



General Assembly

February Session, 2014

**Raised Bill No. 5549**

LCO No. 2478



Referred to Committee on GOVERNMENT ADMINISTRATION  
AND ELECTIONS

Introduced by:  
(GAE)

**AN ACT CONCERNING VIOLATIONS BY STATE CONTRACTORS OR  
PROSPECTIVE STATE CONTRACTORS OF CAMPAIGN  
CONTRIBUTION LAWS.**

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

1 Section 1. Subdivision (2) of subsection (f) of section 9-612 of the  
2 2014 supplement to the general statutes is repealed and the following  
3 is substituted in lieu thereof (*Effective from passage*):

4 (2) (A) No state contractor, prospective state contractor, principal of  
5 a state contractor or principal of a prospective state contractor, with  
6 regard to a state contract or a state contract solicitation with or from a  
7 state agency in the executive branch or a quasi-public agency or a  
8 holder, or principal of a holder, of a valid prequalification certificate,  
9 shall make a contribution to, or, on and after January 1, 2011,  
10 knowingly solicit contributions from the state contractor's or  
11 prospective state contractor's employees or from a subcontractor or  
12 principals of the subcontractor on behalf of (i) an exploratory  
13 committee or candidate committee established by a candidate for

14 nomination or election to the office of Governor, Lieutenant Governor,  
15 Attorney General, State Comptroller, Secretary of the State or State  
16 Treasurer, (ii) a political committee authorized to make contributions  
17 or expenditures to or for the benefit of such candidates, or (iii) a party  
18 committee;

19 (B) No state contractor, prospective state contractor, principal of a  
20 state contractor or principal of a prospective state contractor, with  
21 regard to a state contract or a state contract solicitation with or from  
22 the General Assembly or a holder, or principal of a holder, of a valid  
23 prequalification certificate, shall make a contribution to, or, on and  
24 after January 1, 2011, knowingly solicit contributions from the state  
25 contractor's or prospective state contractor's employees or from a  
26 subcontractor or principals of the subcontractor on behalf of (i) an  
27 exploratory committee or candidate committee established by a  
28 candidate for nomination or election to the office of state senator or  
29 state representative, (ii) a political committee authorized to make  
30 contributions or expenditures to or for the benefit of such candidates,  
31 or (iii) a party committee;

32 (C) If a state contractor or principal of a state contractor makes or  
33 solicits a contribution as prohibited under subparagraph (A) or (B) of  
34 this subdivision, as determined by the State Elections Enforcement  
35 Commission, the contracting state agency or quasi-public agency  
36 [may] shall, in the case of a state contract executed on or after February  
37 8, 2007, void the existing contract with such contractor, and no state  
38 agency or quasi-public agency shall award the state contractor a state  
39 contract or an extension or an amendment to a state contract for [one  
40 year] ten years after the election for which such contribution is made  
41 or solicited unless the commission determines that mitigating  
42 circumstances exist concerning such violation. No violation of the  
43 prohibitions contained in subparagraph (A) or (B) of this subdivision  
44 shall be deemed to have occurred if, and only if, the improper  
45 contribution is returned to the principal by the later of thirty days after  
46 receipt of such contribution by the recipient committee treasurer or the

47 filing date that corresponds with the reporting period in which such  
48 contribution was made;

49 (D) If a prospective state contractor or principal of a prospective  
50 state contractor makes or solicits a contribution as prohibited under  
51 subparagraph (A) or (B) of this subdivision, as determined by the State  
52 Elections Enforcement Commission, no state agency or quasi-public  
53 agency shall award the prospective state contractor the contract  
54 described in the state contract solicitation or any other state contract  
55 for [~~one year~~] ten years after the election for which such contribution is  
56 made or solicited unless the commission determines that mitigating  
57 circumstances exist concerning such violation. The Commissioner of  
58 Administrative Services shall notify applicants of the provisions of this  
59 subparagraph and subparagraphs (A) and (B) of this subdivision  
60 during the prequalification application process; and

61 (E) The State Elections Enforcement Commission shall make  
62 available to each state agency and quasi-public agency a written notice  
63 advising state contractors and prospective state contractors of the  
64 contribution and solicitation prohibitions contained in subparagraphs  
65 (A) and (B) of this subdivision. Such notice shall: (i) Direct each state  
66 contractor and prospective state contractor to inform each individual  
67 described in subparagraph (F) of subdivision (1) of this subsection,  
68 with regard to such state contractor or prospective state contractor,  
69 about the provisions of subparagraph (A) or (B) of this subdivision,  
70 whichever is applicable, and this subparagraph; (ii) inform each state  
71 contractor and prospective state contractor of the civil and criminal  
72 penalties that could be imposed for violations of such prohibitions if  
73 any such contribution is made or solicited; (iii) inform each state  
74 contractor and prospective state contractor that, in the case of a state  
75 contractor, if any such contribution is made or solicited, the contract  
76 may be voided; (iv) inform each state contractor and prospective state  
77 contractor that, in the case of a prospective state contractor, if any such  
78 contribution is made or solicited, the contract described in the state  
79 contract solicitation shall not be awarded, unless the commission

80 determines that mitigating circumstances exist concerning such  
81 violation; and (v) inform each state contractor and prospective state  
82 contractor that the state will not award any other state contract to  
83 anyone found in violation of such prohibitions for a period of one year  
84 after the election for which such contribution is made or solicited,  
85 unless the commission determines that mitigating circumstances exist  
86 concerning such violation. Each state agency and quasi-public agency  
87 shall distribute such notice to the chief executive officer of its  
88 contractors and prospective state contractors, or an authorized  
89 signatory to a state contract, and shall obtain a written  
90 acknowledgement of the receipt of such notice.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>from passage</i>	9-612(f)(2)

**Statement of Purpose:**

To require that an agency terminate a contract with any state contractor that violates a prohibition on campaign contributions and to extend the ban from contracting with the state from one year to ten years for state contractors and prospective state contractors in the case of such a violation.

*[Proposed deletions are enclosed in brackets. Proposed additions are indicated by underline, except that when the entire text of a bill or resolution or a section of a bill or resolution is new, it is not underlined.]*