

# OFFICE OF FISCAL ANALYSIS

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sSB-252

AN ACT CONCERNING REFERENDA, INDEPENDENT  
EXPENDITURES AND OTHER CAMPAIGN FINANCE CHANGES.

## ***OFA Fiscal Note***

### ***State Impact:***

<b>Agency Affected</b>	<b>Fund-Effect</b>	<b>FY 25 \$</b>	<b>FY 26 \$</b>
Judicial Dept. (Probation); Correction, Dept.	GF - Potential Cost	Minimal	Minimal
Resources of the General Fund	GF - Potential Revenue Gain	Minimal	Minimal
Elections Enforcement Commission	GF - Potential Revenue Gain	Minimal	Minimal
Resources of the Citizen's Election Fund	CEF - Potential Cost	See Below	See Below

Note: GF=General Fund ; CEF= Citizens' Election Fund

***Municipal Impact:*** None

### ***Explanation***

The bill makes a variety of changes concerning referenda, campaign finance changes and results in the fiscal impacts described below.

**Section 4** raises existing campaign finance reporting thresholds and makes a variety of changes around disclosures and campaign filings and increases the civil penalties that the State Elections Enforcement Commission (SEEC) may impose resulting in potential revenue to the SEEC. The bill increases the maximum penalty for failing to report an independent expenditure from \$10,000 to \$20,000 or twice the amount of the unreported independent expenditure. The bill also raises existing penalties for willful failure to file from a maximum of \$50,000 to a maximum of \$50,000 or ten times the unreported independent

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expenditure. The potential revenue will depend on the total number of violations and the penalties imposed.

**Section 22** eliminates the existing requirement that qualifying contributions be adjusted for inflation for purposes of receiving grants from the Citizens' Election Program (CEP). This provision results in a potential cost to the Resources of the Citizens' Election Fund<sup>1</sup>, to the extent that the lower qualifying contribution increases the number of qualified individuals receiving grants.

**Section 23**, which expands an existing class D felony for illegal campaign finance activities, results in a potential cost to the Department of Correction and the Judicial Department for incarceration or probation and a potential revenue gain to the General Fund from fines.<sup>2</sup> On average, the marginal cost to the state for incarcerating an offender for the year is \$3,300<sup>3</sup> while the average marginal cost for supervision in the community is less than \$800<sup>4</sup> each year for adults and \$1,000 each year.

### ***The Out Years***

The annualized ongoing fiscal impact identified above would continue into the future subject to the number of violations and the number of grants awarded..

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<sup>1</sup> The Citizens' Election Fund expended \$22.3 million in FY 23.

<sup>2</sup>Since FY 14, there has been 5 recorded similar offenses and \$0 in collected revenue for fines related to similar offenses. No one is currently incarcerated for similar offenses.

<sup>3</sup>Inmate marginal cost is based on increased consumables (e.g., food, clothing, water, sewage, living supplies, etc.). This does not include a change in staffing costs or utility expenses because these would only be realized if a unit or facility opened.

<sup>4</sup>Probation marginal cost is based on services provided by private providers and only includes costs that increase with each additional participant. This does not include a cost for additional supervision by a probation officer unless a new offense is anticipated to result in enough additional offenders to require additional probation officers.