



General Assembly

Amendment

February Session, 2016

LCO No. 5730



Offered by:
REP. JUTILA, 37th Dist.

To: Subst. House Bill No. 5511 File No. 568 Cal. No. 351

"AN ACT CONCERNING DISCLOSURE OF COORDINATED AND INDEPENDENT SPENDING IN CAMPAIGN FINANCE."

1 Strike everything after the enacting clause and substitute the
2 following in lieu thereof:

3 "Section 1. Section 9-601d of the general statutes is repealed and the
4 following is substituted in lieu thereof (*Effective from passage*):

5 (a) Any person, as defined in section 9-601, may, unless otherwise
6 restricted or prohibited by law, including, but not limited to, any
7 provision of this chapter or chapter 157, make unlimited independent
8 expenditures, as defined in section 9-601c, and accept unlimited
9 covered transfers, as defined in [said] section 9-601. Except as provided
10 [pursuant to] in this section, any such person who makes or obligates
11 to make an independent expenditure or expenditures in excess of one
12 thousand dollars, in the aggregate, shall file statements according to
13 the same schedule and in the same manner as is required of a treasurer
14 of a [candidate] political committee pursuant to section 9-608. Such
15 person shall file such statements on forms described in subsections (c)

16 and (d) of this section.

17 (b) Any person who makes or obligates to make an independent
18 expenditure or expenditures in an election or primary for the office of
19 Governor, Lieutenant Governor, Secretary of the State, State Treasurer,
20 State Comptroller, Attorney General, state senator or state
21 representative [] which exceed one thousand dollars, in the aggregate,
22 during a primary campaign or a general election campaign, as defined
23 in section 9-700, shall file, electronically, a long-form and a short-form
24 report of such independent expenditure or expenditures with the State
25 Elections Enforcement Commission pursuant to subsections (c) and (d)
26 of this section. The person that makes or obligates to make such
27 independent expenditure or expenditures shall file such reports not
28 later than twenty-four hours after (1) making any such payment, or (2)
29 obligating to make any such payment, with respect to the primary or
30 election. If any such person makes or incurs a subsequent independent
31 expenditure, such person shall report such expenditure pursuant to
32 subsection (d) of this section. Such reports shall be filed under penalty
33 of false statement.

34 (c) The independent expenditure long-form report shall identify: (1)
35 The name of the person making or obligating to make such
36 expenditure or expenditures; (2) if applicable, the tax exempt status of
37 such person, [if applicable] except that if such person files a report
38 with the Federal Election Commission, the Internal Revenue Service or
39 any similar out-of-state agency, such person shall include a statement
40 to that effect and the identification number or other identifying
41 information under which any such filings are made; (3) the street
42 address and mailing address, if different, of such person; (4) the
43 principal business address of the person, if different from either the
44 mailing address or street address; (5) the mailing address, or street
45 address if different, telephone number and electronic mail address of
46 the agent for service of process in this state of such person; (6) the date
47 of the primary, [or] election or referendum for which [the] such
48 independent expenditure or expenditures were made or obligated to
49 be made; (7) (A) the name of any candidate who, or the text of any

50 referendum question that, was the subject of [any] such independent
51 expenditure or expenditures, [and whether the] (B) whether such
52 independent expenditure or expenditures were in support of or in
53 opposition to such candidate or referendum question, and (C) any
54 other information required under subsection (d) of this section for such
55 independent expenditure or expenditures; and (8) the name, telephone
56 number and electronic mail address for the individual filing such
57 report. [Such] Each individual filing such report shall affirm [that the
58 expenditure reported is an independent expenditure under penalty of
59 false statement] under penalty of false statement that any expenditure
60 so reported is an independent expenditure.

61 (d) As part of any filing made pursuant to subsection (c) of this
62 section and for each subsequent independent expenditure made or
63 obligated to be made by a person with respect to the primary, [or]
64 election or referendum for which a long-form report pursuant to
65 subsection (c) of this section has been filed on behalf of such person, an
66 individual shall file [, electronically, a short-form report for each such
67 independent expenditure, not later than twenty-four hours after such
68 person makes a payment for an independent expenditure or obligates
69 to make such an independent expenditure] a short-form report for
70 each such independent expenditure. Such short-form report shall
71 identify: (1) The name of the person making or obligating to make such
72 independent expenditure; (2) the amount of the independent
73 expenditure; (3) whether the independent expenditure was in support
74 of or in opposition to a candidate or referendum question and the
75 name of such candidate or text of such referendum question; (4) a brief
76 description of the expenditure made, including the type of
77 communication, based on categories determined by the State Elections
78 Enforcement Commission, and the allocation of such expenditure in
79 support of or in opposition to each such candidate or referendum
80 question, if such expenditure was made in support of or in opposition
81 to more than one candidate [; and] or question; (5) the name, telephone
82 number and electronic mail address for the individual filing such
83 report; [. Such] and (6) any other information that the State Elections

84 Enforcement Commission may require to facilitate compliance with
85 the provisions of chapters 155 to 157, inclusive. Each individual filing
86 such report shall affirm [that the expenditure reported is an
87 independent expenditure] under penalty of false statement that any
88 expenditure so reported is an independent expenditure.

89 (e) No person reporting an independent expenditure pursuant to
90 the provisions of subsection (c) or (d) of this section shall be required
91 to file a statement pursuant to section 9-608, as amended by this act,
92 for such independent expenditure.

93 (f) (1) Except as provided in subdivision (2) of this subsection, as
94 part of any statement filed pursuant to this section, if a person who
95 makes or obligates to make an independent expenditure (A) has
96 received a covered transfer during the twelve-month period prior to a
97 primary, [or] election or referendum, as applicable to the reported
98 expenditure, [for an office that a candidate described in subdivision (7)
99 of subsection (c) of this section is seeking,] and (B) such independent
100 expenditure is made or obligated to be made on or after the date that is
101 one hundred eighty days prior to such primary, [or] election or
102 referendum, such person shall disclose the source and the amount of
103 any such covered transfer such person received that is in an amount
104 that is five thousand dollars or more, in the aggregate, during the
105 twelve-month period prior to such primary or election, as applicable to
106 the reported expenditure.

107 (2) The provisions of subdivision (1) of this subsection shall not
108 apply to any person who discloses the source and amount of a covered
109 transfer described in subdivision (1) of this subsection as part of any
110 report to the Federal Election Commission, [or] the Internal Revenue
111 Service or any similar out-of-state agency, provided such person
112 includes a copy of, or information sufficient to find, any such report as
113 part of the [report] statement of each applicable independent
114 expenditure filed pursuant to this section. If a source and amount of a
115 covered transfer is not included as part of any such [report] statement,
116 the maker of the expenditure shall disclose the source and amount of

117 such covered transfer pursuant to subdivision (1) of this subsection, if
118 applicable.

119 (g) (1) A person may, unless otherwise restricted or prohibited by
120 law, including, but not limited to, any provision of this chapter or
121 chapter 157, establish a dedicated independent expenditure account [,
122 for the purpose of engaging in] that may be used to make independent
123 expenditures, [that] provided such account is segregated from all other
124 accounts controlled by such person. Such dedicated independent
125 expenditure account may receive covered transfers directly from
126 persons other than the person establishing the dedicated account and
127 may not receive transfers from another account controlled by the
128 person establishing the dedicated account, except as provided in
129 subdivision (2) of this subsection. If an independent expenditure is
130 made from such segregated account, any report required pursuant to
131 this section or disclaimer required pursuant to section 9-621 [may
132 include only] shall include at least those persons who made covered
133 transfers directly to the dedicated independent expenditure account.

134 (2) If a person who has made a covered transfer to another account
135 controlled by the person establishing a dedicated independent
136 expenditure account requests that such covered transfer be used for
137 the purposes of making an independent expenditure from the
138 dedicated independent expenditure account, the amount of such
139 covered transfer may be transferred to the dedicated independent
140 expenditure account and shall be treated as a covered transfer directly
141 to the dedicated independent expenditure account.

142 (h) Any person may file a complaint with the commission upon the
143 belief that (1) any such independent expenditure report or statement is
144 false, or (2) any person who is required to file an independent
145 expenditure report under this subsection has failed to do so. The
146 commission shall make a prompt determination on such a complaint.

147 (i) (1) If a person fails to file a report in accordance with the
148 provisions of this section for an independent expenditure or

149 expenditures made or obligated to be made more than ninety days
150 before the day of a primary, [or] election or referendum, the person
151 shall be subject to a civil penalty, imposed by the State Elections
152 Enforcement Commission, of not more than ten thousand dollars. If a
153 person fails to file a report required in accordance with the provisions
154 of this section for an independent expenditure or expenditures made
155 or obligated to be made ninety days or less before the day of a
156 primary, [or] election or referendum, such person shall be subject to a
157 civil penalty, imposed by the State Elections Enforcement Commission,
158 of not more than twenty thousand dollars or twice the amount of any
159 such independent expenditure not so reported, whichever is greater.

160 (2) [If] Notwithstanding subsection (a) of section 9-623, if the State
161 Elections Enforcement Commission finds that any such failure is
162 knowing and wilful, the person responsible for the failure shall [also
163 be fined] be subject to an additional civil penalty, imposed by the State
164 Elections Enforcement Commission, of not more than fifty thousand
165 dollars or ten times the amount of any such independent expenditure
166 not so reported, whichever is greater, and the commission may refer
167 the matter to the office of the Chief State's Attorney.

168 Sec. 2. Subsections (a) to (c), inclusive, of section 9-603 of the general
169 statutes are repealed and the following is substituted in lieu thereof
170 (*Effective from passage*):

171 (a) Statements filed by (1) party committees, (2) political committees
172 formed to aid or promote the success or defeat of a referendum
173 question proposing a (A) constitutional convention, (B) constitutional
174 amendment, or (C) revision of the Constitution, (3) political
175 committees formed solely to aid or promote the success or defeat of a
176 referendum question to be voted upon by the electors of a single
177 municipality, (4) individual lobbyists, [and] (5) those political
178 committees and candidate committees formed to aid or promote the
179 success or defeat of any candidate for the office of Governor,
180 Lieutenant Governor, Secretary of the State, State Treasurer, State
181 Comptroller, Attorney General, judge of probate, [and members of the

182 General Assembly,] state senator or state representative, and (6) those
183 persons making an independent expenditure or expenditures in excess
184 of one thousand dollars, in the aggregate, for any such referendum
185 question or candidate pursuant to section 9-601d, as amended by this
186 act, shall be filed with the State Elections Enforcement Commission. A
187 political committee formed for a slate of candidates in a primary for
188 the office of justice of the peace shall file statements with the town
189 clerk of the municipality in which the primary is to be held.

190 (b) Statements filed by [political committees formed solely to aid or
191 promote the success or defeat of a referendum question to be voted
192 upon by the electors of a single municipality and] those political
193 committees or candidate committees formed to aid or promote the
194 success or defeat of any candidate for (1) public office, other than those
195 enumerated in subsection (a) of this section, or (2) the position of town
196 committee member shall be filed only with the town clerk of the
197 municipality in which the election [or referendum] is to be held. Each
198 unsalaried town clerk shall be entitled to receive ten cents from the
199 town for the filing of each such statement.

200 (c) A certification of a candidate who is exempt from the
201 requirement of subsection (a) of section 9-604 to form a candidate
202 committee shall be filed with the State Elections Enforcement
203 Commission if the candidate seeks an office enumerated in subsection
204 (a) of this section, or with the town clerk of the municipality in which
205 the election is to be held if the candidate seeks an office other than
206 those enumerated. A certification of a group of individuals who have
207 joined solely to aid or promote a referendum question and who are
208 exempt from the requirement to form a political committee under
209 section 9-605 shall be filed with the [town clerk of each municipality in
210 which the referendum is to be held] the State Elections Enforcement
211 Commission.

212 Sec. 3. Subsections (a) to (d), inclusive, of section 9-605 of the general
213 statutes are repealed and the following is substituted in lieu thereof
214 (*Effective from passage*):

215 (a) The chairperson of each political committee shall designate a
216 treasurer and may designate a deputy treasurer. The treasurer and any
217 deputy treasurer so designated shall sign a statement accepting the
218 designation. The chairperson of each political committee shall file a
219 registration statement described in subsection (b) of this section along
220 with the statement signed by the designated treasurer and deputy
221 treasurer with the proper authority, within ten days after its
222 organization, provided that the chairperson of any political committee
223 organized within ten days prior to any primary, election or
224 referendum in connection with which it intends to make any
225 contributions or expenditures, shall immediately file a registration
226 statement.

227 (b) The registration statement shall include: (1) The name and
228 address of the committee; (2) a statement of the purpose of the
229 committee; (3) the name and address of its treasurer, and deputy
230 treasurer if applicable; (4) the name, address and position of its
231 chairman, and other principal officers if applicable; (5) the name and
232 address of the depository institution for its funds; (6) the name of each
233 person, other than an individual, that is a member of the committee;
234 (7) the name and party affiliation of each candidate whom the
235 committee is supporting and the office or position sought by each
236 candidate; (8) if the committee is supporting the entire ticket of any
237 party, a statement to that effect and the name of the party; (9) if the
238 committee is supporting or opposing any referendum question, a brief
239 statement identifying the substance of the question; (10) if the
240 committee is established by a business entity, [or] an organization or
241 an individual acting as the agent of another person, the name of the
242 business entity, [or] organization or other person; (11) if the committee
243 is established by an organization, a statement of whether it will receive
244 its funds from the organization's treasury or from voluntary
245 contributions; (12) if the committee, or a person establishing the
246 committee through an individual acting as such person's agent, files
247 reports with the Federal Elections Commission or any similar out-of-
248 state agency, a statement to that effect including the name of the

249 commission or such agency; (13) a statement indicating whether the
250 committee is established for a single primary, election or referendum
251 or for ongoing political activities; (14) if the committee is established or
252 controlled by a lobbyist, a statement to that effect and the name of the
253 lobbyist; (15) the name and address of the person making the initial
254 contribution or disbursement, if any, to the committee; and (16) any
255 information that the State Elections Enforcement Commission
256 [requires] may require to facilitate compliance with the provisions of
257 this chapter or chapter 157. If no such initial contribution or
258 disbursement, as described in subdivision (15) of this subsection, has
259 been made at the time of the filing of such statement, the treasurer of
260 the committee shall, not later than forty-eight hours after receipt of
261 such contribution or disbursement, file a report with the State Elections
262 Enforcement Commission. The report shall be in the same form as
263 statements filed under section 9-608.

264 (c) The treasurer of each political committee shall report any
265 addition to or change in information previously submitted in a
266 statement of organization to the proper authority not later than ten
267 days after the addition or change, [provided] except that if an officer of
268 the committee has changed, such amended statement shall be filed by
269 the chairperson of the committee.

270 (d) A group of two or more individuals who have joined solely to
271 promote the success or defeat of a referendum question shall not be
272 required to file as a political committee, make such designations in
273 accordance with subsections (a) and (b) of this section or file
274 statements pursuant to section 9-608, if the group does not receive [or
275 expend] contributions, or make or incur expenditures, in excess of one
276 thousand dollars, in the aggregate, for the entire campaign. If the
277 group receives [funds] contributions, or makes or incurs expenditures,
278 exceeding one thousand dollars, in the aggregate, the group shall
279 complete the statement of organization and file as a political
280 committee not later than three business days [thereafter] after
281 receiving such contributions, or making or incurring such
282 expenditures. The group shall provide the designated treasurer with

283 all information required for completion of the statements for filing as
284 required by section 9-608.

285 Sec. 4. Section 9-611 of the general statutes is repealed and the
286 following is substituted in lieu thereof (*Effective from passage*):

287 (a) No individual shall make a contribution or contributions to, for
288 the benefit of, or pursuant to the authorization or request of, a
289 candidate or a committee supporting or opposing any candidate's
290 campaign for nomination at a primary, or any candidate's campaign
291 for election, to the office of (1) Governor, in excess of three thousand
292 five hundred dollars; (2) Lieutenant Governor, Secretary of the State,
293 Treasurer, Comptroller or Attorney General, in excess of two thousand
294 dollars; (3) chief executive officer of a town, city or borough, in excess
295 of one thousand dollars; (4) state senator or probate judge, in excess of
296 one thousand dollars; or (5) state representative or any other office of a
297 municipality not previously included in this subsection, in excess of
298 two hundred fifty dollars. The limits imposed by this subsection shall
299 be applied separately to primaries and elections.

300 (b) (1) No individual shall make a contribution or contributions to,
301 or for the benefit of, an exploratory committee, in excess of three
302 hundred seventy-five dollars, if the candidate establishing the
303 exploratory committee certifies on the statement of organization for
304 the exploratory committee pursuant to subsection (c) of section 9-604
305 that the candidate will not be a candidate for the office of state
306 representative. No individual shall make a contribution or
307 contributions to, or for the benefit of, any exploratory committee, in
308 excess of two hundred fifty dollars, if the candidate establishing the
309 exploratory committee does not so certify.

310 (2) No individual shall make a contribution or contributions to, or
311 for the benefit of, a political committee formed by a slate of candidates
312 in a primary for the office of justice of the peace, in excess of two
313 hundred fifty dollars.

314 [(c) No individual shall make contributions to such candidates or

315 committees which in the aggregate exceed thirty thousand dollars for
 316 any single election and primary preliminary to such election.]

317 [(d)] (c) No individual shall make a contribution to any candidate or
 318 committee, other than a contribution in kind, in excess of one hundred
 319 dollars except by personal check or credit card of that individual.

320 [(e)] (d) No individual who is less than eighteen years of age shall
 321 make a contribution or contributions, in excess of thirty dollars to, for
 322 the benefit of, or pursuant to the authorization or request of: (1) A
 323 candidate or a committee supporting or opposing any candidate's
 324 campaign for nomination at a primary to any office; (2) a candidate or
 325 a committee supporting or opposing any candidate's campaign for
 326 election to any office; (3) an exploratory committee; (4) any other
 327 political committee in any calendar year; or (5) a party committee in
 328 any calendar year. Notwithstanding any provision of subdivision (2) of
 329 section 9-7b, any individual who is less than eighteen years of age who
 330 violates any provision of this subsection shall not be subject to the
 331 provisions of subdivision (2) of section 9-7b.

332 Sec. 5. Subsection (d) of section 9-612 of the general statutes is
 333 repealed and the following is substituted in lieu thereof (*Effective from*
 334 *passage*):

335 (d) Any individual may make unlimited contributions or
 336 expenditures to aid or promote the success or defeat of any
 337 referendum question, provided any individual who makes an
 338 expenditure or expenditures in excess of one thousand dollars to
 339 promote the success or defeat of any referendum question shall file
 340 statements according to the same schedule and in the same manner as
 341 is required of a treasurer of a political committee under section [9-608]
 342 9-601d, as amended by this act."

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>from passage</i>	9-601d

Sec. 2	<i>from passage</i>	9-603(a) to (c)
Sec. 3	<i>from passage</i>	9-605(a) to (d)
Sec. 4	<i>from passage</i>	9-611
Sec. 5	<i>from passage</i>	9-612(d)