

Government Administration and Elections Committee

JOINT FAVORABLE REPORT

Bill No.: SB-500

AN ACT CONCERNING LEGISLATIVE CANDIDATES' CAMPAIGN

Title: COMMUNICATIONS.

Vote Date: 3/28/2018

Vote Action: Joint Favorable

PH Date: 3/19/2018

File No.:

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SPONSORS OF BILL:

Government Administration and Elections Committee

REASONS FOR BILL:

To allow legislative candidates to refer to statewide office candidates (Governor, Lieutenant Governor, Secretary of the State, State Treasurer, State Comptroller or Attorney General) in their campaign communications. It exempts these communications from the definition of a contribution and considers it a contribution only if it specifically promotes the success of such statewide candidate for nomination or election.

RESPONSE FROM ADMINISTRATION/AGENCY:

Michael Brandi, Executive Director, General Counsel, State Elections Enforcement Commission

Mr. Brandi states that the bill would represent a substantial change to the law and it should be considered carefully by the Committee. He asks, "If the legislature wants to create a carve-out for certain candidates from other races being featured in legislative candidates' advertisements, then why is it necessary to expand it to all statewide candidates, including, for example, the Comptroller (a figure who has never been featured in an ad of a legislative candidate, as far as we can recall)? Why not limit it to just the Governor or other common stand-ins for the party of the opposition? Or why not include the U.S. President, who is often a stand-in for the opposing party or the status quo or some other relevant policy or issue (e.g. if our country is at war or in a recession)? And why can't the ad "promote the success of" such candidate—wouldn't a legislative candidate want to ride on the coattails of a successful Governor as much as one would want to run against an unpopular one? This seems an example of a law change that is both too narrow and too broad."

Furthermore, he argues that the bill would create a way to misuse public funds legally. For example, if a candidate in a noncompetitive race uses their extra public funds to speak out against a sitting Governor who is a candidate in a competitive race, the gubernatorial candidate cannot respond. He believes that this is an unfair use of public funds and is not how the CEP is supposed to function. Mr. Brandi does offer that there may be less harmful ways to allow how campaign funds are spent when mentioning other candidates and SEEC is willing to work with the legislature if that is goal they would like to pursue.

NATURE AND SOURCES OF SUPPORT:

None Expressed.

NATURE AND SOURCES OF OPPOSITION:

None Expressed.

Reported by: Susan Tufts

Date: 4/13/18