes is  
4 repealed and the following is substituted in lieu thereof (*Effective July*  
5 *1, 2010*):

6 (a) Except as provided in subsection (b) of this section, any  
7 municipality may, by vote of its legislative body, authorize the  
8 preparation and printing of concise explanatory texts of local  
9 proposals or questions approved for submission to the electors of a  
10 municipality at a referendum. In a municipality that has a town  
11 meeting as its legislative body, the board of selectmen shall, by  
12 majority vote, determine whether to authorize an explanatory text or  
13 the dissemination of other neutral printed material. Thereafter, each

14 such explanatory text shall be prepared by the municipal clerk, subject  
15 to the approval of the municipal attorney, and shall specify the intent  
16 and purpose of each such proposal or question. Such text shall not  
17 advocate either the approval or disapproval of the proposal or  
18 question. The municipal attorney may submit such text to the State  
19 Elections Enforcement Commission which shall, not later than five  
20 business days after the receipt of such text, issue to the municipal  
21 attorney a written determination as to whether the text advocates  
22 either the approval or disapproval of the proposal or question. If the  
23 commission determines that the text advocates such a position, the  
24 commission shall provide an explanation of such determination with  
25 suggested changes to make the text neutral. The municipal attorney  
26 shall communicate such determination and explanation and suggested  
27 changes, if any, to the legislative body or board of selectmen, as the  
28 case may be, which shall, by majority vote, determine whether to  
29 disseminate such text. If such legislative body or such board of  
30 selectmen votes against disseminating the text, the legislative body or  
31 board may vote to authorize the municipal clerk to make changes to  
32 the text or may vote against disseminating any explanatory text. If  
33 such legislative body or such board of selectmen votes to authorize the  
34 dissemination of such text, or the commission issues a determination  
35 that the text does not advocate a position, the municipal clerk shall  
36 cause such question or proposal and such explanatory text to be  
37 printed in sufficient supply for public distribution and shall also  
38 provide for the printing of such explanations of proposals or questions  
39 on posters of a size to be determined by said clerk. At least three such  
40 posters shall be posted at each polling place at which electors will be  
41 voting on such proposals or questions. Any posters printed in excess of  
42 the number required by this section to be posted may be displayed by  
43 said clerk at the clerk's discretion at locations which are frequented by  
44 the public. The explanatory text shall also be furnished to each  
45 absentee ballot applicant pursuant to subsection (d) of section 9-140.  
46 Except as provided in subsection (d) of this section, no expenditure of  
47 state or municipal funds shall be made to influence any person to vote  
48 for approval or disapproval of any such proposal or question. Any

49 municipality may, by vote of its legislative body and subject to the  
50 approval of its municipal attorney, authorize the preparation and  
51 printing of materials concerning any such proposal or question in  
52 addition to the explanatory text if such materials do not advocate the  
53 approval or disapproval of the proposal or question. This subsection  
54 shall not apply to a written, printed or typed summary of an official's  
55 views on a proposal or question, which is prepared for any news  
56 medium or which is not distributed with public funds to a member of  
57 the public except upon request of such member.

58 Sec. 502. Section 9-7b of the general statutes is repealed and the  
59 following is substituted in lieu thereof (*Effective July 1, 2010*):

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

62 (1) To make investigations on its own initiative or with respect to  
63 statements filed with the commission by the Secretary of the State or  
64 any town clerk, or upon written complaint under oath by any  
65 individual, with respect to alleged violations of any provision of the  
66 general statutes relating to any election or referendum, any primary  
67 held pursuant to section 9-423, 9-425 or 9-464 or any primary held  
68 pursuant to a special act, and to hold hearings when the commission  
69 deems necessary to investigate violations of any provisions of the  
70 general statutes relating to any such election, primary or referendum,  
71 and for the purpose of such hearings the commission may administer  
72 oaths, examine witnesses and receive oral and documentary evidence,  
73 and shall have the power to subpoena witnesses under procedural  
74 rules the commission shall adopt, to compel their attendance and to  
75 require the production for examination of any books and papers which  
76 the commission deems relevant to any matter under investigation or in  
77 question. In connection with its investigation of any alleged violation  
78 of any provision of chapter 145, or of any provision of section 9-359 or  
79 section 9-359a, the commission shall also have the power to subpoena  
80 any municipal clerk and to require the production for examination of  
81 any absentee ballot, inner and outer envelope from which any such

82 ballot has been removed, depository envelope containing any such  
83 ballot or inner or outer envelope as provided in sections 9-150a and 9-  
84 150b and any other record, form or document as provided in section 9-  
85 150b, in connection with the election, primary or referendum to which  
86 the investigation relates. In case of a refusal to comply with any  
87 subpoena issued pursuant to this subsection or to testify with respect  
88 to any matter upon which that person may be lawfully interrogated,  
89 the superior court for the judicial district of Hartford, on application of  
90 the commission, may issue an order requiring such person to comply  
91 with such subpoena and to testify; failure to obey any such order of the  
92 court may be punished by the court as a contempt thereof. In any  
93 matter under investigation which concerns the operation or inspection  
94 of or outcome recorded on any voting machine, the commission may  
95 issue an order to the municipal clerk to impound such machine until  
96 the investigation is completed;

97 (2) To levy a civil penalty not to exceed (A) two thousand dollars  
98 per offense against any person the commission finds to be in violation  
99 of any provision of chapter 145, part V of chapter 146, part I of chapter  
100 147, chapter 148, section 7-9, section 9-12, subsection (a) of section 9-17,  
101 section 9-19b, 9-19e, 9-19g, 9-19h, 9-19i, 9-20, 9-21, 9-23a, 9-23g, 9-23h,  
102 9-23j to 9-23o, inclusive, 9-23r, 9-26, 9-31a, 9-32, 9-35, 9-35b, 9-35c, 9-  
103 40a, 9-42, 9-43, 9-50a, 9-56, 9-59, 9-168d, 9-170, 9-171, 9-172, 9-232i to 9-  
104 232o, inclusive, 9-404a to 9-404c, inclusive, 9-409, 9-410, 9-412, 9-436, 9-  
105 436a, 9-453e to 9-453h, inclusive, 9-453k or 9-453o, (B) two thousand  
106 dollars per offense against any town clerk, registrar of voters, an  
107 appointee or designee of a town clerk or registrar of voters, or any  
108 other election or primary official whom the commission finds to have  
109 failed to discharge a duty imposed by any provision of chapter 146 or  
110 147, (C) two thousand dollars per offense against any person the  
111 commission finds to have (i) improperly voted in any election, primary  
112 or referendum, and (ii) not been legally qualified to vote in such  
113 election, primary or referendum, or (D) two thousand dollars per  
114 offense or twice the amount of any improper payment or contribution,  
115 whichever is greater, against any person the commission finds to be in

116 violation of any provision of chapter 155 or 157. The commission may  
117 levy a civil penalty against any person under subparagraph (A), (B),  
118 (C) or (D) of this subdivision only after giving the person an  
119 opportunity to be heard at a hearing conducted in accordance with  
120 sections 4-176e to 4-184, inclusive. In the case of failure to pay any such  
121 penalty levied pursuant to this subsection within thirty days of written  
122 notice sent by certified or registered mail to such person, the superior  
123 court for the judicial district of Hartford, on application of the  
124 commission, may issue an order requiring such person to pay the  
125 penalty imposed and such court costs, state marshal's fees and  
126 attorney's fees incurred by the commission as the court may  
127 determine. Any civil penalties paid, collected or recovered under  
128 subparagraph (D) of this subdivision for a violation of any provision of  
129 chapter 155 applying to the office of the Treasurer shall be deposited  
130 on a pro rata basis in any trust funds, as defined in section 3-13c,  
131 affected by such violation;

132 (3) (A) To issue an order requiring any person the commission finds  
133 to have received any contribution or payment which is prohibited by  
134 any of the provisions of chapter 155 or 157, after an opportunity to be  
135 heard at a hearing conducted in accordance with the provisions of  
136 sections 4-176e to 4-184, inclusive, to return such contribution or  
137 payment to the donor or payor, or to remit such contribution or  
138 payment to the state for deposit in the General Fund or the Citizens'  
139 Election Fund, whichever is deemed necessary to effectuate the  
140 purposes of chapter 155 or 157, as the case may be;

141 (B) To issue an order when the commission finds that an intentional  
142 violation of any provision of chapter 155 or 157 has been committed,  
143 after an opportunity to be heard at a hearing conducted in accordance  
144 with sections 4-176e to 4-184, inclusive, which order may contain one  
145 or more of the following sanctions: (i) Removal of a campaign  
146 treasurer, deputy campaign treasurer or solicitor; (ii) prohibition on  
147 serving as a campaign treasurer, deputy campaign treasurer or  
148 solicitor, for a period not to exceed four years; and (iii) in the case of a  
149 party committee or a political committee, suspension of all political

150 activities, including, but not limited to, the receipt of contributions and  
151 the making of expenditures, provided the commission may not order  
152 such a suspension unless the commission has previously ordered the  
153 removal of the campaign treasurer and notifies the officers of the  
154 committee that the commission is considering such suspension;

155 (C) To issue an order revoking any person's eligibility to be  
156 appointed or serve as an election, primary or referendum official or  
157 unofficial checker or in any capacity at the polls on the day of an  
158 election, primary or referendum, when the commission finds such  
159 person has intentionally violated any provision of the general statutes  
160 relating to the conduct of an election, primary or referendum, after an  
161 opportunity to be heard at a hearing conducted in accordance with  
162 sections 4-176e to 4-184, inclusive;

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

166 (E) To issue an order following the commission's determination of  
167 the right of an individual to be or remain an elector when such  
168 determination is made (i) pursuant to an appeal taken to the  
169 commission from a decision of the registrars of voters or board of  
170 admission of electors under section 9-311, or (ii) following the  
171 commission's investigation pursuant to subdivision (1) of this  
172 subsection;

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

177 (4) To issue an order to a candidate committee that receives moneys  
178 from the Citizens' Election Fund pursuant to chapter 157, to comply  
179 with the provisions of chapter 157, after an opportunity to be heard at  
180 a hearing conducted in accordance with the provisions of sections 4-  
181 176e to 4-184, inclusive;

182 (5) To inspect or audit at any reasonable time and upon reasonable  
183 notice the accounts or records of any campaign treasurer or principal  
184 campaign treasurer, as required by chapter 155 or 157 and to audit any  
185 such election, primary or referendum held within the state; provided,  
186 (A) (i) not later than two months preceding the day of an election at  
187 which a candidate is seeking election, the commission shall complete  
188 any audit it has initiated in the absence of a complaint that involves a  
189 committee of the same candidate from a previous election, and (ii)  
190 during the two-month period preceding the day of an election at  
191 which a candidate is seeking election, the commission shall not initiate  
192 an audit in the absence of a complaint that involves a committee of the  
193 same candidate from a previous election, and (B) the commission shall  
194 not audit any caucus, as defined in subdivision (1) of section 9-372;

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

200 (7) To consult with the Secretary of the State, the Chief State's  
201 Attorney or the Attorney General on any matter which the commission  
202 deems appropriate;

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

207 (9) To refer to the Attorney General evidence for injunctive relief  
208 and any other ancillary equitable relief in the circumstances of  
209 subdivision (8) of this subsection. Nothing in this subdivision shall  
210 preclude a person who claims that he is aggrieved by a violation of any  
211 provision of chapter 152 or any other provision of the general statutes  
212 relating to referenda from pursuing injunctive and any other ancillary  
213 equitable relief directly from the Superior Court by the filing of a

214 complaint;

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

222 (11) To consult with the United States Department of Justice and the  
223 United States Attorney for Connecticut on any investigation pertaining  
224 to a violation of this section, section 9-12, subsection (a) of section 9-17  
225 or section 9-19b, 9-19e, 9-19g, 9-19h, 9-19i, 9-20, 9-21, 9-23a, 9-23g, 9-  
226 23h, 9-23j to 9-23o, inclusive, 9-26, 9-31a, 9-32, 9-35, 9-35b, 9-35c, 9-40a,  
227 9-42, 9-43, 9-50a, 9-56 or 9-59 and to refer to said department and  
228 attorney evidence bearing upon any such violation for prosecution  
229 under the provisions of the National Voter Registration Act of 1993,  
230 P.L. 103-31, as amended from time to time;

231 (12) To inspect reports filed with town clerks pursuant to chapter  
232 155 and refer to the Chief State's Attorney evidence bearing upon any  
233 violation of law therein if such violation was committed knowingly  
234 and wilfully;

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

240 (14) To adopt and publish regulations pursuant to chapter 54 to  
241 carry out the provisions of section 9-7a, this section, and chapters 155  
242 and 157; to issue upon request and publish advisory opinions in the  
243 Connecticut Law Journal upon the requirements of chapters 155 and  
244 157, and to make recommendations to the General Assembly  
245 concerning suggested revisions of the election laws;

246 (15) To the extent that the State Elections Enforcement Commission  
247 is involved in the investigation of alleged or suspected criminal  
248 violations of any provision of the general statutes pertaining to or  
249 relating to any such election, primary or referendum and is engaged in  
250 such investigation for the purpose of presenting evidence to the Chief  
251 State's Attorney, the State Elections Enforcement Commission shall be  
252 deemed a law enforcement agency for purposes of subdivision (3) of  
253 subsection (b) of section 1-210, provided nothing in this section shall be  
254 construed to exempt the State Elections Enforcement Commission in  
255 any other respect from the requirements of the Freedom of Information  
256 Act, as defined in section 1-200;

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

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

264 (18) To receive and determine complaints filed under the Help  
265 America Vote Act, P.L. 107-252, as amended from time to time, by any  
266 person who believes there is a violation of any provision of Title III of  
267 P.L. 107-252, as amended. Any complaint filed under this subdivision  
268 shall be in writing, notarized and signed and sworn by the person  
269 filing the complaint. At the request of the complainant, there shall be a  
270 hearing on the record, conducted in accordance with sections 4-167e to  
271 4-184, inclusive. The commission shall make a final determination with  
272 respect to a complaint prior to the expiration of the ninety-day period  
273 beginning on the date the complaint is filed, unless the complainant  
274 consents to a longer period for making such determination. If the  
275 commission fails to meet the applicable deadline under this  
276 subdivision with respect to a complaint, the commission shall resolve  
277 the complaint within sixty days after the expiration of such ninety-day  
278 period under an alternative dispute resolution procedure established

279 by the commission;

280 (19) To issue written determinations concerning explanatory texts,  
281 as provided for under subsection (a) of section 9-369b, as amended by  
282 this act.

283 (b) In the case of a refusal to comply with an order of the  
284 commission issued pursuant to subdivision (3) or (4) of subsection (a)  
285 of this section, the superior court for the judicial district of Hartford,  
286 on application of the commission, may issue a further order to comply.  
287 Failure to obey such further order may be punished by the court as a  
288 contempt thereof."