
OLR Bill Analysis

SB 883 (File 513, as amended by Senate "A")*

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; (2) procedures and considerations for appointing public members to state boards and commissions; and (3) reporting by the secretary of the state on the gender and racial diversity of state 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, among other things, does the following:

1. requires the Department of Administrative Services (DAS) commissioner to maintain an online system for submitting recommendations for public member appointees to executive department boards or commissions;
2. requires appointing authorities for state boards, commissions, committee, and councils with members appointed by the

governor or legislators, to, among other things, ensure that the membership is qualified and diverse, consistent with applicable law, by January 1, 2026, and after that, according to the most recent U.S. census population data; and

3. requires the secretary of the state to publish a report on the gender and racial composition of certain state boards and commissions and compare this information with the state's gender and racial composition, according to the most recent U.S. census population data.

The bill also makes technical and conforming changes.

*Senate Amendment "A" requires that DAS maintain the online system on the state, rather than the department, website, and adds the provisions on (1) the U.S. census population data; (2) appointee education and outreach strategies; and (3) data maintenance, analysis, and reporting by the secretary of the state.

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 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.

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 subjects these expenditures 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 — STATE BOARDS AND COMMISSIONS

Online System for Submitting Names

The bill requires the DAS commissioner to create, maintain, and make accessible on the state'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.

Procedures and Considerations for Appointing Authorities

The bill makes changes affecting the procedures and considerations for appointing authorities for state boards, commissions, committees, and councils (hereafter, “boards and similar entities”) with members appointed by the governor or state legislators.

Current law requires these appointing authorities, in cooperation with one another, to make a good faith effort to ensure that to the extent possible the membership of these boards and similar entities is qualified and closely reflects the state’s gender and racial diversity. Under the bill, when appointing authorities ensure that the membership is qualified and diverse, they must also do so consistent with applicable law and, by January 1, 2026, and after that, according to the most recent U.S. census population data. (Presumably, the current diversity requirements apply until this time.)

The bill also requires these appointing authorities, consistent with applicable law, to (1) consider each recommendation for a public member appointment to such a board or similar entity made by any community or similar organization representing gender and racial diversity interests and (2) make a good-faith effort to seek out appointees reflecting this diversity.

The bill requires the Legislative Management Committee chairpersons and the governor, or their designees, to coordinate public education and outreach strategies with these community or similar organizations to increase awareness of, and recruit diverse applicants for, these appointments.

Data Maintenance and Analysis by the Secretary of the State

Existing law requires the executive officer or chairperson of a state board or similar entity with members appointed by the governor or state legislators to submit information to the secretary of the state on the entity’s (1) number of members and (2) composition by “race/sex.”

For purposes of this submission, the bill requires appointing

authorities to maintain a record of, and make available to the secretary, data voluntarily provided to them on newly appointed members' gender and race at the time of the appointment. As under existing law, the submission is due biennially between September 1 and October 1.

Finally, the bill requires the secretary of the state, by January 1, 2022, and every two years after that, to (1) develop and publish a report, including on her website, on the gender and racial composition of each board or similar entity with members appointed by the governor or state legislators and (2) conduct an analysis comparing the state's gender and racial composition, according to the most recent U.S. census population data, with the goal of reflecting that composition on such boards and similar entities, by January 1, 2026.

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.

sHB 6211 (File 499), favorably reported by the Government Administration and Elections Committee, contains similar provisions on appointing authorities and the secretary of the state.

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)