



STATE OF CONNECTICUT  
STATE ELECTIONS ENFORCEMENT COMMISSION

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**TESTIMONY PRESENTED BEFORE THE GOVERNMENT ADMINISTRATION  
AND ELECTIONS COMMITTEE**

*March 11, 2011*

*Statement of Albert P. Lenge, Executive Director and General Counsel  
State Elections Enforcement Commission*

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**The State Elections Enforcement Commission provides the following information concerning elections bills that are on the Committee's agenda today.**

**House Bill 5164 - AAC a Check from a Sole Proprietorship as a Qualifying Contribution Under the Citizens' Election Program**

- The Commission **opposes** the proposed change to permit qualifying contributions from sole proprietorships. These contributions will have significant fiscal impact and expose treasurers to increased liability.
- Note that this change is also proposed in **House Bill 6533**, for which the Commission has also provided testimony. Currently, the law does not permit qualifying contributions from sole proprietorships. This is because often it is difficult, if not impossible, for a treasurer, and later Commission audit staff, to distinguish between a contribution from a sole proprietorship and one from a business entity.
- This proposed change will make it exceedingly more difficult for treasurers to prevent the deposit of **prohibited** business entity contributions.
- This proposal will also have a significant fiscal impact. The Commission is subject to a strict four-day grant application review timeline. Because this change will require Commission audit staff to "look behind" many more contributions, the Commission will have to commit more man power to each grant application to review and verify questionable qualifying contributions that may be impermissible.
- This proposal will make it possible for a contributor to give qualifying contributions from both his personal and his sole proprietorship account, potentially thwarting the qualifying contribution limit and Program requirements to demonstrate adequate public support.

**House Bill 5883 - AAC Multiple Certifications from Campaign Contributors**

- The Commission also **opposes** the proposed exemption for treasurers from obtaining a new lobbyist/state contractor certification card "unless information certified to by the contributor, other than the amount, changes" because it will increase a treasurer's liability significantly and will require additional resources for enforcement of consequent violations.
- Note that this change is also proposed in **House Bill 5883**, for which the Commission has also provided testimony.
- This proposal may intend to alleviate some of the stress on treasurers who must under the current law obtain a certification card for every contribution over \$50. Unfortunately, this amendment is untenable, as there is no way for a treasurer to know, without first contacting the contributor, whether or not the information on the initial card has changed necessitating a new card.

- This proposal will **add** to the treasurer's responsibilities rather than diminish them. The Commission treats the contribution card as an insurance policy for the treasurer. As the law is currently written, if a treasurer obtains a card that indicates someone is not a lobbyist or a state contractor, he is permitted to rely on this card. This amendment will cancel this insurance policy. In other words, it is likely to lull treasurers into a false sense of security regarding the status of contributors and will ultimately subject treasurers to increased liability. Put simply, the Commission, strongly opposes this amendment because it is not treasurer-friendly.

#### **House Bill 5990 - AAC Refinements to the Election Laws**

- The Commission **opposes** these proposed changes. Such changes would subject the Commission to potential litigation, would be burdensome for candidates and treasurers and difficult to implement, creating administrative difficulties for not only the Commission but also the Secretary of the State's Office and the Town Clerks, who administer the petitioning process.
- The proposal would define the term "advisor" used in the definition of the organization expenditure to include only those individuals who provide a "skilled service." This phrase is problematic to interpret and implement. If the legislature desires to make such a limitation, further clarification as to the types of services it wishes to prohibit or permit would be necessary in order to allow for effective administration.
- The Commission **supports** the language concerning qualifying contributions from individuals with joint checking accounts, which it has proposed in **House Bill 6533** and for which it has provided testimony. The language simplifies the grant application process for treasurers. Currently, the statute requires the Commission to attribute contributions drawn on a joint checking account to the individual who signed the check - even if both account holders have submitted signed certification forms. This has created much confusion for both contributors and treasurers. The language contained in **House Bill 6533** permits contributors using a joint checking account to designate, in writing, how they want their contribution to be allocated. This change will help to ensure donative intent.

#### **Joint Resolution 33 Resolution Proposing an Amendment to the State Constitution to Provide for Early Voting**

- The SEEC **supports** early voting proposals, the Commission will work with the committee to accomplish the goal of providing more convenience and accessibility for voters, while maintaining the security of polling place protections. However, due to a significant history of enforcement actions in the absentee ballot area, which lack the traditional controls of a polling place, the Commission **opposes** No-Excuse Absentee Voting.

We look forward to working with the Committee concerning technical changes and revisions. Thank you for your consideration of the Commission's views on these bills.