
OLR Bill Analysis

SB 883

AN ACT CONCERNING THE RECOMMENDATIONS OF THE GOVERNOR'S COUNCIL ON WOMEN AND GIRLS.

SUMMARY

This bill makes changes affecting (1) the Citizens' Election Program (CEP), which is the state's voluntary public campaign financing program open to candidates running for statewide office or the General Assembly, and (2) procedures and considerations for appointing public members to boards and commissions.

Concerning the CEP, the bill requires the State Elections Enforcement Commission (SEEC), on or after July 1, 2021, to amend the CEP regulations to permit expenditures for child care services. It authorizes qualified candidate committees (i.e., those of participating CEP candidates that SEEC has approved for a Citizens' Election Fund (CEF) grant) to make expenditures for these services using CEF grants, subject to certain limits and conditions, after SEEC amends the regulations. Currently, participating CEP candidates who have qualified for a grant may use CEF grants for these expenditures under a 2020 Superior Court decision (see BACKGROUND).

Concerning boards and commissions, the bill requires the Department of Administrative Services (DAS) commissioner to create and maintain an online electronic system for submitting names to be considered for public member appointments to executive department boards or commissions. It also requires appointing authorities for state boards and commissions with members appointed by the governor or legislators, to consider recommendations made by organizations representing gender or racial diversity interests and seek out appointees reflecting this diversity.

The bill also makes technical and conforming changes.

EFFECTIVE DATE: July 1, 2021

§§ 1-4 – PERMISSIBLE EXPENDITURES FOR CHILD CARE SERVICES

State law establishes permissible expenditures that candidate committees and exploratory committees may make to accomplish their lawful purposes (e.g., compensation for staff). The law applies broadly to candidates participating in the CEP, as well as to those who are privately funded and running in a state or municipal election. However, the law also requires SEEC to adopt regulations on permissible expenditures specifically for participating CEP candidates who qualify for a grant (see BACKGROUND).

The bill defines “child care services” as necessary services rendered to a candidate for the care of a child younger than age 13 and for whom the candidate is the parent or legal guardian when the services (1) are a direct result of campaign activity and (2) would not exist but for the candidate’s campaign. It requires SEEC, on or after July 1, 2021, to amend the CEP regulations on permissible expenditures.

After the regulations are amended, the bill authorizes participating candidates who qualify for a grant to make expenditures for child care services using CEF grants, subject to the following conditions and limits:

1. aggregate child care services expenditures may not exceed the amount of qualifying contributions (QCs) required to qualify for a CEF grant (e.g., in 2020, \$16,000 for candidates for state senator and \$5,300 for candidates for state representative);
2. candidates may not use CEF grants to compensate themselves or immediate family members for child care services; and
3. any compensation for child care services must be reasonable and customary for the services rendered.

By law, participating CEP candidates may provide their campaign with a limited amount of personal funds (e.g., \$2,000 for state senator

and \$1,000 for state representative). The bill exempts child care services expenditures made directly from a candidate's personal funds from these limits, as long as the candidate does not seek reimbursement from his or her candidate committee. The exemption applies once SEEC amends the CEP regulations as required by the bill.

Finally, the bill clarifies that privately funded candidates may pay for child care services using campaign funds, thus conforming the law to current practice.

§§ 5 & 6 – BOARDS AND COMMISSIONS

The bill requires the DAS commissioner to create, maintain, and make accessible on the department's website a system through which an individual may electronically submit a name to be considered for appointment as a public member to a board or commission in the executive department (see BACKGROUND). The system must include information about each board or commission and specify any membership requirements.

In addition, the bill requires appointing authorities for state boards and commissions with members appointed by the governor or legislators, to (1) consider each recommendation for a public member appointment to a board or commission made by any organization representing gender or racial diversity interests and (2) make a good-faith effort to seek out appointees reflecting this diversity.

BACKGROUND

Related Bill

sSB 761 (File 484), favorably reported by the Government Administration and Elections Committee, contains the same provisions on the CEP and expenditures for child care services.

Related Declaratory Ruling

In Declaratory Ruling 2019-02, SEEC (1) ruled that under current CEP regulations, child care services are not a permissible expense for candidates who have been approved for a CEF grant and (2) indicated that a change to the law or its regulations would be necessary to

permit these expenditures.

SEEC also reaffirmed its 1976 advisory opinion concerning privately funded candidates. In that opinion, the commission held that privately funded candidates may generally use campaign funds to pay for childcare services, provided the payments are (1) a direct result of campaign activity which would not exist but for the candidate's campaign, (2) reasonable and customary for the services rendered, and (3) properly documented by the campaign (AO 1976-23).

Related Case

In *Pereira v. State Elections Enforcement Commission*, the Superior Court sustained an administrative appeal from Declaratory Ruling 2019-02. It held that expenditures for child care services that meet the three conditions outlined in AO 1976-23 are permissible under CEP regulations. Specifically, they satisfy the requirement that all funds in a qualified candidate committee's depository account be used only for campaign-related expenditures that directly further the candidate's nomination for election or election (Not Reported, 2020 WL 5624102 (2020)).

Public Members on Boards and Commissions

By law, at least one-third of the membership of most executive department boards and commissions must be public members. A public member is a state elector who has no substantial financial interest in, is not employed by, and is not professionally affiliated with an industry, institution, or profession regulated by the board or commission.

COMMITTEE ACTION

Government Administration and Elections Committee

Joint Favorable
Yea 13 Nay 6 (03/31/2021)