



Senate

General Assembly

File No. 525

February Session, 2018

Senate Bill No. 500

Senate, April 16, 2018

The Committee on Government Administration and Elections reported through SEN. FLEXER of the 29th Dist. and SEN. MCLACHLAN, M. of the 24th Dist., Chairpersons of the Committee on the part of the Senate, that the bill ought to pass.

AN ACT CONCERNING LEGISLATIVE CANDIDATES' CAMPAIGN COMMUNICATIONS.

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

1 Section 1. Subsection (b) of section 9-601a of the general statutes is
2 repealed and the following is substituted in lieu thereof (*Effective from*
3 *passage*):

4 (b) As used in this chapter and chapter 157, "contribution" does not
5 mean:

6 (1) A loan of money made in the ordinary course of business by a
7 national or state bank;

8 (2) Any communication made by a corporation, organization or
9 association solely to its members, owners, stockholders, executive or
10 administrative personnel, or their families;

11 (3) Nonpartisan voter registration and get-out-the-vote campaigns

12 by any corporation, organization or association aimed at its members,
13 owners, stockholders, executive or administrative personnel, or their
14 families;

15 (4) Uncompensated services provided by individuals volunteering
16 their time on behalf of a party committee, political committee, slate
17 committee or candidate committee, including any services provided
18 for the benefit of nonparticipating and participating candidates under
19 the Citizens' Election Program and any unreimbursed travel expenses
20 made by an individual who volunteers the individual's personal
21 services to any such committee. For purposes of this subdivision, an
22 individual is a volunteer if such individual is not receiving
23 compensation for such services regardless of whether such individual
24 received compensation in the past or may receive compensation for
25 similar services that may be performed in the future;

26 (5) The use of real or personal property, a portion or all of the cost of
27 invitations and the cost of food or beverages, voluntarily provided by
28 an individual to a candidate, including a nonparticipating or
29 participating candidate under the Citizens' Election Program, or to a
30 party, political or slate committee, in rendering voluntary personal
31 services at the individual's residential premises or a community room
32 in the individual's residence facility, to the extent that the cumulative
33 value of the invitations, food or beverages provided by an individual
34 on behalf of any candidate or committee does not exceed four hundred
35 dollars with respect to any single event or does not exceed eight
36 hundred dollars for any such event hosted by two or more individuals,
37 provided at least one such individual owns or resides at the residential
38 premises, and further provided the cumulative value of the invitations,
39 food or beverages provided by an individual on behalf of any such
40 candidate or committee does not exceed eight hundred dollars with
41 respect to a calendar year or single election, as the case may be;

42 (6) The sale of food or beverage for use by a party, political, slate or
43 candidate committee, including those for a participating or
44 nonparticipating candidate, at a discount, if the charge is not less than

45 the cost to the vendor, to the extent that the cumulative value of the
46 discount given to or on behalf of any single candidate committee does
47 not exceed four hundred dollars with respect to any single primary or
48 election, or to or on behalf of any party, political or slate committee,
49 does not exceed six hundred dollars in a calendar year;

50 (7) The display of a lawn sign by a human being or on real property;

51 (8) The payment, by a party committee or slate committee of the
52 costs of preparation, display, mailing or other distribution incurred by
53 the committee or individual with respect to any printed slate card,
54 sample ballot or other printed list containing the names of three or
55 more candidates;

56 (9) The donation of any item of personal property by an individual
57 to a committee for a fund-raising affair, including a tag sale or auction,
58 or the purchase by an individual of any such item at such an affair, to
59 the extent that the cumulative value donated or purchased does not
60 exceed one hundred dollars;

61 (10) (A) The purchase of advertising space which clearly identifies
62 the purchaser, in a program for a fund-raising affair sponsored by the
63 candidate committee of a candidate for an office of a municipality,
64 provided the cumulative purchase of such space does not exceed two
65 hundred fifty dollars from any single such candidate or the candidate's
66 committee with respect to any single election campaign if the
67 purchaser is a business entity or fifty dollars for purchases by any
68 other person;

69 (B) The purchase of advertising space which clearly identifies the
70 purchaser, in a program for a fund-raising affair or on signs at a fund-
71 raising affair sponsored by a party committee or a political committee,
72 other than an exploratory committee, provided the cumulative
73 purchase of such space does not exceed two hundred fifty dollars from
74 any single party committee or a political committee, other than an
75 exploratory committee, in any calendar year if the purchaser is a
76 business entity or fifty dollars for purchases by any other person.

77 Notwithstanding the provisions of this subparagraph, the following
78 may not purchase advertising space in a program for a fund-raising
79 affair or on signs at a fund-raising affair sponsored by a party
80 committee or a political committee, other than an exploratory
81 committee: (i) A communicator lobbyist, (ii) a member of the
82 immediate family of a communicator lobbyist, (iii) a state contractor,
83 (iv) a prospective state contractor, or (v) a principal of a state
84 contractor or prospective state contractor. As used in this
85 subparagraph, "state contractor", "prospective state contractor" and
86 "principal of a state contractor or prospective state contractor" have the
87 same meanings as provided in subsection (f) of section 9-612;

88 (11) The payment of money by a candidate to the candidate's
89 candidate committee, provided the committee is for a nonparticipating
90 candidate;

91 (12) The donation of goods or services by a business entity to a
92 committee for a fund-raising affair, including a tag sale or auction, to
93 the extent that the cumulative value donated does not exceed two
94 hundred dollars;

95 (13) The advance of a security deposit by an individual to a
96 telephone company, as defined in section 16-1, for telecommunications
97 service for a committee or to another utility company, such as an
98 electric distribution company, provided the security deposit is
99 refunded to the individual;

100 (14) The provision of facilities, equipment, technical and managerial
101 support, and broadcast time by a community antenna television
102 company, as defined in section 16-1, for community access
103 programming pursuant to section 16-331a, unless (A) the major
104 purpose of providing such facilities, equipment, support and time is to
105 influence the nomination or election of a candidate, or (B) such
106 facilities, equipment, support and time are provided on behalf of a
107 political party;

108 (15) The sale of food or beverage by a town committee to an

109 individual at a town fair, county fair, local festival or similar mass
110 gathering held within the state, to the extent that the cumulative
111 payment made by any one individual for such items does not exceed
112 fifty dollars;

113 (16) An organization expenditure by a party committee, legislative
114 caucus committee or legislative leadership committee;

115 (17) The donation of food or beverage by an individual for
116 consumption at a slate, candidate, political committee or party
117 committee meeting, event or activity that is not a fund-raising affair to
118 the extent that the cumulative value of the food or beverages donated
119 by an individual for a single meeting or event does not exceed fifty
120 dollars;

121 (18) The value associated with the de minimis activity on behalf of a
122 party committee, political committee, slate committee or candidate
123 committee, including for activities including, but not limited to, (A) the
124 creation of electronic or written communications or digital photos or
125 video as part of an electronic file created on a voluntary basis without
126 compensation, including, but not limited to, the creation and ongoing
127 content development and delivery of social media on the Internet or
128 telephone, including, but not limited to, the sending or receiving of
129 electronic mail or messages, (B) the posting or display of a candidate's
130 name or group of candidates' names at a town fair, county fair, local
131 festival or similar mass gathering by a party committee, (C) the use of
132 personal property or a service that is customarily attendant to the
133 occupancy of a residential dwelling, or the donation of an item or
134 items of personal property that are customarily used for campaign
135 purposes, by an individual, to a candidate committee, provided the
136 cumulative fair market value of such use of personal property or
137 service or items of personal property does not exceed one hundred
138 dollars in the aggregate for any single election or calendar year, as the
139 case may be;

140 (19) The use of offices, telephones, computers and similar
141 equipment provided by a party committee, legislative caucus

142 committee or legislative leadership committee that serve as
143 headquarters for or are used by such party committee, legislative
144 caucus committee or legislative leadership committee;

145 (20) A communication, as described in subdivision (7) of subsection
146 (b) of section 9-601b;

147 (21) An independent expenditure, as defined in section 9-601c;

148 (22) A communication containing an endorsement on behalf of a
149 candidate for nomination or election to the office of Governor,
150 Lieutenant Governor, Secretary of the State, State Treasurer, State
151 Comptroller, Attorney General, state senator or state representative,
152 from a candidate for the office of Governor, Lieutenant Governor,
153 Secretary of the State, State Treasurer, State Comptroller, Attorney
154 General, state senator or state representative, provided the candidate
155 (A) making the endorsement is unopposed at the time of the
156 communication, and (B) being endorsed paid for such communication;

157 (23) A communication that is sent by mail to addresses in the district
158 for which a candidate being endorsed by another candidate pursuant
159 to this subdivision is seeking nomination or election to the office of
160 state senator or state representative, containing an endorsement on
161 behalf of such candidate for such nomination or election from a
162 candidate for the office of state senator or state representative,
163 provided the candidate (A) making the endorsement is not seeking
164 election to the office of state senator or state representative for a
165 district that contains any geographical area shared by the district for
166 the office to which the endorsed candidate is seeking nomination or
167 election, and (B) being endorsed paid for such communication; [or]

168 (24) Campaign training events provided to multiple individuals by
169 a legislative caucus committee and any associated materials, provided
170 the cumulative value of such events and materials does not exceed six
171 thousand dollars in the aggregate for a calendar year; [.] or

172 (25) In the case of the candidate committee of a candidate for

173 nomination or election to the office of state senator or state
174 representative, any campaign communication that features or refers to
175 a candidate for nomination or election to a state-wide office, except
176 that if such campaign communication expressly promotes the success
177 of such candidate for nomination or election to such state-wide office,
178 such communication shall be deemed a contribution under subsection
179 (a) of this section. As used in this subdivision, "state-wide office"
180 means the office of Governor, Lieutenant Governor, Secretary of the
181 State, State Treasurer, State Comptroller or Attorney General.

182 Sec. 2. Subdivision (1) of subsection (g) of section 9-607 of the
183 general statutes is repealed and the following is substituted in lieu
184 thereof (*Effective from passage*):

185 (g) (1) As used in this subsection, (A) "the lawful purposes of the
186 committee" means: (i) For a candidate committee or exploratory
187 committee, the promoting of the nomination or election of the
188 candidate who established the committee, except that (I) after a
189 political party nominates candidates for election to the offices of
190 Governor and Lieutenant Governor, whose names shall be so placed
191 on the ballot in the election that an elector will cast a single vote for
192 both candidates, as prescribed in section 9-181, a candidate committee
193 established by either such candidate may also promote the election of
194 the other such candidate, and (II) the candidate committee of a
195 candidate for nomination or election to the office of state senator or
196 state representative may feature or refer to a candidate for nomination
197 or election to a state-wide office on any campaign communication,
198 provided such campaign communication does not expressly promote
199 the success of such candidate for nomination or election to such state-
200 wide office; (ii) for a political committee, the promoting of a political
201 party, including party building activities, the success or defeat of
202 candidates for nomination and election to public office or position
203 subject to the requirements of this chapter, or the success or defeat of
204 referendum questions, provided a political committee formed for a
205 single referendum question shall not promote the success or defeat of
206 any candidate, and provided further a legislative leadership committee

207 or a legislative caucus committee may expend funds to defray costs for
 208 conducting legislative or constituency-related business which are not
 209 reimbursed or paid by the state; and (iii) for a party committee, the
 210 promoting of the party, party building activities, the candidates of the
 211 party and continuing operating costs of the party, [and] (B) "immediate
 212 family" means a spouse or dependent child of a candidate who resides
 213 in the candidate's household, and (C) "state-wide office" means the
 214 office of Governor, Lieutenant Governor, Secretary of the State, State
 215 Treasurer, State Comptroller or Attorney General.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>from passage</i>	9-601a(b)
Sec. 2	<i>from passage</i>	9-607(g)(1)

GAE *Joint Favorable*

The following Fiscal Impact Statement and Bill Analysis are prepared for the benefit of the members of the General Assembly, solely for purposes of information, summarization and explanation and do not represent the intent of the General Assembly or either chamber thereof for any purpose. In general, fiscal impacts are based upon a variety of informational sources, including the analyst's professional knowledge. Whenever applicable, agency data is consulted as part of the analysis, however final products do not necessarily reflect an assessment from any specific department.

OFA Fiscal Note***State Impact:*** None***Municipal Impact:*** None***Explanation***

The bill, which permits legislative candidates to feature or refer to statewide candidates on their campaign communications and deems such feature or reference as a contribution to the statewide candidate only if it promotes their success for nomination or election, has no fiscal impact.

The Out Years***State Impact:*** None***Municipal Impact:*** None

OLR Bill Analysis**SB 500*****AN ACT CONCERNING LEGISLATIVE CANDIDATES' CAMPAIGN COMMUNICATIONS.*****SUMMARY**

This bill authorizes the candidate committee of a candidate for state senator or state representative to feature or refer to a statewide office candidate in any campaign communication, as long as it does not expressly promote the success of the statewide office candidate. The bill applies to primaries and elections.

For the same candidate committees (i.e., committees of candidates running for the General Assembly), the bill also exempts such communications from the definition of contribution. However, under the bill, the communication is considered a contribution if it expressly promotes the success of a statewide office candidate.

By law and under the bill, (1) statewide office candidates are those running for governor, lieutenant governor, attorney general, state comptroller, secretary of the state, or state treasurer and (2) items or services that are exempt from the definition of contribution need not be disclosed by treasurers in the campaign finance statements they file with the State Elections Enforcement Commission.

EFFECTIVE DATE: Upon passage

BACKGROUND***Related Bills***

SB 499, reported favorably by the Government Administration and Elections (GAE) Committee, expands a contribution exemption to include the sale of parking, up to a cumulative total of \$50, sold by a town committee to an individual at a town or county fair, local festival,

or similar mass gathering.

sHB 5522, reported favorably by the GAE Committee, modifies the definitions of “contribution” and “expenditure,” as well as the exemptions for certain communications.

COMMITTEE ACTION

Government Administration and Elections Committee

Joint Favorable

Yea 9 Nay 8 (03/28/2018)