



STATE OF CONNECTICUT
STATE ELECTIONS ENFORCEMENT COMMISSION

Testimony Presented Before the Government Administration and Elections Committee

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House Bill 5233 – Grants from the Citizens' Election Fund to Unopposed Candidates

The State Elections Enforcement Commission takes **no position** on **House Bill 5233** but would like to offer substitute language for the reduction of grants to unopposed candidates.

The Commission recognizes the need to look for solutions to the fiscal problems we all face, and we believe that there are solutions available which do not harm the landmark campaign finance reforms adopted by this legislature in reaction to corruption scandals which had cost the state hundreds of millions of dollars and the loss of confidence in our government.

The reduction of grants for unopposed candidates should only be considered if it does not destroy the ability of the Program to meet its goals with respect to a large percentage of election races. The Commission strongly recommends that any reduction considered should allow candidates to declare their intent to participate in the Citizens' Election Program and follow the rules of the program. The legislation should provide for candidates who are currently unopposed to participate and to continue to raise small contributions from individuals up to the expenditure limit for a participating candidate if they do not receive a grant. It is however crucial that any solution not discourage participation in the Program, as it is participation that is the underpinning of the Program's success. The Commission has attached substitute language that would accomplish the intent of this legislation while supporting the continued success of the Citizens' Election Program.

Thank you for your consideration of the Commission's views on this bill.

Sec. 1. Section 9-702 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective January 1, 2012, and applicable to elections held on and after said date*):

(a) There is established a Citizens' Election Program under which (1) the candidate committee of a major party candidate for nomination to the office of state senator or state representative in 2008, or thereafter, or the office of Governor, Lieutenant Governor, Attorney General, State Comptroller, Secretary of the State or State Treasurer in 2010, or thereafter, may receive a grant from the Citizens' Election Fund for the candidate's primary campaign for said nomination, and (2) the candidate committee of a candidate nominated by a major party, or the candidate committee of an eligible minor party candidate or an eligible petitioning party candidate, for election to the office of state senator or state representative at a special election held on or after December 31, 2006, or at a regular election held in 2008, or thereafter, or for election to the office of Governor, Attorney General, State Comptroller, Secretary of the State or State Treasurer in 2010, or thereafter, may receive a grant from the fund for the candidate's general election campaign for said office.

(b) Any such candidate committee is eligible to receive such grants for a primary campaign, if applicable, and a general election campaign if (1) the candidate certifies as a participating candidate under section 9-703, (2) the candidate's candidate committee receives the required amount of qualifying contributions under section 9-704, (3) the candidate's candidate committee returns all contributions that do not meet the criteria for qualifying contributions under section 9-704, (4) the candidate agrees to limit the campaign expenditures of the candidate's candidate committee in accordance with the provisions of subsection (c) of this section, and (5) the candidate submits an application and the commission approves the application in accordance with the provisions of section 9-706.

(c) A candidate participating in the Citizens' Election Program shall limit the expenditures of the candidate's candidate committee (A) before a primary campaign and a general election campaign, to the amount of qualifying contributions permitted in section 9-704, and any personal funds provided by the candidate under subsection (c) of section 9-710, (B) for a primary campaign, to the sum of (i) the amount of such qualifying contributions and personal funds that have not been spent before the primary campaign, and (ii) the amount of the grant for the primary campaign authorized under section 9-705, and (C) for a general election campaign, to the sum of (i) the amount of such qualifying contributions and personal funds that have not been spent before the general election campaign, (ii) any unexpended funds from any grant for a primary campaign authorized under section 9-705 and (iii) the amount of the grant for the general election campaign authorized under section 9-705. The candidate committee of a minor or petitioning party candidate who has received a general election campaign grant from the fund pursuant to section 9-705 or an unopposed candidate who is deemed ineligible to receive a general election grant pursuant to subdivision (3) of subsection (j) of section 9-705, as amended by this act, shall be permitted to receive contributions in addition to the qualifying contributions subject to the limitations and restrictions applicable to participating candidates for the same office, provided (A) such minor or petitioning party candidate shall limit the

expenditures of the candidate committee for a general election campaign to the sum of the qualifying contributions and personal funds, the amount of the general election campaign grant received and the amount raised in additional contributions that is equivalent to the difference between the amount of the applicable general election campaign grant for a major party candidate for such office and the amount of the general election campaign grant received by such minor or petitioning party candidate, and (B) such unopposed candidate shall limit the expenditures of the candidate committee for a general election campaign to the sum of the qualifying contributions and personal funds and the amount raised in additional contributions that is equivalent to thirty percent of the applicable general election campaign grant as set forth in subsections (a) to (i) of section 9-705.

(d) For the purposes of this chapter, if a qualified candidate committee receives a grant for a primary campaign and has qualifying contributions that have not been spent before the primary campaign, no expenditures by such committee during the primary campaign shall be deemed to have been made from such qualifying contributions until the primary campaign grant funds have been fully spent.

(e) No grants or moneys paid to a qualified candidate committee from the Citizens' Election Fund under this chapter, shall be deemed to be public funds under any other provision of the general statutes or any public or special act unless specifically stated by such provision.

Sec. 2. Subsection (j) of section 9-705 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective January 1, 2012, and applicable to elections held on and after said date*):

(j) Notwithstanding the provisions of subsections (a) to (i), inclusive, of this section:

(1) The initial grant that a qualified candidate committee for a candidate is eligible to receive under subsections (a) to (i), inclusive, of this section shall be reduced by the amount of any personal funds that the candidate provides for the candidate's campaign for nomination or election pursuant to subsection (c) of section 9-710;

(2) If a participating candidate is nominated at a primary and does not expend the entire grant for the primary campaign authorized under subsection (a), (b), (e) or (f) of this section, the amount of the grant for the general election campaign shall be reduced by the total amount of any such unexpended primary campaign grant and moneys;

(3) If a participating candidate who is nominated for election does not have any opponent in the general election campaign, [the amount of the] said candidate shall not be eligible for a general election campaign grant[for which the qualified candidate committee for said candidate shall be eligible shall be thirty per cent of the applicable amount set forth in subsections (a) to (i), inclusive, of this section]. For purposes of this subdivision, a participating candidate shall be deemed to have an opponent if (A) a major party has properly endorsed any other candidate and made the requisite filing with the Secretary of the State within the time specified in section

9-391 or 9-400, as applicable, (B) any candidate of any other major party has received not less than fifteen per cent of the vote of convention delegates and has complied with the filing requirements set forth in section 9-400, or (C) any candidate of any other major party has circulated a petition and obtained the required number of signatures for filing a candidacy for nomination and has either qualified for the primary or been deemed the party's nominee;

(4) If the only opponent or opponents of a participating candidate who is nominated for election to an office are eligible minor party candidates or eligible petitioning party candidates and no such eligible minor party candidate's or eligible petitioning party candidate's candidate committee has received a total amount of contributions of any type that is equal to or greater than the amount of the qualifying contributions that a candidate for such office is required to receive under section 9-704 to be eligible for grants from the Citizens' Election Fund, the amount of the general election campaign grant for such participating candidate shall be sixty per cent of the applicable amount set forth in this section; [and]

(5) The amount of the primary grant or general election campaign grant for a qualified candidate committee shall be reduced, pursuant to the provisions of this subdivision, if such candidate committee has control and custody over lawn signs from any prior election or primary in the following applicable amount: (A) Five hundred or more lawn signs for the qualified candidate committee of a candidate for the office of Governor, Lieutenant Governor, Attorney General, State Comptroller, Secretary of the State or State Treasurer, (B) one hundred or more lawn signs for the qualified candidate committee of a candidate for the office of state senator, or (C) fifty or more lawn signs for the qualified candidate committee of a candidate for the office of state representative. If such qualified candidate committee has custody and control over lawn signs in the applicable amount, as described in this subdivision, the grant from the fund for the primary campaign or general election campaign, as applicable, for such qualified candidate committee shall be reduced as follows: (i) Two thousand five hundred dollars for the qualified candidate committee of a candidate for the office of Governor, Lieutenant Governor, Attorney General, State Comptroller, Secretary of the State or State Treasurer, (ii) five hundred dollars for the qualified candidate committee of a candidate for the office of state senator, or (iii) two hundred fifty dollars for the qualified candidate committee of a candidate for the office of state representative. In no event shall such a reduction be made both to a qualified candidate committee's primary campaign grant and to such candidate committee's general election grant. No reduction in either the primary campaign or general election campaign for a qualified candidate committee's grant shall be taken for any lawn sign that is not in the custody or control of the qualified candidate committee. Nothing in this subdivision shall be construed to apply to any item other than lawn signs[.]; and

(6) The general election grant that a qualified candidate committee is eligible to receive under subsections (a) to (i), inclusive, of this section shall be reduced by the amount of any additional contributions raised pursuant to subsection (c) of section 9-702, as amended by this act, when said candidate was deemed unopposed.