



Senate

General Assembly

File No. 513

January Session, 2021

Senate Bill No. 883

Senate, April 19, 2021

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

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

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

1 Section 1. Section 9-601 of the general statutes is amended by adding
2 subdivision (32) as follows (*Effective July 1, 2021*):

3 (NEW) (32) "Child care services" means services rendered to a
4 candidate for the care of any child who is under thirteen years of age
5 and for whom such candidate is the parent or legal guardian, which
6 services are necessary as a direct result of campaign activity that would
7 not exist but for such candidate's campaign.

8 Sec. 2. Subsection (e) of section 9-706 of the general statutes is
9 repealed and the following is substituted in lieu thereof (*Effective July 1,*
10 *2021*):

11 (e) (1) The State Elections Enforcement Commission shall (A) adopt
12 regulations, in accordance with the provisions of chapter 54, on
13 permissible expenditures under subsection (g) of section 9-607, as
14 amended by this act, for qualified candidate committees receiving

15 grants from the fund under sections 9-700 to 9-716, inclusive, and (B) on
16 or after July 1, 2021, amend such regulations to permit expenditures for
17 child care services.

18 (2) After the amendment of regulations pursuant to subparagraph (B)
19 of subdivision (1) of this subsection, expenditures for child care services
20 made by the qualified candidate committee of a participating candidate
21 shall be deemed permissible if such expenditures (A) are, in the
22 aggregate, not more than the amount of qualifying contributions
23 permitted under section 9-704, and (B) comply with all regulations
24 adopted or amended, as applicable, pursuant to subdivision (1) of this
25 subsection.

26 Sec. 3. Subsection (c) of section 9-710 of the general statutes is
27 repealed and the following is substituted in lieu thereof (*Effective July 1,*
28 *2021*):

29 (c) A candidate who intends to participate in the Citizens' Election
30 Program may provide personal funds for such candidate's campaign for
31 nomination or election in an amount not exceeding: (1) For a candidate
32 for the office of Governor, twenty thousand dollars; (2) for a candidate
33 for the office of Lieutenant Governor, Attorney General, State
34 Comptroller, State Treasurer or Secretary of the State, ten thousand
35 dollars; (3) for a candidate for the office of state senator, two thousand
36 dollars; or (4) for a candidate for the office of state representative, one
37 thousand dollars. Such personal funds shall not constitute a qualifying
38 contribution under section 9-704. For the purposes of this section, and
39 after the amendment of regulations pursuant to subparagraph (B) of
40 subdivision (1) of subsection (e) of section 9-706, as amended by this act,
41 expenditures for child care services made directly from any such
42 candidate's personal funds and for which such candidate does not seek
43 reimbursement from his or her candidate committee, as provided in
44 subsection (k) of section 9-607, shall not count toward the amounts
45 provided in subdivisions (1) to (4), inclusive, as applicable, of this
46 subsection.

47 Sec. 4. Subdivision (2) of subsection (g) of section 9-607 of the general

48 statutes is repealed and the following is substituted in lieu thereof
49 (*Effective July 1, 2021*):

50 (2) Unless otherwise provided by this chapter, any treasurer, in
51 accomplishing the lawful purposes of the committee, may pay the
52 expenses of: (A) Advertising in electronic and print media; (B) any other
53 form of printed advertising or communications including "thank you"
54 advertising after the election; (C) campaign items, including, but not
55 limited to, brochures, leaflets, flyers, invitations, stationery, envelopes,
56 reply cards, return envelopes, campaign business cards, direct mailings,
57 postcards, palm cards, "thank you" notes, sample ballots and other
58 similar items; (D) political banners and billboards; (E) political
59 paraphernalia, which is customarily given or sold to supporters
60 including, but not limited to, campaign buttons, stickers, pins, pencils,
61 pens, matchbooks, balloons, pads, calendars, magnets, key chains, hats,
62 tee shirts, sweatshirts, frisbees, pot holders, jar openers and other
63 similar items; (F) purchasing office supplies for campaign or political
64 purposes, campaign photographs, raffle or other fund-raising permits
65 required by law, fund-raiser prizes, postage, express mail delivery
66 services, bulk mail permits, and computer supplies and services; (G)
67 banking service charges to maintain campaign and political accounts;
68 (H) subscriptions to newspapers and periodicals which enhance the
69 candidacy of the candidate or party; (I) lease or rental of office space for
70 campaign or political purposes and expenses in connection therewith
71 including, but not limited to, furniture, parking, storage space, utilities
72 and maintenance, provided a party committee or political committee
73 organized for ongoing political activities may purchase such office
74 space; (J) lease or rental of vehicles for campaign use only; (K) lease,
75 rental or use charges of any ordinary and necessary campaign office
76 equipment including, but not limited to, copy machines, telephones,
77 postage meters, facsimile machines, computer hardware, software and
78 printers, provided a party committee or political committee organized
79 for ongoing political activities may purchase office equipment, and
80 provided further that a candidate committee or a political committee,
81 other than a political committee formed for ongoing political activities
82 or an exploratory committee, may purchase computer equipment; (L)

83 compensation for campaign or committee staff, fringe benefits, [and]
84 payroll taxes and child care services, provided (i) the candidate and any
85 member of his immediate family shall not receive compensation, and (ii)
86 compensation for child care services is reasonable and customary for the
87 services rendered; (M) travel, meals and lodging expenses of speakers,
88 campaign or committee workers, the candidate and the candidate's
89 spouse for political and campaign purposes; (N) fund raising; (O)
90 reimbursements to candidates and campaign or committee workers
91 made in accordance with the provisions of this section for campaign-
92 related expenses for which a receipt is received by the treasurer; (P)
93 campaign or committee services of attorneys, accountants, consultants
94 or other professional persons for campaign activities, obtaining or
95 contesting ballot status, nomination, or election, and compliance with
96 this chapter; (Q) purchasing campaign finance reports; (R) repaying
97 permissible campaign loans made to the committee that are properly
98 reported and refunding contributions received from an impermissible
99 source or in excess of the limitations set forth in this chapter; (S)
100 conducting polls concerning any political party, issue, candidate or
101 individual; (T) gifts to campaign or committee workers or purchasing
102 flowers or other commemorative items for political purposes not to
103 exceed one hundred dollars to any one recipient in a calendar year or
104 for the campaign, as the case may be; (U) purchasing tickets or
105 advertising from charities, inaugural committees, or other civic
106 organizations if for a political purpose, for any candidate, a candidate's
107 spouse, a member of a candidate's campaign staff, or members of
108 committees; (V) the inauguration of an elected candidate by that
109 candidate's candidate committee; (W) hiring of halls, rooms, music and
110 other entertainment for political meetings and events; (X) reasonable
111 compensation for public speakers hired by the committee; (Y)
112 transporting electors to the polls and other get-out-the-vote activities on
113 election day; and (Z) any other necessary campaign or political expense.

114 Sec. 5. Section 4-9a of the general statutes is repealed and the
115 following is substituted in lieu thereof (*Effective July 1, 2021*):

116 (a) The Governor shall appoint the chairperson and executive

117 director, if any, of all boards and commissions within the Executive
118 Department, except the State Properties Review Board, the State
119 Elections Enforcement Commission, the Commission on Human Rights
120 and Opportunities, the Commission on Fire Prevention and Control, the
121 Citizen's Ethics Advisory Board and the Transportation Policy Advisory
122 Council.

123 (b) (1) Public members shall constitute not less than one-third of the
124 members of each board and commission within the Executive
125 Department, except the Commission on Human Rights and
126 Opportunities. Public member means an elector of the state who has no
127 substantial financial interest in, is not employed in or by, and is not
128 professionally affiliated with, any industry, profession, occupation,
129 trade or institution regulated or licensed by the relevant board or
130 commission, and who has had no professional affiliation with any such
131 industry, profession, occupation, trade or institution for three years
132 preceding his appointment to the board or commission. Except as
133 otherwise specifically provided by the general statutes, this section shall
134 not apply to the Commission on Fire Prevention and Control, boards
135 and commissions the membership of which is entirely composed of state
136 department heads, elected officials or deputies appointed by such
137 department heads or where the membership of such board or
138 commission is determined in accordance with the provisions of any
139 federal law.

140 (2) The Commissioner of Administrative Services shall create,
141 maintain and make accessible on the Internet web site of the Department
142 of Administrative Services a system through which an individual may
143 electronically submit a name to be considered for appointment as a
144 public member to a board or commission within the Executive
145 Department. Such system shall include information about each such
146 board or commission and specify any requirements for membership on
147 such board or commission.

148 (c) Notwithstanding any provision of law, the term of each member
149 of each board and commission within the [executive branch] Executive

150 Department, except the State Board of Education, the Board of Regents
151 for Higher Education, the Commission on Human Rights and
152 Opportunities, the State Elections Enforcement Commission, the State
153 Properties Review Board, the Citizen's Ethics Advisory Board, the
154 Commission on Medicolegal Investigations, the Psychiatric Security
155 Review Board, the Commission on Fire Prevention and Control, the E 9-
156 1-1 Commission, the Culture and Tourism Advisory Committee, and
157 the board of trustees of each constituent unit of the state system of
158 higher education, commencing on or after July 1, 1979, shall be
159 coterminous with the term of the Governor or until a successor is
160 chosen, whichever is later.

161 (d) Each member of each board and commission within the [executive
162 branch] Executive Department shall serve at the pleasure of the
163 appointing authority except where otherwise specifically provided by
164 any provision of the general statutes.

165 Sec. 6. Section 4-9b of the general statutes is repealed and the
166 following is substituted in lieu thereof (*Effective July 1, 2021*):

167 (a) (1) Appointing authorities, in cooperation with one another, shall
168 make a good faith effort to ensure that, to the extent possible, the
169 membership, except the ex-officio membership, of each state appointive
170 board, commission, committee and council having members appointed
171 by the Governor or appointed by members of the General Assembly is
172 qualified and closely reflects the gender and racial diversity of the state.
173 If there are multiple appointing authorities for a board, commission,
174 committee or council, the appointing authorities shall inform each other
175 of their appointees or planned appointees in order to facilitate
176 compliance with this section.

177 (2) Appointing authorities shall (A) consider each recommendation
178 for appointment of a public member to a board or commission made by
179 any organization representing the interests of gender or racial diversity,
180 and (B) make a good faith effort to seek out individuals for such
181 appointment that reflect such diversity.

182 (b) The executive officer or chairperson of each state appointive
 183 board, commission, committee and council having members appointed
 184 by the Governor or appointed by members of the General Assembly,
 185 except committees whose membership consists solely of members of the
 186 General Assembly, shall [report] submit in writing to the Secretary of
 187 the State on or after September first, but not later than October 1, 1993,
 188 and biennially thereafter, (1) the number of members of such body, and
 189 (2) the composition of the body according to the term "race/sex", as
 190 defined in the regulations of the Commission on Human Rights and
 191 Opportunities. Such [report] data shall not include the names of the
 192 individual members of the board, commission, committee or council.
 193 The Secretary of the State shall receive and maintain the [reports] data
 194 submitted pursuant to this subsection as public records.

195 (c) No provision of this section shall (1) prohibit an individual from
 196 completing a term as a member of a state appointive board, commission,
 197 committee or council being served on July 2, 1993, or (2) create a private
 198 right of action.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>July 1, 2021</i>	9-601
Sec. 2	<i>July 1, 2021</i>	9-706(e)
Sec. 3	<i>July 1, 2021</i>	9-710(c)
Sec. 4	<i>July 1, 2021</i>	9-607(g)(2)
Sec. 5	<i>July 1, 2021</i>	4-9a
Sec. 6	<i>July 1, 2021</i>	4-9b

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

This bill requires the State Elections Enforcement Commission to amend the Citizens' Election Program (CEP) to permit expenditures for certain child care services. Expanding permissible expenditures to include child care services has no fiscal impact as the bill does not alter grant awards to qualified candidates.

The bill also requires the Department of Administrative Services (DAS) to create a system for individuals to electronically submit their name for consideration to be a member of a board or commission. This system must be on the agency's website with information about membership requirements. DAS shall create, maintain and make the website accessible to the public. This has no fiscal impact as DAS has the information technology staff to handle these responsibilities.

The Out Years

State Impact: None

Municipal Impact: None

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 (1) 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 and (2) appointing authorities to consider recommendations for these appointments made by organizations representing gender or racial diversity interests, and to seek out appointees that reflect such 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 – EXECUTIVE DEPARTMENT BOARDS AND COMMISSIONS

The bill requires the DAS commissioner to create, maintain, and make accessible on the agency'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. The system must include information about each board or commission and specify any membership requirements.

In addition, the bill requires executive department appointing authorities to (1) consider each recommendation for a public member appointment to a board or commission made by any organization representing the interests of gender or racial diversity and (2) make a good faith effort to seek out appointees that reflect such diversity.

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.

BACKGROUND

Related Bill

sSB 761, 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)).

COMMITTEE ACTION

Government Administration and Elections Committee

Joint Favorable

Yea 13 Nay 6 (03/31/2021)