AN ACT CONCERNING CAMPAIGN CONSULTANTS, COORDINATION AND USE OF FUNDS UNDER THE CITIZENS’ ELECTION PROGRAM.

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

Section 1. Section 9-601 of the general statutes is amended by adding subdivisions (32) and (33) as follows (Effective from passage):

(NEW) (32) "Consultant" means any person (A) that provides (i) campaign strategy, (ii) design or management of campaign communications, literature or advertising, or (iii) fundraising or management services, or (B) with duties that include identifying, hiring or paying subvendors for goods or services on behalf of a committee or a person required to file a report pursuant to section 9-601d or 9-608, as applicable.

(NEW) (33) (A) "Subvendor" means any person that provides goods or services to a consultant or that contracts with a consultant or other subvendor to provide goods or services to a committee or a person required to file a report pursuant to section 9-601d or 9-608, as applicable.

(B) "Subvendor" does not include a person who is an employee of a consultant if such person has been an employee of such consultant for three or more consecutive months prior to any month in which a committee or person is required to file a report accounting for any expenditure to such consultant or any subvendor for such consultant.
Sec. 2. Section 9-622 of the general statutes is repealed and the following is substituted in lieu thereof (Effective from passage):

The following persons shall be guilty of illegal practices and shall be punished in accordance with the provisions of section 9-623:

(1) Any person who, directly or indirectly, individually or by another person, gives or offers or promises to any person any money, gift, advantage, preferment, entertainment, aid, emolument or other valuable thing for the purpose of inducing or procuring any person to sign a nominating, primary or referendum petition or to vote or refrain from voting for or against any person or for or against any measure at any election, caucus, convention, primary or referendum;

(2) Any person who, directly or indirectly, receives, accepts, requests or solicits from any person, committee, association, organization or corporation, any money, gift, advantage, preferment, aid, emolument or other valuable thing for the purpose of inducing or procuring any person to sign a nominating, primary or referendum petition or to vote or refrain from voting for or against any person or for or against any measure at any such election, caucus, primary or referendum;

(3) Any person who, in consideration of any money, gift, advantage, preferment, aid, emolument or other valuable thing paid, received, accepted or promised to the person's advantage or any other person's advantage, votes or refrains from voting for or against any person or for or against any measure at any such election, caucus, primary or referendum;

(4) Any person who solicits from any candidate any money, gift, contribution, emolument or other valuable thing for the purpose of using the same for the support, assistance, benefit or expenses of any club, company or organization, or for the purpose of defraying the cost or expenses of any political campaign, primary, referendum or election;
(5) Any person who, directly or indirectly, pays, gives, contributes or promises any money or other valuable thing to defray or towards defraying the cost or expenses of any campaign, primary, referendum or election to any person, committee, company, club, organization or association, other than to a treasurer, except that this subdivision shall not apply to any expenses for postage, telegrams, telephoning, stationery, express charges, traveling, meals, lodging or photocopying incurred by any candidate for office or for nomination to office, so far as may be permitted under the provisions of this chapter;

(6) Any person who, in order to secure or promote the person's own nomination or election as a candidate, or that of any other person, directly or indirectly, promises to appoint, or promises to secure or assist in securing the appointment, nomination or election of any other person to any public position, or to any position of honor, trust or emolument; but any person may publicly announce the person's own choice or purpose in relation to any appointment, nomination or election in which the person may be called to take part, if the person is nominated for or elected to such office;

(7) Any person who, directly or indirectly, individually or through another person, makes a payment or promise of payment to a treasurer in a name other than the person's own, and any treasurer who knowingly receives a payment or promise of payment, or enters or causes the same to be entered in the person's accounts in any other name than that of the person by whom such payment or promise of payment is made;

(8) Any person who knowingly and wilfully violates any provision of this chapter;

(9) Any person who offers or receives a cash contribution in excess of one hundred dollars to promote the success or defeat of any political party, candidate or referendum question;

(10) Any person who solicits, makes or receives a contribution that
is otherwise prohibited by any provision of this chapter;

(11) Any department head or deputy department head of a state department who solicits a contribution on behalf of, or for the benefit of, any candidate for state, district or municipal office or any political party;

(12) Any municipal employee who solicits a contribution on behalf of, or for the benefit of, any candidate for state, district or municipal office, any political committee or any political party, from (A) an individual under the supervision of such employee, or (B) the spouse or a dependent child of such individual;

(13) Any person who makes an expenditure, that is not an independent expenditure, for a candidate without the knowledge of such candidate. No candidate shall be civilly or criminally liable with regard to any such expenditure;

(14) Any chief of staff of a legislative caucus who solicits a contribution on behalf of or for the benefit of any candidate for state, district or municipal office from an employee of the legislative caucus;

(15) Any chief of staff for a state-wide elected official who solicits a contribution on behalf of or for the benefit of any candidate for state, district or municipal office from a member of such official’s staff; [or]

(16) Any chief of staff for the Governor or Lieutenant Governor who solicits a contribution on behalf of or for the benefit of any candidate for state, district or municipal office from a member of the staff of the Governor or Lieutenant Governor, or from any commissioner or deputy commissioner of any state agency;

(17) Any consultant that fails to provide to a committee or person complete information necessary for such committee or person to file any disclosure statement or report required under section 9-601d or 9-608, as applicable;
(18) Any consultant that (A) other than for such consultant's overhead or normal operating expenses, makes or obligates to make an expenditure, or directly or indirectly authorizes any subvendor to make or obligate to make such an expenditure, on behalf of a candidate, committee or other person, and (B) does so without the knowledge of such candidate, committee or other person; or

(19) Any person that structures or assists in structuring, or attempts to structure or assist in structuring, any solicitation, contribution, expenditure, disbursement or other transaction for the purpose of evading the requirements of chapters 155 to 157, inclusive.

Sec. 3. (NEW) (Effective from passage) (a) (1) A consultant that receives or agrees to receive two thousand five hundred dollars or more, in the aggregate, and that makes or obligates to make any expenditure, including any payment to a subvendor, on behalf of a person or committee required to file a report under section 9-601d or 9-608 of the general statutes, as applicable, shall, once such consultant has made or obligated to make any such expenditure in excess of five hundred dollars, in the aggregate, in a calendar year to a subvendor, provide to such person or committee a statement with a detailed account of such expenditure, including, but not limited to, (A) the amount and date of such expenditure and the person who received such payment, (B) the full name and street address of such subvendor, (C) the purpose of such payment and a description of such purpose, (D) the name of any candidate or referendum question supported or opposed by such expenditure, and (E) if applicable, the date of any event with which such payment is associated, including, but not limited to, any expenditure directly or indirectly made by a consultant to a subvendor for any (i) written, typed or other printed communication, or any web-based, written communication, that (I) promotes the success or defeat of any candidate's campaign for nomination or election or any referendum question, or (II) solicits funds to benefit any candidate or committee, (ii) advertising time or space, including, but not limited to, television or Internet video, radio
or Internet audio, telephone call or web-based or social media communication, (iii) wages incurred as a result of work for any candidate or committee, (iv) survey, poll, signature gathering or door-to-door solicitation of voters, (v) facilities, invitations or entertainment for fundraising or other campaign events, or (vi) printing of mass campaign mailings or postage therefor. Such consultant shall provide the information described in this subdivision to such person or committee not later than five days after making or obligating to make such expenditure. As used in this section, "consultant", "expenditure", "subvendor", "committee" and "person" have the same meanings as provided in section 9-601 of the general statutes, as amended by this act.

(2) Notwithstanding the provisions of subdivision (1) of this subsection, if a consultant makes or obligates to make payment for an expenditure for which a person or committee is required to file a report pursuant to section 9-601d or 9-608 of the general statutes, as applicable, such consultant shall, concomitant with making or obligating to make such payment, provide to such person or committee complete information necessary to file such report.

(b) (1) Any person or any committee that makes or obligates to make payment for an expenditure to a consultant, which consultant is required to provide to such person or committee the information described in subsection (a) of this section, shall include in any statement or report required under section 9-601d or 9-608 of the general statutes, as applicable, (A) the full name and street address of each subvendor to which payment of five hundred dollars or more, in the aggregate, was made or obligated to be made during the period covered by such filing, (B) the amount and date of payment, (C) the purpose of such payment and a description of such purpose, (D) the name of any candidate or referendum question supported or opposed by such expenditure, and (E) if applicable, the date of any event with which such payment is associated. The contents of such statement or report shall include any other information that the State Elections
Enforcement Commission may require to facilitate compliance with the provisions of chapters 155 to 157, inclusive, of the general statutes, and shall be submitted on a form prescribed by the commission.

(2) Except for such consultant's overhead or normal operating expenses, a consultant shall not make any expenditure of five hundred dollars or more, in the aggregate, to or for the benefit of a candidate or committee, including, but not limited to, any expenditure described in subdivision (1) of subsection (a) of this section, unless complete information of such expenditure is provided to the person required to file a report under section 9-601d or 9-608 of the general statutes, as applicable, or the committee on whose behalf or for whose benefit such consultant is acting.

(c) Each consultant shall keep a detailed account of each expenditure made or obligated to be made on behalf of any person or committee required to file a report under section 9-601d or 9-608 of the general statutes, as applicable and shall retain all records of each transaction required to be included in any statement or report under section 9-601d or 9-608 of the general statutes, as applicable, for a period of four years after the date of the statement or report in which such transaction was included. Such records shall include, but need not be limited to, any invoice, receipt, bill, statement, itinerary or other written or documentary evidence demonstrating the campaign, or other lawful purpose of such expenditure.

(d) If a subvendor makes or obligates to make any payment described in subsection (a) of this section, such subvendor shall be deemed a consultant and shall, pursuant to this section, comply with the requirements for a consultant.

(e) Notwithstanding the provisions of subsections (a) to (d), inclusive, of this section, a financial obligation shall not be made or incurred by or on behalf of a committee unless authorized by the treasurer of such committee pursuant to section 9-607 of the general statutes.
Sec. 4. Section 9-703 of the general statutes is repealed and the following is substituted in lieu thereof (Effective from passage):

(a) Each candidate for nomination or election to the office of state senator or state representative in 2008, or thereafter, or the office of Governor, Lieutenant Governor, Attorney General, State Comptroller, Secretary of the State or State Treasurer in 2010, or thereafter, shall file an affidavit with the State Elections Enforcement Commission. The affidavit shall include a written certification that the candidate either intends to abide by the expenditure limits under the Citizens' Election Program set forth in subsection (c) of section 9-702, or does not intend to abide by said limits. If the candidate intends to abide by said limits, the affidavit shall also include written certifications (1) that the treasurer of the candidate committee for said candidate shall expend any moneys received from the Citizens' Election Fund in accordance with the provisions of subsection (g) of section 9-607 and regulations adopted by the State Elections Enforcement Commission under subsection (e) of section 9-706, (2) that the candidate shall repay to the fund any such moneys that are not expended in accordance with subsection (g) of section 9-607 and said regulations, (3) that the candidate and the treasurer shall comply with the provisions of subdivision (1) of subsection (a) of section 9-711, and (4) stating the candidate's status as a major party, minor party or petitioning party candidate and, in the case of a major party or minor party candidate, the name of such party. The written certification described in subdivision (3) of this subsection shall be made by both the candidate and the treasurer of the candidate committee for said candidate. A candidate for nomination or election to any such office shall file such affidavit not later than four o'clock p.m. on the twenty-fifth day before the day of a primary, if applicable, or on the fortieth day before the day of the election for such office, except that in the case of a special election for the office of state senator or state representative, the candidate shall file such affidavit not later than four o'clock p.m. on the twenty-fifth day before the day of such special election. Notwithstanding the provisions of this subsection, a candidate who is
not required to form a candidate committee pursuant to subdivision (3) or (4) of subsection (b) of section 9-604, files a certification with the commission pursuant to subsection (c) of section 9-603 and does not intend to participate in the Citizens' Election Program shall not be required to file such affidavit of intent not to abide by the expenditure limits of said program. Any such candidate shall be referred to as a nonparticipating candidate, in accordance with subsection (b) of this section.

(b) A candidate who so certifies the candidate's intent to abide by the expenditure limits under the Citizens' Election Program set forth in subsection (c) of section 9-702 shall be referred to in sections 9-700 to 9-716, inclusive, as a "participating candidate" and a candidate who so certifies the candidate's intent to not abide by said limits shall be referred to in sections 9-700 to 9-716, inclusive, as a "nonparticipating candidate". The commission shall prepare a list of the participating candidates and a list of the nonparticipating candidates and shall make such lists available for public inspection.

(c) A participating candidate may withdraw from participation in the Citizens' Election Program before applying for an initial grant under section 9-706, by filing an affidavit with the State Elections Enforcement Commission, which includes a written certification of such withdrawal. A candidate who files such an affidavit shall be deemed to be a nonparticipating candidate for the purposes of sections 9-700 to 9-716, inclusive, and shall not be penalized for such withdrawal. No participating candidate shall withdraw from participation in the Citizens' Election Program after applying for an initial grant under section 9-706.

(d) If the treasurer of the candidate committee of a participating candidate spends fifteen per cent or more, in the aggregate, of the moneys received from the Citizens' Election Fund on the campaign or committee services of a consultant, as defined in section 9-601, as amended by this act, or other professional person, as provided in
subparagraph (P) of subdivision (2) of subsection (g) of section 9-607, such consultant or person shall register with the State Elections Enforcement Commission as a consultant for such candidate committee and file an affidavit with the commission, which affidavit shall include a written certification that such consultant also intends to abide by the expenditure limits under the Citizens' Election Program set forth in subsection (c) of section 9-702. The commission shall prepare a list of each such consultant for the candidate committee of a participating candidate and shall make such list available for public inspection.

This act shall take effect as follows and shall amend the following sections:

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