



**Substitute House Bill No. 5601**

**Public Act No. 13-264**

**AN ACT CONCERNING THE LEGISLATIVE COMMISSIONERS' RECOMMENDATIONS FOR TECHNICAL REVISIONS TO THE GOVERNMENT ADMINISTRATION AND ELECTIONS STATUTES.**

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

Section 1. Subsection (a) of section 9-158d of the general statutes, as amended by section 6 of public act 12-56, is repealed and the following is substituted in lieu thereof (*Effective July 1, 2013*):

(a) The application for a presidential ballot shall be a form signed in duplicate by the applicant under penalty of false statement in absentee balloting, which shall provide substantially as follows:

To the Town Clerk of the Town of ....., Connecticut

I, the undersigned, declare under penalty of false statement in absentee balloting that the following statements are true:

1. I am a citizen of the United States.
2. I have not forfeited my electoral privileges because of conviction of a disfranchising crime.
3. I was born on ....., and on the day of the next presidential election, I shall be at least 18 years of age.

**Substitute House Bill No. 5601**

4. FORMER RESIDENT. I am a former resident of the above town, to which I am making this application, and resided at .... Street therein. I moved from such town to my present town and state of residence on the .... day of ....., 20.., being within thirty days before the date of the next presidential election, and for that reason I cannot register to vote in said presidential election in my present town and state of residence. I am now a bona fide resident of the Town of ....., in the state of ....., now residing at .... Street therein.

5. I hereby apply for a "presidential ballot" for the election to be held on ....., 20... I have not voted and will not vote otherwise than by this ballot at that election. I am not eligible to vote for electors of President and Vice-President in any other state.

6. The said ballot is to be given to me personally or mailed to me at  
..... (bona fide mailing address)

Dated at ....., this .... day of .... 20...

..... (Signature of applicant)

Sec. 2. Section 1-81 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2013*):

(a) The board and general counsel and staff of the Office of State Ethics shall:

(1) Compile and maintain an index of all reports, advisory opinions, informal staff letters, memoranda issued in accordance with subsection (b) of section 1-82 and statements filed by and with the Office of State Ethics to facilitate public access to such reports and advisory opinions, informal staff letters, memoranda statements as provided by this part;

(2) Preserve advisory opinions and informal staff letters, permanently; preserve memoranda issued in accordance with

**Substitute House Bill No. 5601**

subsection (b) of section 1-82 and statements and reports filed by and with the board for a period of five years from the date of receipt;

(3) Upon the concurring vote of a majority of the board present and voting, issue advisory opinions with regard to the requirements of this part, upon the request of any person subject to the provisions of this part, and publish such advisory opinions in the Connecticut Law Journal. Advisory opinions rendered by the board, until amended or revoked, shall be binding on the board and shall be deemed to be final decisions of the board for purposes of appeal to the superior court, in accordance with the provisions of section 4-175 or 4-183. Any advisory opinion concerning the person who requested the opinion and who acted in reliance thereon, in good faith, shall be binding upon the board, and it shall be an absolute defense in any criminal action brought under the provisions of this part, that the accused acted in reliance upon such advisory opinion;

(4) Respond to inquiries and provide advice regarding the code of ethics either verbally or through informal letters;

(5) Provide yearly training to all state employees regarding the code of ethics;

(6) Make legislative recommendations to the General Assembly and report annually, prior to April fifteenth, to the Governor summarizing the activities of the [commission;] Office of State Ethics; and

(7) Meet not less than once per month with the office's executive director and ethics enforcement officer. [; and]

[(8)] (b) The [commission] Office of State Ethics may enter into such contractual agreements as may be necessary for the discharge of its duties, within the limits of its appropriated funds and in accordance with established procedures.

**Substitute House Bill No. 5601**

[(b)] (c) The Office of State Ethics shall employ an executive director, general counsel and ethics enforcement officer, each of whom shall be exempt from classified state service. The salary for the executive director, general counsel and the ethics enforcement officer shall be determined by the Commissioner of Administrative Services in accordance with accepted personnel practices. No one person may serve in more than one of the positions described in this subsection. The Office of State Ethics may employ necessary staff within available appropriations. Such necessary staff of the Office of State Ethics shall be in classified state service.

[(c)] (d) The executive director, described in subsection [(b)] (c) of this section, shall be appointed by the Citizen's Ethics Advisory Board for an open-ended term. Such appointment shall not be made until all the initial board members appointed to terms commencing on October 1, 2005, are appointed by their respective appointing authorities, pursuant to subsection (a) of section 1-80. The board shall annually evaluate the performance of the executive director, in writing, and may remove the executive director, in accordance with the provisions of chapter 67.

[(d)] (e) The general counsel and ethics enforcement officer described in subsection [(b)] (c) of this section, and other staff of the Office of State Ethics shall be appointed by the executive director of the Office of State Ethics. The executive director shall annually evaluate the performance of the general counsel, ethics enforcement officer and such other staff, in writing, and may remove the general counsel or ethics enforcement officer, in accordance with the provisions of chapter 67, or such other staff, in accordance with any applicable collective bargaining agreement.

[(e)] (f) There shall be a legal division within the Office of State Ethics. The legal division shall provide the board with legal advice on matters before said board and shall represent the board in all matters

**Substitute House Bill No. 5601**

in which the board is a party, without the assistance of the Attorney General unless the board requests such assistance. The legal division shall, under the direction of the general counsel, provide information and written and verbal opinions to persons subject to the code and to the general public. The general counsel, described in subsection [(b)] (c) of this section, shall supervise such division. The investigation or instigation of a complaint may not occur solely because of information received by the legal division.

[(f)] (g) There shall be an enforcement division within the Office of State Ethics. The enforcement division shall be responsible for investigating complaints brought to or by the board. The ethics enforcement officer, described in subsection [(b)] (c) of this section, shall supervise the enforcement division. The enforcement division shall employ such attorneys and investigators, as necessary, within available appropriations, and may refer matters to the office of the Chief State's Attorney, as appropriate.

[(g)] (h) The Citizen's Ethics Advisory Board shall adopt regulations in accordance with chapter 54 to carry out the purposes of this part. Such regulations shall not be deemed to govern the conduct of any judge trial referee in the performance of such judge trial referee's duties pursuant to this chapter.

[(h) In] (i) The general counsel shall, in consultation with the executive director of the Office of State Ethics, [the general counsel shall] oversee yearly training of all state personnel in the code of ethics, provide training on the code of ethics to other individuals or entities subject to the code and shall make recommendations as to public education regarding ethics.

Sec. 3. Subsection (e) of section 1-82 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective from passage*):

**Substitute House Bill No. 5601**

(e) No person shall take or threaten to take official action against an individual for such individual's disclosure of information to the board or the general counsel, ethics enforcement officer or staff of the Office of State Ethics under the provisions of this part or section 1-101nn. After receipt of information from an individual under the provisions of this part or section 1-101nn, the Office of State Ethics shall not disclose the identity of such individual without such individual's consent unless the Office of State Ethics determines that such disclosure is unavoidable during the course of an investigation. No person shall be subject to civil liability for any good faith disclosure that such person makes to the [commission] Office of State Ethics.

Sec. 4. Subsection (k) of section 1-91 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective from passage*):

(k) "Lobbying" means communicating directly or soliciting others to communicate with any official or his staff in the legislative or executive branch of government or in a quasi-public agency, for the purpose of influencing any legislative or administrative action except that the term "lobbying" does not include (1) communications by or on behalf of a party to, or an intervenor in, a contested case, as described in regulations adopted by the [commission] Office of State Ethics in accordance with the provisions of chapter 54, before an executive agency or a quasi-public agency, as defined in section 1-79, (2) communications by a representative of a vendor or by an employee of the registered client lobbyist which representative or employee acts as a salesperson and does not otherwise engage in lobbying regarding any administrative action, (3) communications by an attorney made while engaging in the practice of law and regarding any matter other than legislative action as defined in subsection (j) of this section or the proposal, drafting, development, consideration, amendment, adoption or repeal of any rule or regulation, or (4) other communications

**Substitute House Bill No. 5601**

exempted by regulations adopted by the [commission] Office of State Ethics in accordance with the provisions of chapter 54.

Sec. 5. Subsection (a) of section 1-100b of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2013*):

(a) The Office of State Ethics, upon a finding that a communicator lobbyist has violated the provisions of subsection [(i)] (h) of section 9-610, may suspend [said] such lobbyist's registration for a period of not more than the remainder of the term of such registration and may prohibit [said] such lobbyist from engaging in the profession of lobbyist for a period of not more than three years.

Sec. 6. Subsection (c) of section 1-100b of the general statutes is repealed and the following is substituted in lieu thereof (*Effective from passage*):

(c) The Office of State Ethics shall make any finding under subsection (a) or (b) of this section in accordance with the same procedure set forth in section 1-93 for a finding by the [commission] board of a violation of part II of chapter 10.

Sec. 7. Subdivision (5) of subsection (g) of section 2c-2h of the general statutes is repealed and the following is substituted in lieu thereof (*Effective from passage*):

(5) Commission on Children, established under section 46a-126; and

Sec. 8. Section 4b-15 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective from passage*):

Each state agency having care, control and supervision of state property, including the Judicial Department and the Joint Committee on Legislative Management of the General Assembly, shall implement

***Substitute House Bill No. 5601***

a policy for each facility under its care, control or supervision to (1) reduce the use of disposable and single-use products, [in accordance with the plan adopted by the Commissioner of Administrative Services pursuant to section 4a-67b,] and (2) separate and collect items designated as either suitable or required for recycling pursuant to section 22a-241b. Each such state agency shall post such policy on its Internet web site.

Approved July 11, 2013