

M. Jodi Rell

GOVERNOR

STATE OF CONNECTICUT

August 3, 2010

The Honorable Donald E. Williams, Jr.
President Pro Tempore of the Senate
Legislative Office Building, Room 3300
Hartford, Connecticut 06106

The Honorable Christopher G. Donovan
Speaker of the House of Representatives
Legislative Office Building, Room 4100
Hartford, Connecticut 06106

The Honorable Martin M. Looney
Senate Majority Leader
Legislative Office Building, Room 3300
Hartford, Connecticut 06106

The Honorable Denise Merrill
House Majority Leader
Legislative Office Building, Room 4106
Hartford, Connecticut 06106

The Honorable John McKinney
Senate Minority Leader
Legislative Office Building, Room 3400
Hartford, Connecticut 06106

The Honorable Lawrence F. Cafero, Jr.
House Minority Leader
Legislative Office Building, Room 4200
Hartford, Connecticut 06106

Dear Senators Williams, Looney and McKinney and Representatives Donovan, Merrill and Cafero:

As you know, yesterday I vetoed emergency-certified bill 551, An Act Concerning Clean Elections. As you also know, I am deeply committed to preserving the integrity of the Citizens' Election Program (CEP) which I shepherded into law in 2005.

It is therefore my intention, because I believe so strongly in this program and in safeguarding the progress that we have made in removing the taint of corruption from our electoral process, to call the legislature into special session if you do not either override my veto or take other action to address the concerns of the court. Accordingly, if I do not receive a response to this letter by Thursday morning, I will issue a call for the General Assembly to convene in special session.

I know that you are as committed to preserving the CEP as I am and I hope that we can work together in the coming days to enact a fix that will strengthen the CEP and ensure its survival. To that end, I have attached a draft of a bill that I would sign into law. This draft repeals the sections found to be unconstitutional, deletes the problematic reversionary clause and replaces it with a true severability clause. It also addresses concerns that I raised in my veto message – which I have attached for your convenience – such as removing restrictions on lobbyist contributions, allowing lobbyist contributions to count as qualifying contributions towards the

CEP fundraising goal and permitting lobbyists and state contractors to solicit campaign contributions from their clients and employees.

The primary elections will be held in less than one week and the general election is less than three months away. These imminent events require that we act swiftly and decisively to ensure that the CEP remains a viable alternative to old-style political fundraising.

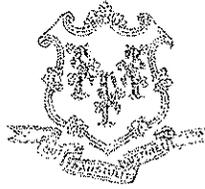
As you may recall, I first issued a call for the General Assembly to convene in special session to address these issues in November of 2009. Nearly nine months, two special sessions and one full regular session later the candidates and voters still do not know with certainty how this program will work in the next phase of our election cycle.

They deserve that certainty. It is vital to the interests of our voters and taxpayers that we restore the integrity of the CEP. I urge you to convene the General Assembly before the end of the week to enact the proposal attached to this letter and salvage this landmark legislation.

Sincerely,

A handwritten signature in cursive script that reads "M. Jodi Rell". The signature is written in black ink and is positioned to the right of the word "Sincerely,".

M. Jodi Rell
Governor



M. Jodi Rell
GOVERNOR
STATE OF CONNECTICUT

August 2, 2010

The Honorable Susan Bysiewicz
Secretary of the State
20 Trinity Street
Hartford, Connecticut 06106

Dear Secretary Bysiewicz:

I am returning to you without my signature Senate Bill 551, *An Act Concerning Clean Elections*.

The Citizens' Election Program (CEP) was enacted in 2005 at my initiative and I am as committed to the CEP today as I was when I first proposed it. This program, which was passed with bipartisan support, has been used successfully by both Republicans and Democrats and has restored integrity and dignity to Connecticut's election process. I am determined, therefore, to address the problems identified by the U.S. Court of Appeals and the District Court in a manner that will preserve and strengthen the CEP.

While leaving intact the majority of the CEP, the Courts found several provisions to be unconstitutional, including the ban on lobbyist contributions, the ban on solicitation by both lobbyists and state contractors and the "trigger" provisions that authorize supplemental grants to candidates in response to excess expenditures by non-participating candidates and independent expenditures by third parties. The court found that all of these provisions unconstitutionally violate the first amendment right to free speech.

SB 551 appropriately seeks to address the Courts' concerns by allowing lobbyists to make campaign contributions up to \$100 and permitting solicitation by lobbyists and state contractors in a limited manner. I disagree profoundly, however, with that section of the bill which doubles the grant amounts for the general election for participating gubernatorial candidates from \$3 million to \$6 million.

I am disappointed that the Legislature saw fit to potentially add \$6 million in public spending on gubernatorial races at a time when our economy continues to be weak, jobs continue to be lost and families continue to struggle. It begs an obvious question from the taxpayers: What is the Legislature thinking? They have taken a program that was intended to remove the taint of special interests and corruption from political campaigns and turned it into a welfare program for politicians.

In good conscience I cannot endorse an additional \$6 million in public funding that will likely be used by candidates to bombard each other – and the public – with a relentless series of negative television and radio messages from now until November. I know that a statewide campaign for public office can be run and can be won without excessive spending and with dignity and respect.

While I appreciate the General Assembly's desire to ensure that participating candidates are not disadvantaged because the Court has invalidated the supplemental grant provisions, in this difficult economy and facing a significant budget deficit for the biennium, we cannot afford to double the size of the grant that participating gubernatorial candidates will receive based upon speculation that they will be outspent by non-participating opponents. It is important to keep in mind that the 2010 gubernatorial election will be the most expensive ever held in our State's history and that the amount spent this cycle will become the "floor" to an automatically much higher ceiling for the 2014 election.

Furthermore, this bill inadequately addresses or completely ignores other issues raised by the courts. For example, it allows lobbyist contributions to participating CEP candidates to count as qualifying contributions. This one small change effectively *undermines* the very integrity of the CEP. Our Office of State Ethics lists 1044 lobbyists registered in the State. If, for example, 150 of the 1044 lobbyists each made a \$100 contribution to a candidate for State Senate, that candidate would then need to receive only nominal contributions of no more than \$5 from 300 residents of his Senate district in order to qualify for an \$85,000 CEP grant. *This is not the clean election model that I envisioned when I proposed the CEP.*

It is also inappropriate that the restrictions on lobbyist and contractor solicitations do not become effective until January 1, 2011. All other changes in SB 551 are effective upon passage, but the solicitation restrictions conveniently become effective after the November election – an election in which all legislative seats will be on the ballot. If the solicitation ban is critical to preserving the integrity of the CEP, it should become effective now.

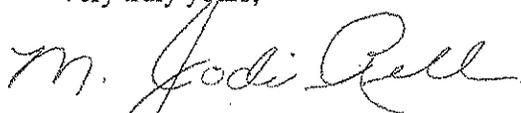
Finally, I note that while the bill provides additional funding for gubernatorial candidates because they may no longer apply for supplemental grants, it fails to address in like manner any candidates for other statewide offices – Lieutenant Governor, Treasurer, Comptroller, Secretary of the State and Attorney General – who are equally important to our democratic form of government and similarly prevented from applying for supplemental grants.

For the record, I first asked the General Assembly to address the unconstitutional provisions of the CEP by issuing a call for a special session for December 15, 2009. The day before that special session the legislative leaders pronounced that no action would be taken because they were "still working on solutions." Interestingly, though, a lobbyist fundraiser for one of their leadership PACs was held the same evening. It was suggested that a special session instead would be held in January or February, but again, no such session was held. The entire 2010 regular session expired with no action taken as well – evidence of a lack of leadership and commitment in terms of protecting this important program.

Now, with the primary election about to be held and the general election campaign set to begin in a matter of days, I once again urge the General Assembly to reconvene as soon as possible – this week, in fact – to enact a more fiscally prudent response to the Court’s decision – one that does not include increasing the size of the grants. Such a bill would repeal those provisions that the court found to be unconstitutional and enact a true severability clause, rather than a reversionary clause. It would preserve the integrity of the CEP and allow it to remain a viable option for candidates in both statewide and local races.

For the aforementioned reasons and pursuant to Section 15 of Article Fourth of the Constitution of the State of Connecticut and Article III of the Amendments to the Constitution of the State of Connecticut, I am returning Senate Bill 551 without my signature.

Very truly yours,

A handwritten signature in cursive script that reads "M. Jodi Rell". The signature is written in dark ink and is positioned above the printed name and title.

M. Jodi Rell
Governor



WORKING DRAFT

General Assembly

Bill No.

June Special Session,
2010

LCO No. 5888a

*05888a _____

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Referred to Committee on

Introduced by:

AN ACT CONCERNING CLEAN ELECTIONS.

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

- 1 Section 1. Section 9-717 of the general statutes, as amended by
- 2 section 1 of public act 10-2, is repealed and the following is substituted
- 3 in lieu thereof (*Effective from passage*):
- 4 [(a) If, during a period beginning on or after the forty-fifth day prior
- 5 to any special election scheduled relative to any vacancy in the General
- 6 Assembly and ending the day after such special election, a court of
- 7 competent jurisdiction prohibits or limits, or continues to prohibit or
- 8 limit, the expenditure of funds from the Citizens' Election Fund
- 9 established in section 9-701 for grants or moneys for candidate
- 10 committees authorized under sections 9-700 to 9-716, inclusive, for a
- 11 period of seven days or more, (1) sections 1-100b, 9-700 to 9-716,
- 12 inclusive, 9-750, 9-751 and 9-760 and section 49 of public act 05-5 of the
- 13 October 25 special session shall be inoperative and have no effect with
- 14 respect to any race of such special election that is the subject of such
- 15 court order until the day after such special election, and (2) (A) the

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16 amendments made to the provisions of the sections of the general
17 statutes pursuant to public act 05-5 of the October 25 special session
18 shall be inoperative until the day after such special election with
19 respect to any such race, (B) the provisions of said sections of the
20 general statutes, revision of 1958, revised to December 30, 2006, shall
21 be effective until the day after such special election with respect to any
22 such race, and (C) the provisions of subsections (g) to (j), inclusive, of
23 section 9-612 shall not be implemented until the day after such special
24 election with respect to any such race.

25 (b) Except as provided for in subsection (a) or (c) of this section, if,
26 on or after April fifteenth of any year in which a state election is
27 scheduled to occur, a court of competent jurisdiction prohibits or
28 limits, or continues to prohibit or limit, the expenditure of funds from
29 the Citizens' Election Fund established in section 9-701 for grants or
30 moneys for candidate committees authorized under sections 9-700 to 9-
31 716, inclusive, for a period of thirty days or more, (1) sections 1-100b,
32 9-700 to 9-716, inclusive, 9-750, 9-751 and 9-760 and section 49 of public
33 act 05-5 of the October 25 special session shall be inoperative and have
34 no effect with respect to any race that is the subject of such court order
35 until December thirty-first of such year, and (2) (A) the amendments
36 made to the provisions of the sections of the general statutes pursuant
37 to public act 05-5 of the October 25 special session** shall be
38 inoperative until December thirty-first of such year, (B) the provisions
39 of said sections of the general statutes, revision of 1958, revised to
40 December 30, 2006, shall be effective until December thirty-first of such
41 year, and (C) the provisions of subsections (g) to (j), inclusive, of
42 section 9-612 shall not be implemented until December thirty-first of
43 such year. If, on the April fifteenth of the second year succeeding such
44 original prohibition or limitation, any such prohibition or limitation is
45 in effect, the provisions of subdivisions (1) and (2) of this section shall
46 be implemented and remain in effect without the time limitation
47 described in said subdivisions (1) and (2).

48 (c) If, during a year in which a state election is held, on or after the

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49 second Tuesday in August set aside as the day for a primary under
50 section 9-423, a court of competent jurisdiction prohibits or limits the
51 expenditure of funds from the Citizens' Election Fund established in
52 section 9-701 for grants or moneys for candidate committees
53 authorized under sections 9-700 to 9-716, inclusive, for a period of
54 fifteen days, or if said Tuesday occurs during a period of fifteen days
55 or more in which period such a court continues to prohibit or limit
56 such expenditures, then, after any such fifteen-day period, (1) sections
57 1-100b, 9-700 to 9-716, inclusive, 9-750, 9-751 and 9-760 and section 49
58 of public act 05-5 of the October 25 special session shall be inoperative
59 and have no effect with respect to any race that is the subject of such
60 court order until December thirty-first of such year, and (2) (A) the
61 amendments made to the provisions of the sections of the general
62 statutes pursuant to public act 05-5 of the October 25 special session
63 shall be inoperative until December thirty-first of such year, (B) the
64 provisions of said sections of the general statutes, revision of 1958,
65 revised to December 30, 2006, shall be effective until December thirty-
66 first of such year, and (C) the provisions of subsections (g) to (j),
67 inclusive, of section 9-612 shall not be implemented until December
68 thirty-first of such year. If, on the April fifteenth of the second year
69 succeeding such original prohibition or limitation, any such
70 prohibition or limitation is in effect, the provisions of subdivisions (1)
71 and (2) of this section shall be implemented and remain in effect
72 without the time limitation described in said subdivisions (1) and (2).]

73 (a) Each section, subsection, subdivision, subparagraph, clause,
74 provision or portion of public Act 05-5 of the October 25 special
75 session or any subsequent amendment to any such section, subsection,
76 subdivision, subparagraph, clause, provision or portion of said public
77 act shall be construed as separable and severable from all other
78 sections, subsections, subdivisions, subparagraphs, clauses, provisions
79 or portions of said public act. If any provision of said public act, as
80 amended, or its application to any person or circumstances is held
81 invalid, such invalidity shall not affect other provisions or applications

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82 of said public act, as amended.

83 [(d)] (b) Any candidate who has received any funds pursuant to the
84 provisions of this chapter and sections 1-100b, [9-700 to 9-716,
85 inclusive,] 9-750, 9-751 and 9-760 and section 49 of public act 05-5 of
86 the October 25 special session prior to any such prohibition or
87 limitation on the expenditure of funds from the Citizens' Election Fund
88 taking effect may retain and expend such funds in accordance with
89 this chapter and said sections, [unless prohibited from doing so by the
90 court.]

91 Sec. 2. Section 9-702 of the general statutes is repealed and the
92 following is substituted in lieu thereof (*Effective from passage*):

93 (a) There is established a Citizens' Election Program under which (1)
94 the candidate committee of a major party candidate for nomination to
95 the office of state senator or state representative in 2008, or thereafter,
96 or the office of Governor, Lieutenant Governor, Attorney General,
97 State Comptroller, Secretary of the State or State Treasurer in 2010, or
98 thereafter, may receive a grant from the Citizens' Election Fund for the
99 candidate's primary campaign for said nomination, and (2) the
100 candidate committee of a candidate nominated by a major party, or the
101 candidate committee of an eligible minor party candidate or an eligible
102 petitioning party candidate, for election to the office of state senator or
103 state representative at a special election held on or after December 31,
104 2006, or at a regular election held in 2008, or thereafter, or for election
105 to the office of Governor, Attorney General, State Comptroller,
106 Secretary of the State or State Treasurer in 2010, or thereafter, may
107 receive a grant from the fund for the candidate's general election
108 campaign for said office.

109 (b) Any such candidate committee is eligible to receive such grants
110 for a primary campaign, if applicable, and a general election campaign
111 if (1) the candidate certifies as a participating candidate under section
112 9-703, (2) the candidate's candidate committee receives the required

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113 amount of qualifying contributions under section 9-704, (3) the
114 candidate's candidate committee returns all contributions that do not
115 meet the criteria for qualifying contributions under section 9-704, (4)
116 the candidate agrees to limit the campaign expenditures of the
117 candidate's candidate committee in accordance with the provisions of
118 subsection (c) of this section, and (5) the candidate submits an
119 application and the commission approves the application in
120 accordance with the provisions of section 9-706.

121 (c) A candidate participating in the Citizens' Election Program shall
122 limit the expenditures of the candidate's candidate committee (A)
123 before a primary campaign and a general election campaign, to the
124 amount of qualifying contributions permitted in section [9-705] 9-704,
125 and any personal funds provided by the candidate under subsection
126 (c) of section 9-710, (B) for a primary campaign, to the sum of (i) the
127 amount of such qualifying contributions and personal funds that have
128 not been spent before the primary campaign, and (ii) the amount of the
129 grant for the primary campaign authorized under section 9-705, as
130 amended by this act, [and (iii) the amount of any additional moneys
131 for the primary campaign authorized under section 9-713 or 9-714,]
132 and (C) for a general election campaign, to the sum of (i) the amount of
133 such qualifying contributions and personal funds that have not been
134 spent before the general election campaign, (ii) any unexpended funds
135 from any grant for a primary campaign authorized under section 9-
136 705, as amended by this act, [or from any additional moneys for a
137 primary campaign authorized under section 9-713 or 9-714,] and (iii)
138 the amount of the grant for the general election campaign authorized
139 under section 9-705, as amended by this act. [, and (iv) the amount of
140 any additional moneys for the general election campaign authorized
141 under section 9-713 or 9-714.] The candidate committee of a minor or
142 petitioning party candidate who has received a general election
143 campaign grant from the fund pursuant to section 9-705, as amended
144 by this act, shall be permitted to receive contributions in addition to
145 the qualifying contributions subject to the limitations and restrictions

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146 applicable to participating candidates for the same office, provided
147 such minor or petitioning party candidate shall limit the expenditures
148 of the candidate committee for a general election campaign to the sum
149 of the qualifying contributions and personal funds, the amount of the
150 general election campaign grant received and the amount raised in
151 additional contributions that is equivalent to the difference between
152 the amount of the applicable general election campaign grant for a
153 major party candidate for such office and the amount of the general
154 election campaign grant received by such minor or petitioning party
155 candidate.

156 (d) For the purposes of [sections 9-700 to 9-716, inclusive] this
157 chapter, if a qualified candidate committee receives a grant for a
158 primary campaign and has qualifying contributions that have not been
159 spent before the primary campaign, no expenditures by such
160 committee during the primary campaign shall be deemed to have been
161 made from such qualifying contributions until the primary campaign
162 grant funds have been fully spent.

163 (e) No grants or moneys paid to a qualified candidate committee
164 from the Citizens' Election Fund under [sections 9-700 to 9-716,
165 inclusive] this chapter, shall be deemed to be public funds under any
166 other provision of the general statutes or any public or special act
167 unless specifically stated by such provision. |

Comment: 09--00--0702--
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168 Sec. 3. Section 9-705 of the general statutes is repealed and the
169 following is substituted in lieu thereof (*Effective from passage*):

170 (a) (1) The qualified candidate committee of a major party candidate
171 for the office of Governor who has a primary for nomination to said
172 office shall be eligible to receive a grant from the Citizens' Election
173 Fund for the primary campaign in the amount of one million two
174 hundred fifty thousand dollars, provided, in the case of a primary held
175 in 2014, or thereafter, said amount shall be adjusted under subsection
176 (d) of this section.

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177 (2) The qualified candidate committee of a candidate for the office of
178 Governor who has been nominated, or who has qualified to appear on
179 the election ballot in accordance with the provisions of subpart C of
180 part III of chapter 153, shall be eligible to receive a grant from the fund
181 for the general election campaign in the amount of three million
182 dollars, provided in the case of an election held in 2014, or thereafter,
183 said amount shall be adjusted under subsection (d) of this section.

184 (b) (1) The qualified candidate committee of a major party candidate
185 for the office of Lieutenant Governor, Attorney General, State
186 Comptroller, Secretary of the State or State Treasurer who has a
187 primary for nomination to said office shall be eligible to receive a grant
188 from the fund for the primary campaign in the amount of three
189 hundred seventy-five thousand dollars, provided, in the case of a
190 primary held in 2014, or thereafter, said amount shall be adjusted
191 under subsection (d) of this section.

192 (2) The qualified candidate committee of a candidate for the office of
193 Attorney General, State Comptroller, Secretary of the State or State
194 Treasurer who has been nominated, or who has qualified to appear on
195 the election ballot in accordance with the provisions of subpart C of
196 part III of chapter 153, shall be eligible to receive a grant from the fund
197 for the general election campaign in the amount of seven hundred fifty
198 thousand dollars, provided in the case of an election held in 2014, or
199 thereafter, said amount shall be adjusted under subsection (d) of this
200 section.

201 (c) (1) Notwithstanding the provisions of subsections (a) and (b) of
202 this section, the qualified candidate committee of an eligible minor
203 party candidate for the office of Governor, Lieutenant Governor,
204 Attorney General, State Comptroller, Secretary of the State or State
205 Treasurer shall be eligible to receive a grant from the fund for the
206 general election campaign if the candidate of the same minor party for
207 the same office at the last preceding regular election received at least
208 ten per cent of the whole number of votes cast for all candidates for

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209 said office at said election. The amount of the grant shall be one-third
210 of the amount of the general election campaign grant under subsection
211 (a) or (b) of this section for a candidate for the same office, provided
212 (A) if the candidate of the same minor party for the same office at the
213 last preceding regular election received at least fifteen per cent of the
214 whole number of votes cast for all candidates for said office at said
215 election, the amount of the grant shall be two-thirds of the amount of
216 the general election campaign grant under subsection (a) or (b) of this
217 section for a candidate for the same office, (B) if the candidate of the
218 same minor party for the same office at the last preceding regular
219 election received at least twenty per cent of the whole number of votes
220 cast for all candidates for said office at said election, the amount of the
221 grant shall be the same as the amount of the general election campaign
222 grant under subsection (a) or (b) of this section for a candidate for the
223 same office, and (C) in the case of an election held in 2014, or
224 thereafter, said amounts shall be adjusted under subsection (d) of this
225 section.

226 (2) Notwithstanding the provisions of subsections (a) and (b) of this
227 section, the qualified candidate committee of an eligible petitioning
228 party candidate for the office of Governor, Lieutenant Governor,
229 Attorney General, State Comptroller, Secretary of the State or State
230 Treasurer shall be eligible to receive a grant from the fund for the
231 general election campaign if said candidate's nominating petition has
232 been signed by a number of qualified electors equal to at least ten per
233 cent of the whole number of votes cast for the same office at the last
234 preceding regular election. The amount of the grant shall be one-third
235 of the amount of the general election campaign grant under subsection
236 (a) or (b) of this section for a candidate for the same office, provided
237 (A) if said candidate's nominating petition has been signed by a
238 number of qualified electors equal to at least fifteen per cent of the
239 whole number of votes cast for the same office at the last preceding
240 regular election, the amount of the grant shall be two-thirds of the
241 amount of the general election campaign grant under subsection (a) or

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242 (b) of this section for a candidate for the same office, (B) if said
243 candidate's nominating petition has been signed by a number of
244 qualified electors equal to at least twenty per cent of the whole number
245 of votes cast for the same office at the last preceding regular election,
246 the amount of the grant shall be the same as the amount of the general
247 election campaign grant under subsection (a) or (b) of this section for a
248 candidate for the same office, and (C) in the case of an election held in
249 2014, or thereafter, said amounts shall be adjusted under subsection (d)
250 of this section.

251 (3) In addition to the provisions of subdivisions (1) and (2) of this
252 subsection, the qualified candidate committee of an eligible petitioning
253 party candidate and the qualified candidate committee of an eligible
254 minor party candidate for the office of Governor, Lieutenant Governor,
255 Attorney General, State Comptroller, Secretary of the State or State
256 Treasurer shall be eligible to receive a supplemental grant from the
257 fund after the general election if the treasurer of such candidate
258 committee reports a deficit in the first statement filed after the general
259 election, pursuant to section 9-608, and such candidate received a
260 greater [per cent] percentage of the whole number of votes cast for all
261 candidates for said office at said election than the [per cent] percentage
262 of votes utilized by such candidate to obtain a general election
263 campaign grant described in subdivision (1) or (2) of this subsection.
264 The amount of such supplemental grant shall be calculated as follows:

265 (A) In the case of any such candidate who receives more than ten
266 per cent, but not more than fifteen per cent, of the whole number of
267 votes cast for all candidates for said office at said election, the grant
268 shall be the product of (i) a fraction in which the numerator is the
269 difference between the percentage of such whole number of votes
270 received by such candidate and ten per cent and the denominator is
271 ten, and (ii) two-thirds of the amount of the general election campaign
272 grant under subsection (a) or (b) of this section for a major party
273 candidate for the same office.

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274 (B) In the case of any such candidate who receives more than fifteen
275 per cent, but less than twenty per cent, of the whole number of votes
276 cast for all candidates for said office at said election, the grant shall be
277 the product of (i) a fraction in which the numerator is the difference
278 between the percentage of such whole number of votes received by
279 such candidate and fifteen per cent and the denominator is five, and
280 (ii) one-third of the amount of the general election campaign grant
281 under subsection (a) or (b) of this section for a major party candidate
282 for the same office.

283 (C) In the case of any such candidate who receives twenty per cent
284 or more of the whole number of votes cast for all candidates for said
285 office at said election, the grant shall be the difference between the
286 amount of the general election campaign grant received by any such
287 candidate and one hundred per cent of the amount of the general
288 election campaign grant under subsection (a) or (b) of this section for a
289 major party candidate for the same office.

290 [(C)] (D) The sum of the general election campaign grant received
291 by any such candidate and a supplemental grant under this
292 subdivision shall not exceed one hundred per cent of the amount of the
293 general election campaign grant under subsection (a) or (b) of this
294 section for a major party candidate for the same office.

295 (d) For elections held in 2014, and thereafter, the amount of the
296 grants in subsections (a), (b) and (c) of this section shall be adjusted by
297 the State Elections Enforcement Commission not later than January 15,
298 2014, and quadrennially thereafter, in accordance with any change in
299 the consumer price index for all urban consumers as published by the
300 United States Department of Labor, Bureau of Labor Statistics, during
301 the period beginning on January 1, 2010, and ending on December
302 thirty-first in the year preceding the year in which said adjustment is
303 to be made.

304 (e) (1) The qualified candidate committee of a major party candidate

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305 for the office of state senator who has a primary for nomination to said
306 office shall be eligible to receive a grant from the fund for the primary
307 campaign in the amount of thirty-five thousand dollars, provided (A)
308 if the percentage of the electors in the district served by said office who
309 are enrolled in said major party exceeds the percentage of the electors
310 in said district who are enrolled in another major party by at least
311 twenty percentage points, the amount of said grant shall be seventy-
312 five thousand dollars, and (B) in the case of a primary held in 2010, or
313 thereafter, said amounts shall be adjusted under subsection (h) of this
314 section. For the purposes of subparagraph (A) of this subdivision, the
315 number of enrolled members of a major party and the number of
316 electors in a district shall be determined by the latest enrollment and
317 voter registration records in the office of the Secretary of the State
318 submitted in accordance with the provisions of section 9-65. The names
319 of electors on the inactive registry list compiled under section 9-35
320 shall not be counted for such purposes.

321 (2) The qualified candidate committee of a candidate for the office of
322 state senator who has been nominated, or has qualified to appear on
323 the election ballot in accordance with subpart C of part III of chapter
324 153, shall be eligible to receive a grant from the fund for the general
325 election campaign in the amount of eighty-five thousand dollars,
326 provided in the case of an election held in 2010, or thereafter, said
327 amount shall be adjusted under subsection (h) of this section.

328 (f) (1) The qualified candidate committee of a major party candidate
329 for the office of state representative who has a primary for nomination
330 to said office shall be eligible to receive a grant from the fund for the
331 primary campaign in the amount of ten thousand dollars, provided (A)
332 if the percentage of the electors in the district served by said office who
333 are enrolled in said major party exceeds the percentage of the electors
334 in said district who are enrolled in another major party by at least
335 twenty percentage points, the amount of said grant shall be twenty-
336 five thousand dollars, and (B) in the case of a primary held in 2010, or
337 thereafter, said amounts shall be adjusted under subsection (h) of this

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338 section. For the purposes of subparagraph (A) of this subdivision, the
339 number of enrolled members of a major party and the number of
340 electors in a district shall be determined by the latest enrollment and
341 voter registration records in the office of the Secretary of the State
342 submitted in accordance with the provisions of section 9-65. The names
343 of electors on the inactive registry list compiled under section 9-35
344 shall not be counted for such purposes.

345 (2) The qualified candidate committee of a candidate for the office of
346 state representative who has been nominated, or has qualified to
347 appear on the election ballot in accordance with subpart C of part III of
348 chapter 153, shall be eligible to receive a grant from the fund for the
349 general election campaign in the amount of twenty-five thousand
350 dollars, provided in the case of an election held in 2010, or thereafter,
351 said amount shall be adjusted under subsection (h) of this section.

352 (g) (1) Notwithstanding the provisions of subsections (e) and (f) of
353 this section, the qualified candidate committee of an eligible minor
354 party candidate for the office of state senator or state representative
355 shall be eligible to receive a grant from the fund for the general
356 election campaign if the candidate of the same minor party for the
357 same office at the last preceding regular election received at least ten
358 per cent of the whole number of votes cast for all candidates for said
359 office at said election. The amount of the grant shall be one-third of the
360 amount of the general election campaign grant under subsection (e) or
361 (f) of this section for a candidate for the same office, provided (A) if the
362 candidate of the same minor party for the same office at the last
363 preceding regular election received at least fifteen per cent of the
364 whole number of votes cast for all candidates for said office at said
365 election, the amount of the grant shall be two-thirds of the amount of
366 the general election campaign grant under subsection (e) or (f) of this
367 section for a candidate for the same office, (B) if the candidate of the
368 same minor party for the same office at the last preceding regular
369 election received at least twenty per cent of the whole number of votes
370 cast for all candidates for said office at said election, the amount of the

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371 grant shall be the same as the amount of the general election campaign
372 grant under subsection (e) or (f) of this section for a candidate for the
373 same office, and (C) in the case of an election held in 2010, or
374 thereafter, said amounts shall be adjusted under subsection (h) of this
375 section.

376 (2) Notwithstanding the provisions of subsections (e) and (f) of this
377 section, the qualified candidate committee of an eligible petitioning
378 party candidate for the office of state senator or state representative
379 shall be eligible to receive a grant from the fund for the general
380 election campaign if said candidate's nominating petition has been
381 signed by a number of qualified electors equal to at least ten per cent of
382 the whole number of votes cast for the same office at the last preceding
383 regular election. The amount of the grant shall be one-third of the
384 amount of the general election campaign grant under subsection (e) or
385 (f) of this section for a candidate for the same office, provided (A) if
386 said candidate's nominating petition has been signed by a number of
387 qualified electors equal to at least fifteen per cent of the whole number
388 of votes cast for the same office at the last preceding regular election,
389 the amount of the grant shall be two-thirds of the amount of the
390 general election campaign grant under subsection (e) or (f) of this
391 section for a candidate for the same office, (B) if said candidate's
392 nominating petition has been signed by a number of qualified electors
393 equal to at least twenty per cent of the whole number of votes cast for
394 the same office at the last preceding regular election, the amount of the
395 grant shall be the same as the amount of the general election campaign
396 grant under subsection (e) or (f) of this section for a candidate for the
397 same office, and (C) in the case of an election held in 2010, or
398 thereafter, said amounts shall be adjusted under subsection (h) of this
399 section.

400 (3) In addition to the provisions of subdivisions (1) and (2) of this
401 subsection, the qualified candidate committee of an eligible petitioning
402 party candidate and the qualified candidate committee of an eligible
403 minor party candidate for the office of state senator or state

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404 representative shall be eligible to receive a supplemental grant from
405 the fund after the general election if the treasurer of such candidate
406 committee reports a deficit in the first statement filed after the general
407 election, pursuant to section 9-608, and such candidate received a
408 greater [per cent] percentage of the whole number of votes cast for all
409 candidates for said office at said election than the [per cent] percentage
410 of votes utilized by such candidate to obtain a general election
411 campaign grant described in subdivision (1) or (2) of this subsection.
412 The amount of such supplemental grant shall be calculated as follows:

413 (A) In the case of any such candidate who receives more than ten
414 per cent, but less than fifteen per cent, of the whole number of votes
415 cast for all candidates for said office at said election, the grant shall be
416 the product of (i) a fraction in which the numerator is the difference
417 between the percentage of such whole number of votes received by
418 such candidate and ten per cent and the denominator is ten, and (ii)
419 two-thirds of the amount of the general election campaign grant under
420 subsection [(a) or (b)] (e) or (f) of this section for a major party
421 candidate for the same office.

422 (B) In the case of any such candidate who receives more than fifteen
423 per cent, but less than twenty per cent, of the whole number of votes
424 cast for all candidates for said office at said election, the grant shall be
425 the product of (i) a fraction in which the numerator is the difference
426 between the percentage of such whole number of votes received by
427 such candidate and fifteen per cent and the denominator is five, and
428 (ii) one-third of the amount of the general election campaign grant
429 under subsection [(a) or (b)] (e) or (f) of this section for a major party
430 candidate for the same office.

431 (C) In the case of any such candidate who receives twenty per cent
432 or more of the whole number of votes cast for all candidates for said
433 office at said election, the grant shall be the difference between the
434 amount of the general election campaign grant received by any such
435 candidate and one hundred per cent of the amount of the general

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436 election campaign grant under subsection (e) or (f) of this section for a
437 major party candidate for the same office.

438 [(C)] (D) The sum of the general election campaign grant received
439 by any such candidate and a supplemental grant under this
440 subdivision shall not exceed one hundred per cent of the amount of the
441 general election campaign grant under subsection [(a) or (b)] (e) or (f)
442 of this section for a major party candidate for the same office.

443 (h) For elections held in 2010, and thereafter, the amount of the
444 grants in subsections (e), (f) and (g) of this section shall be adjusted by
445 the State Elections Enforcement Commission not later than January 15,
446 2010, and biennially thereafter, in accordance with any change in the
447 consumer price index for all urban consumers as published by the
448 United States Department of Labor, Bureau of Labor Statistics, during
449 the period beginning on January 1, 2008, and ending on December
450 thirty-first in the year preceding the year in which said adjustment is
451 to be made.

452 (i) Notwithstanding the provisions of subsections (e), (f) and (g) of
453 this section, in the case of a special election for the office of state
454 senator or state representative, the amount of the grant for a general
455 election campaign shall be seventy-five per cent of the amount
456 authorized under the applicable said subsection (e), (f) or (g).

457 (j) Notwithstanding the provisions of subsections (a) to (i), inclusive,
458 of this section:

459 (1) The initial grant that a qualified candidate committee for a
460 candidate is eligible to receive under subsections (a) to (i), inclusive, of
461 this section shall be reduced by the amount of any personal funds that
462 the candidate provides for the candidate's campaign for nomination or
463 election pursuant to subsection (c) of section 9-710;

464 (2) If a participating candidate is nominated at a primary and does
465 not expend the entire grant for the primary campaign authorized

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466 under subsection (a), (b), (e) or (f) of this section, [or all moneys that
467 may be received for the primary campaign under section 9-713 or 9-
468 714,] the amount of the grant for the general election campaign shall be
469 reduced by the total amount of any such unexpended primary
470 campaign grant and moneys;

471 (3) If a participating candidate who is nominated for election does
472 not have any opponent in the general election campaign, the amount
473 of the general election campaign grant for which the qualified
474 candidate committee for said candidate shall be eligible shall be thirty
475 per cent of the applicable amount set forth in subsections (a) to (i),
476 inclusive; and

477 (4) If the only opponent or opponents of a participating candidate
478 who is nominated for election to an office are eligible minor party
479 candidates or eligible petitioning party candidates and no such eligible
480 minor party candidate's or eligible petitioning party candidate's
481 candidate committee has received a total amount of contributions of
482 any type that is equal to or greater than the amount of the qualifying
483 contributions that a candidate for such office is required to receive
484 under section 9-704, as amended by this act, to be eligible for grants
485 from the Citizens' Election Fund, the amount of the general election
486 campaign grant for such participating candidate shall be sixty per cent
487 of the applicable amount set forth in this section. |

Comment: 09--00--0705---
K:77777

488 Sec. 4. Section 9-707 of the general statutes is repealed and the
489 following is substituted in lieu thereof (*Effective from passage*):

490 [Following the initial deposit of moneys from the Citizens' Election
491 Fund into the depository account of a qualified candidate committee,
492 no contribution, loan, amount of the candidate's own moneys or any
493 other moneys received by the candidate or the campaign treasurer on
494 behalf of the committee shall be deposited into said depository
495 account, except [(1)] grants from the fund, [, and (2) any additional
496 moneys from the fund as provided in sections 9-713 and 9-714.] |

Comment: 09--00--0707---
K:77777

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497 Sec. 5. Section 9-712 of the general statutes is repealed and the
498 following is substituted in lieu thereof (*Effective from passage*):

499 (a) (1) If a candidate committee in a primary campaign or a general
500 election campaign in which there is at least one participating candidate
501 initially receives contributions, loans or other funds or makes or incurs
502 an obligation to make, an expenditure that, in the aggregate, exceeds
503 ninety per cent of the applicable expenditure limit for the applicable
504 primary or general election period, the campaign treasurer of the
505 candidate committee receiving such contributions, loans or other funds
506 or making or incurring the obligation to make the excess expenditure
507 shall file a supplemental campaign finance statement with the State
508 Elections Enforcement Commission in accordance with the provisions
509 of subdivision (2) of this subsection.

510 (2) If a candidate committee receives contributions, loans or other
511 funds, or makes or incurs an obligation to make an expenditure that, in
512 the aggregate, exceeds ninety per cent of the applicable expenditure
513 limit for the applicable primary or general election campaign period
514 more than twenty days before the day of such primary or election, the
515 campaign treasurer of said candidate shall file an initial supplemental
516 campaign finance disclosure statement with the commission not later
517 than forty-eight hours after receiving such contributions, loans or other
518 funds, or making or incurring such expenditure. If said candidate
519 committee receives contributions, loans or other funds, or makes or
520 incurs an obligation to make expenditures, that, in the aggregate,
521 exceed ninety per cent of the applicable expenditure limit for the
522 applicable primary or general election campaign period twenty days or
523 less before the day of such primary or election, the campaign treasurer
524 of such candidate shall file such statement with the commission not
525 later than twenty-four hours after receiving such contributions, loans
526 or funds, or making or incurring such expenditure.

527 (3) After the initial filing of a statement under subdivisions (1) and
528 (2) of this subsection, the campaign treasurer of the candidate filing the

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529 statement and the campaign treasurer of all of the opposing candidates
530 shall file periodic supplemental campaign finance statements with the
531 commission on the following schedule: (A) If the date of the applicable
532 primary or general election is more than five weeks after the date the
533 initial supplemental campaign finance disclosure statement is due to
534 be filed in accordance with subdivisions (1) and (2) of this subsection,
535 periodic supplemental campaign finance statements shall be filed bi-
536 weekly on every other Thursday, beginning the second Thursday after
537 the initial statement is filed; and (B) if the date of the applicable
538 primary election or general election is five weeks or less away, periodic
539 supplemental campaign finance statements shall be filed: (i) In the case
540 of a primary campaign, on the first Thursday following the date in July
541 on which candidates are required to file campaign finance statements
542 pursuant to subsection (a) of section 9-608, or the first Thursday
543 following the supplemental campaign finance statement filed under
544 subdivisions (1) and (2) of this subsection, whichever is later, and each
545 Thursday thereafter until the Thursday before the day of the primary,
546 inclusive, and (ii) in the case of a general election campaign, on the
547 first Thursday following the date in October on which candidates are
548 required to file campaign finance statements pursuant to subsection (a)
549 of section 9-608, or the first Thursday following the supplemental
550 campaign finance statement filed under subdivision (1) of this
551 subsection, whichever is later, and each Thursday thereafter until the
552 Thursday after the day of the election, inclusive.

553 (4) Notwithstanding the provisions of subdivisions (1), (2) and (3) of
554 this subsection, if a candidate committee in a primary campaign or a
555 general election campaign in which there is at least one participating
556 candidate receives contributions, loans or other funds, or makes or
557 incurs an obligation to make expenditures that, in the aggregate,
558 exceed one hundred per cent, one hundred twenty-five per cent, one
559 hundred fifty per cent, or one hundred seventy-five per cent of the
560 applicable expenditure limit for the applicable primary or general
561 election campaign period, the campaign treasurer of the candidate

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562 committee receiving the contributions, incurring the loans or raising
563 the funds, or making or incurring the obligation to make the excess
564 expenditure or expenditures shall file a declaration of excess receipts
565 or expenditures statement with the commission, within the deadlines
566 set forth in subdivision (2) of this subsection.

567 (5) Each supplemental statement required under subdivision (1), (2),
568 (3) or (4) of this subsection for a candidate shall disclose the name of
569 the candidate, the name of the candidate's campaign committee and
570 the total amount of campaign contributions, loans or other funds
571 received, or expenditures made or obligated to be made by such
572 candidate committee during the primary campaign or the general
573 election campaign, whichever is applicable, as of the day before the
574 date on which such statement is required to be filed. The commission
575 shall adopt regulations, in accordance with the provisions of chapter
576 54, specifying permissible media for the transmission of such
577 statements to the commission, which shall include electronic mail.

578 (b) (1) As used in this section, [and section 9-713,] "excess
579 expenditure" means an expenditure made, or obligated to be made, by
580 a nonparticipating or a participating candidate who is opposed by one
581 or more other participating candidates in a primary campaign or a
582 general election campaign, which is in excess of the amount of the
583 applicable limit on expenditures for said participating candidates for
584 said campaign and which is the sum of (A) the applicable qualifying
585 contributions that the participating candidate is required to receive
586 under section 9-704, as amended by this act, to be eligible for grants
587 from the Citizens' Election Fund, and (B) one hundred per cent of the
588 applicable full grant amount for a major party candidate authorized
589 under section 9-705, as amended by this act, for the applicable
590 campaign period.

591 (2) The commission shall confirm whether an expenditure described
592 in a declaration filed under this subsection is an excess expenditure.

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593 (c) If a campaign treasurer fails to file any statement or declaration
594 required by this section within the time required, said campaign
595 treasurer shall be subject to a civil penalty, imposed by the
596 commission, of not more than one thousand dollars for the first failure
597 to file the statement within the time required and not more than five
598 thousand dollars for any subsequent such failure.

Comment: 09--00--0712---
K:?????

599 Sec. 6. Section 9-716 of the general statutes is repealed and the
600 following is substituted in lieu thereof (*Effective from passage*):

601 (a) Not later than June 1, 2007, and annually thereafter, the State
602 Elections Enforcement Commission shall issue a report on the status of
603 the Citizens' Election Fund during the previous calendar year. Such
604 report shall include the amount of moneys deposited in the fund, the
605 sources of moneys received by category, the number of contributions,
606 the number of contributors, the amount of moneys expended by
607 category, the recipients of moneys distributed from the fund and an
608 accounting of the costs incurred by the commission in administering
609 the provisions of [sections 9-700 to 9-716, inclusive] this chapter.

610 (b) Not later than January first in any year in which a state election
611 is to be held, the commission shall determine whether the amount of
612 moneys in the fund is sufficient to carry out the purposes of [sections
613 9-700 to 9-716, inclusive] this chapter. If the commission determines
614 that such amount is not sufficient to carry out such purposes, the
615 commission shall, not later than three days after such later
616 determination, (1) determine the percentage of the fund's obligations
617 that can be met for such election, (2) recalculate the amount of each
618 payment that each qualified candidate committee is entitled to receive
619 under section 9-706 by multiplying such percentage by the amount
620 that such committee would have been entitled to receive under
621 [sections 9-700 to 9-716, inclusive] this chapter, if there were a
622 sufficient amount of moneys in the fund, and (3) notify each such
623 committee of such insufficiency, percentage and applicable
624 recalculation. After a qualified candidate committee under section 9-

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625 706 first receives any such recalculated payment, the committee may
626 resume accepting contributions, which shall not be subject to the
627 restrictions on qualifying contributions under section 9-704, as
628 amended by this act, and making expenditures from such
629 contributions, up to the highest amount of expenditures made by an
630 opposing nonparticipating candidate in the same primary campaign or
631 general election campaign. The commission shall also issue a report on
632 said determination.

633 (c) The commission shall establish a reserve account in the fund. The
634 first twenty-five thousand dollars deposited in the fund during any
635 year shall be placed in said account. The commission shall use moneys
636 in the reserve account only during the seven days preceding a primary
637 or an election for payments to candidates [(1)] whose payments were
638 reduced under subsection (b) of this section, [or (2) who are entitled
639 to funding to match, during said seven-day period, independent
640 expenditures pursuant to section 9-714.]

Comment: 09--00--0716--
K22222

641 Sec. 7. Section 9-610 of the general statutes is repealed and the
642 following is substituted in lieu thereof (*Effective from passage*):

643 (a) Any provision of this chapter to the contrary notwithstanding, a
644 candidate committee may join with one or more candidate committees
645 to establish a political committee for the purpose of sponsoring one or
646 more fund-raising events for those candidates. Any individual, other
647 than a candidate benefited, who is eligible and qualifies to serve in
648 accordance with the provisions of subsection (d) of section 9-606 may
649 serve as the campaign treasurer or deputy campaign treasurer of such
650 a political committee. The statements required to be filed by a political
651 committee under this chapter shall apply to any political committee
652 established pursuant to this subsection. After all expenses of the
653 political committee have been paid by its campaign treasurer for each
654 event, he shall distribute all remaining funds from such event to the
655 campaign treasurers of each of the candidate committees which
656 established the political committee. The distribution to each candidate

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657 committee shall be made not later than fourteen days after the event,
658 either in accordance with a prior agreement of the candidates or, if no
659 prior agreement was made, in equal proportions to each candidate
660 committee. Any contribution which is made to such political
661 committee shall, for purposes of determining compliance with the
662 limitations imposed by this chapter, be deemed to have been made in
663 equal proportions to each candidate's campaign unless (1) a prior
664 agreement was made by the candidates as to the disposition of
665 remaining funds, and (2) those who contributed to the political
666 committee were notified of such disposition, in which case the
667 contribution shall be deemed to have been made to each candidate's
668 campaign in accordance with the agreement.

669 (b) A candidate committee may pay its pro rata share of the
670 expenses of operating a campaign headquarters and of preparing,
671 printing and disseminating any political communication on behalf of
672 that candidate and any other candidate or candidates.
673 Notwithstanding the provisions of subdivision (1) of subsection (a) of
674 section 9-616, a candidate committee may reimburse a party committee
675 for any expenditure such party committee has incurred for the benefit
676 of such candidate committee.

677 (c) A candidate may make any expenditure permitted by section 9-
678 607 to aid or promote the success of his campaign for nomination or
679 election from his personal funds, or the funds of his immediate family,
680 which for the purposes of this chapter shall consist of the candidate's
681 spouse and issue. Any such expenditure shall not be deemed a
682 contribution to any committee.

683 (d) (1) No incumbent holding office shall, during the three months
684 preceding an election in which he is a candidate for reelection or
685 election to another office, use public funds to mail or print flyers or
686 other promotional materials intended to bring about his election or
687 reelection.

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688 (2) No official or employee of the state or a political subdivision of
689 the state shall authorize the use of public funds for a television, radio,
690 movie theater, billboard, bus poster, newspaper or magazine
691 promotional campaign or advertisement, which (A) features the name,
692 face or voice of a candidate for public office, or (B) promotes the
693 nomination or election of a candidate for public office, during the
694 twelve-month period preceding the election being held for the office
695 which the candidate described in this subdivision is seeking.

696 (3) As used in subdivisions (1) and (2) of this subsection, "public
697 funds" does not include any grant or moneys paid to a qualified
698 candidate committee from the Citizens' Election Fund under sections
699 9-700 to 9-716, inclusive.

700 (e) For purposes of this subsection and subsection (f) of this section,
701 the exclusions to the term "contribution" in subsection (b) of section 9-
702 601a shall not apply; the term "state office" means the office of
703 Governor, Lieutenant Governor, Attorney General, State Comptroller,
704 State Treasurer or Secretary of the State; and the term "state officer"
705 means the Governor, Lieutenant Governor, Attorney General, State
706 Comptroller, State Treasurer or Secretary of the State. Notwithstanding
707 any provision of this chapter to the contrary, during any regular
708 session of the General Assembly, during any special session of the
709 General Assembly held between the adjournment of the regular
710 session in an odd-numbered year and the convening of the regular
711 session in the following even-numbered year or during any
712 reconvened session of the General Assembly held in an odd-numbered
713 year to reconsider vetoed bills, (1) no [client] lobbyist or political
714 committee established by or on behalf of a [client] lobbyist shall make
715 or offer to make a contribution to or on behalf of, and no such lobbyist
716 shall solicit a contribution on behalf of, (A) a candidate or exploratory
717 committee established by a candidate for nomination or election to the
718 General Assembly or a state office or (B) a political committee (i)
719 established for an assembly or senatorial district, (ii) established by a
720 member of the General Assembly or a state officer or such member or

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721 officer's agent, or in consultation with, or at the request or suggestion
722 of, any such member, officer or agent, or (iii) controlled by such
723 member, officer or agent, to aid or promote the nomination or election
724 of any candidate or candidates to the General Assembly or a state
725 office, and (2) no such candidate or political committee shall accept
726 such a contribution. The provisions of this subsection shall not apply
727 to a candidate committee established by a member of the General
728 Assembly or a candidate for nomination or election to the General
729 Assembly, at a special election for the General Assembly, from the date
730 on which the candidate or the chairman of the committee files the
731 designation of a campaign treasurer and a depository institution under
732 section 9-602 with the State Elections Enforcement Commission, to the
733 date on which the special election is held, inclusive, or to an
734 exploratory committee established by a member of the General
735 Assembly to promote his candidacy for an office other than the
736 General Assembly.

737 (f) A political committee established by two or more individuals
738 under subparagraph (B) of subsection (3) of section 9-601, other than a
739 committee established solely for the purpose of aiding or promoting
740 any candidate or candidates for municipal office or the success or
741 defeat of a referendum question, shall be subject to the prohibition on
742 acceptance of [client] lobbyist contributions under subsection (e) of this
743 section unless the campaign treasurer of the committee has filed a
744 certification that the committee is not established for an assembly or
745 senatorial district, or by a member of the General Assembly or a state
746 officer, or such member or officer's agent, or in consultation with, or at
747 the request or suggestion of, any such member, officer or agent, or
748 controlled by such member, officer or agent. The campaign treasurer of
749 any political committee established by or controlled by a [client]
750 lobbyist shall file a certification to that effect. Such certifications shall
751 be filed with the State Elections Enforcement Commission, on forms
752 prescribed by the commission, on or before November 15, 2008, for all
753 such political committees in existence on such date, or upon the

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754 registration of the committee, and on or before November fifteenth
755 biennially thereafter. The commission shall prepare a list of all such
756 committees subject to the prohibitions under subsection (e) of this
757 section, according to the certifications filed, which shall be available
758 prior to the opening of each regular session of the General Assembly,
759 and shall provide a copy of the list to the president pro tempore of the
760 Senate, the speaker of the House of Representatives, the minority
761 leader of the Senate, the minority leader of the House of
762 Representatives and each state officer. During each such regular
763 session, the commission shall prepare a supplemental list of
764 committees which register after November fifteenth and are subject to
765 such prohibitions, and the commission shall provide the supplemental
766 list to such legislative leaders and state officers. The filing of the
767 certification by the campaign treasurer of the committee shall not
768 impair the authority of the commission to act under section 9-7b. Any
769 client lobbyist or campaign treasurer who acts in reliance on such lists
770 in good faith shall have an absolute defense in any action brought
771 under subsection (e) and this subsection, subsection (c) of section 9-
772 604, and subsection (f) of section 9-608.

773 (g) No communicator lobbyist, member of the immediate family of a
774 communicator lobbyist, or political committee established or
775 controlled by a communicator lobbyist or a member of the immediate
776 family of a communicator lobbyist shall make a contribution or
777 contributions in excess of one hundred dollars to, or for the benefit of
778 (1) an exploratory committee or a candidate committee established by
779 a candidate for nomination or election to the office of Governor,
780 Lieutenant Governor, Attorney General, State Comptroller, State
781 Treasurer, Secretary of the State, state senator or state representative,
782 (2) a political committee established or controlled by any such
783 candidate, (3) a legislative caucus committee or a legislative leadership
784 committee, or (4) a party committee.

785 (h) No communicator lobbyist, immediate family member of a
786 communicator lobbyist, agent of a communicator lobbyist, or political

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787 committee established or controlled by a communicator lobbyist or any
788 such immediate family member or agent shall knowingly solicit from
789 any individual who is a member of the board of directors of, an
790 employee of or a partner in, or who has an ownership interest of five
791 percent or more in, any client lobbyist that the communicator lobbyist
792 lobbies on behalf of pursuant to the communicator lobbyist's
793 registration under chapter 10 (1) a contribution on behalf of a
794 candidate committee or an exploratory committee established by a
795 candidate for the office of Governor, Lieutenant Governor, Attorney
796 General, State Comptroller, State Treasurer, Secretary of the State, state
797 senator or state representative, a political committee established or
798 controlled by any such candidate, a legislative caucus committee, a
799 legislative leadership committee or a party committee, or (2) the
800 purchase of advertising space in a program for a fund-raising affair
801 sponsored by a town committee, as described in subparagraph (B) of
802 subdivision (10) of section 9-601a.

803 (i) The provisions of subsections (g) and (h) of this subsection shall
804 not apply to the campaign of a communicator lobbyist, immediate
805 family member of a communicator lobbyist or agent of a
806 communicator lobbyist who is a candidate for public office or to an
807 immediate family member of a communicator lobbyist who is an
808 elected public official.

809 (j) Any person who violates any provision of subsections (g) and (h)
810 of this section shall be subject to a civil penalty, imposed by the State
811 Elections Enforcement Commission, of not more than five thousand
812 dollars or twice the amount of any contribution donated or solicited in
813 violation of subsection (g) or (h) of this section, whichever is greater.

Comment: 09--00--0610--
K77777

814 Sec. 8. Subsection (g) of section 9-612 of the 2010 supplement to the
815 general statutes is repealed and the following is substituted in lieu
816 thereof (*Effective from passage*):

817 (g) (1) As used in this subsection and subsections (h) and (i) of this

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818 section:

819 (A) "Quasi-public agency" has the same meaning as provided in
820 section 1-120.

821 (B) "State agency" means any office, department, board, council,
822 commission, institution or other agency in the executive or legislative
823 branch of state government.

824 (C) "State contract" means an agreement or contract with the state or
825 any state agency or any quasi-public agency, let through a
826 procurement process or otherwise, having a value of fifty thousand
827 dollars or more, or a combination or series of such agreements or
828 contracts having a value of one hundred thousand dollars or more in a
829 calendar year, for (i) the rendition of services, (ii) the furnishing of any
830 goods, material, supplies, equipment or any items of any kind, (iii) the
831 construction, alteration or repair of any public building or public work,
832 (iv) the acquisition, sale or lease of any land or building, (v) a licensing
833 arrangement, or (vi) a grant, loan or loan guarantee. "State contract"
834 does not include any agreement or contract with the state, any state
835 agency or any quasi-public agency that is exclusively federally funded,
836 an education loan, a loan to an individual for other than commercial
837 purposes or any agreement or contract between the state or any state
838 agency and the United States Department of the Navy or the United
839 States Department of Defense.

840 (D) "State contractor" means a person, business entity or nonprofit
841 organization that enters into a state contract. Such person, business
842 entity or nonprofit organization shall be deemed to be a state
843 contractor until December thirty-first of the year in which such
844 contract terminates. "State contractor" does not include a municipality
845 or any other political subdivision of the state, including any entities or
846 associations duly created by the municipality or political subdivision
847 exclusively amongst themselves to further any purpose authorized by
848 statute or charter, or an employee in the executive or legislative branch

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849 of state government or a quasi-public agency, whether in the classified
850 or unclassified service and full or part-time, and only in such person's
851 capacity as a state or quasi-public agency employee.

852 (E) "Prospective state contractor" means a person, business entity or
853 nonprofit organization that (i) submits a response to a state contract
854 solicitation by the state, a state agency or a quasi-public agency, or a
855 proposal in response to a request for proposals by the state, a state
856 agency or a quasi-public agency, until the contract has been entered
857 into, or (ii) holds a valid prequalification certificate issued by the
858 Commissioner of Administrative Services under section 4a-100.
859 "Prospective state contractor" does not include a municipality or any
860 other political subdivision of the state, including any entities or
861 associations duly created by the municipality or political subdivision
862 exclusively amongst themselves to further any purpose authorized by
863 statute or charter, or an employee in the executive or legislative branch
864 of state government or a quasi-public agency, whether in the classified
865 or unclassified service and full or part-time, and only in such person's
866 capacity as a state or quasi-public agency employee.

867 (F) "Principal of a state contractor or prospective state contractor"
868 means (i) any individual who is a member of the board of directors of,
869 or has an ownership interest of five per cent or more in, a state
870 contractor or prospective state contractor, which is a business entity,
871 except for an individual who is a member of the board of directors of a
872 nonprofit organization, (ii) an individual who is employed by a state
873 contractor or prospective state contractor, which is a business entity, as
874 president, treasurer or executive vice president, (iii) an individual who
875 is the chief executive officer of a state contractor or prospective state
876 contractor, which is not a business entity, or if a state contractor or
877 prospective state contractor has no such officer, then the officer who
878 duly possesses comparable powers and duties, (iv) an officer or an
879 employee of any state contractor or prospective state contractor who
880 has managerial or discretionary responsibilities with respect to a state
881 contract, (v) the spouse or a dependent child who is eighteen years of

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882 age or older of an individual described in this subparagraph, or (vi) a
883 political committee established or controlled by an individual
884 described in this subparagraph or the business entity or nonprofit
885 organization that is the state contractor or prospective state contractor.

886 (G) "Dependent child" means a child residing in an individual's
887 household who may legally be claimed as a dependent on the federal
888 income tax return of such individual.

889 (H) "Managerial or discretionary responsibilities with respect to a
890 state contract" means having direct, extensive and substantive
891 responsibilities with respect to the negotiation of the state contract and
892 not peripheral, clerical or ministerial responsibilities.

893 (I) "Rendition of services" means the provision of any service to a
894 state agency or quasi-public agency in exchange for a fee,
895 remuneration or compensation of any kind from the state or through
896 an arrangement with the state.

897 (J) "State contract solicitation" means a request by a state agency or
898 quasi-public agency, in whatever form issued, including, but not
899 limited to, an invitation to bid, request for proposals, request for
900 information or request for quotes, inviting bids, quotes or other types
901 of submittals, through a competitive procurement process or another
902 process authorized by law waiving competitive procurement.

903 (K) "Subcontractor" means any person, business entity or nonprofit
904 organization that contracts to perform part or all of the obligations of a
905 state contractor's state contract. Such person, business entity or
906 nonprofit organization shall be deemed to be a subcontractor until
907 December thirty-first of the year in which the subcontract terminates.
908 "Subcontractor" does not include (i) a municipality or any other
909 political subdivision of the sate, including entities or associations duly
910 created by the municipality or political subdivision exclusively
911 amongst themselves to further any purpose authorized by statute or
912 charter, or (ii) an employee in the executive or legislative branch of

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913 state government or a quasi-public agency, whether in the classified or
914 unclassified service and full-time or part-time, and only in such
915 person's capacity as a state or quasi-public agency employee.

916 (L) "Principal of a subcontractor" means (i) any individual who is a
917 member of the board of directors of, or has an ownership interest of
918 five per cent or more in, a subcontractor, which is a business entity,
919 except for an individual who is a member of the board of directors of a
920 nonprofit organization, (ii) an individual who is employed by a
921 subcontractor, which is a business entity, as president, treasurer or
922 executive vice president, (iii) an individual who is the chief executive
923 officer of a subcontractor, which is not a business entity, or if a
924 subcontractor has no such officer, then the officer who duly possesses
925 comparable powers and duties, (iv) an officer or an employee of any
926 subcontractor who has managerial or discretionary responsibilities
927 with respect to a subcontract, (v) the spouse or a dependent child who
928 is eighteen years of age or older of an individual described in this
929 subparagraph, or (vi) a political committee established or controlled by
930 an individual described in this subparagraph or the business entity or
931 nonprofit organization that is the subcontractor.

932 [(2) On and after December 31, 2006:]

933 (2)(A) No state contractor, prospective state contractor, principal of
934 a state contractor or principal of a prospective state contractor, with
935 regard to a state contract or a state contract solicitation with or from a
936 state agency in the executive branch or a quasi-public agency or a
937 holder, or principal of a holder of a valid prequalification certificate,
938 shall make a contribution to, or knowingly solicit contributions from
939 the state contractor's or prospective state contractor's employees or
940 from a subcontractor or principals of the subcontractor on behalf of (i)
941 an exploratory committee or candidate committee established by a
942 candidate for nomination or election to the office of Governor,
943 Lieutenant Governor, Attorney General, State Comptroller, Secretary
944 of the State or State Treasurer, (ii) a political committee authorized to

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945 make contributions or expenditures to or for the benefit of such
946 candidates, or (iii) a party committee;

947 (B) No state contractor, prospective state contractor, principal of a
948 state contractor or principal of a prospective state contractor, with
949 regard to a state contract or a state contract solicitation with or from
950 the General Assembly or a holder, or principal of a holder, of a valid
951 prequalification certificate, shall make a contribution to, or knowingly
952 solicit from the state contractor's or prospective state contractor's
953 employees or from a subcontractor or principals of the subcontractor
954 contributions on behalf of (i) an exploratory committee or candidate
955 committee established by a candidate for nomination or election to the
956 office of state senator or state representative, (ii) a political committee
957 authorized to make contributions or expenditures to or for the benefit
958 of such candidates, or (iii) a party committee;

959 (C) If a state contractor or principal of a state contractor makes or
960 solicits a contribution prohibited under subparagraph (A) or (B) of this
961 subdivision, as determined by the State Elections Enforcement
962 Commission, the contracting state agency or quasi-public agency may,
963 in the case of a state contract executed on or after February 8, 2007,
964 void the existing contract with said contractor, and no state agency or
965 quasi-public agency shall award the state contractor a state contract or
966 an extension or an amendment to a state contract for one year after the
967 election for which such contribution is made or solicited unless the
968 commission determines that mitigating circumstances exist concerning
969 such violation. No violation of the prohibitions contained in
970 subparagraph (A) or (B) of this subdivision shall be deemed to have
971 occurred if, and only if, the improper contribution is returned to the
972 principal by the later of thirty days after receipt of such contribution
973 by the recipient committee treasurer or the filing date that corresponds
974 with the reporting period in which such contribution was made; and

975 (D) If a prospective state contractor or principal of a prospective
976 state contractor makes or solicits a contribution prohibited under

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977 subparagraph (A) or (B) of this subdivision, as determined by the State
978 Elections Enforcement Commission, no state agency or quasi-public
979 agency shall award the prospective state contractor the contract
980 described in the state contract solicitation or any other state contract
981 for one year after the election for which such contribution is made or
982 solicited unless the commission determines that mitigating
983 circumstances exist concerning such violation. The Commissioner of
984 Administrative Services shall notify applicants of the provisions of this
985 subparagraph and subparagraphs (A) and (B) of this subdivision
986 during the prequalification application process.

987 (E) The State Elections Enforcement Commission shall make
988 available to each state agency and quasi-public agency a written notice
989 advising state contractors and prospective state contractors of the
990 contribution and solicitation prohibitions contained in subparagraphs
991 (A) and (B) of this subdivision. Such notice shall: (i) Direct each state
992 contractor and prospective state contractor to inform each individual
993 described in subparagraph (F) of subdivision (1) of this subsection,
994 with regard to said state contractor or prospective state contractor,
995 about the provisions of subparagraph (A) or (B) of this subdivision,
996 whichever is applicable, and this subparagraph; (ii) inform each state
997 contractor and prospective state contractor of the civil and criminal
998 penalties that could be imposed for violations of such prohibitions if
999 any such contribution is made; or solicited; (iii) inform each state
1000 contractor and prospective state contractor that, in the case of a state
1001 contractor, if any such contribution is made; or solicited, the contract
1002 may be voided; (iv) inform each state contractor and prospective state
1003 contractor that, in the case of a prospective state contractor, if any such
1004 contribution is made; or solicited, the contract described in the state
1005 contract solicitation shall not be awarded, unless the commission
1006 determines that mitigating circumstances exist concerning such
1007 violation; and (v) inform each state contractor and prospective state
1008 contractor that the state will not award any other state contract to
1009 anyone found in violation of such prohibitions for a period of one year

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1010 after the election for which such contribution is made; or solicited,
1011 unless the commission determines that mitigating circumstances exist
1012 concerning such violation. Each state agency and quasi-public agency
1013 shall distribute such notice to the chief executive officer of its
1014 contractors and prospective state contractors, or an authorized
1015 signatory to a state contract, and shall obtain a written
1016 acknowledgement of the receipt of such notice.

1017 (3) (A) On and after December 31, 2006, neither the Governor,
1018 Lieutenant Governor, Attorney General, State Comptroller, Secretary
1019 of the State or State Treasurer, any candidate for any such office nor
1020 any agent of any such official or candidate shall knowingly, wilfully or
1021 intentionally solicit contributions on behalf of an exploratory
1022 committee or candidate committee established by a candidate for
1023 nomination or election to any public office, a political committee or a
1024 party committee, from a person who he or she knows is prohibited
1025 from making contributions, including a principal of a state contractor
1026 or prospective state contractor with regard to a state contract
1027 solicitation with or from a state agency in the executive branch or a
1028 quasi-public agency or a holder of a valid prequalification certificate.

1029 (B) On and after December 31, 2006, neither a member of the
1030 General Assembly, any candidate for any such office nor any agent of
1031 any such official or candidate shall knowingly, wilfully or intentionally
1032 solicit contributions on behalf of an exploratory committee or
1033 candidate committee established by a candidate for nomination or
1034 election to any public office, a political committee or a party
1035 committee, from a person who he or she knows is prohibited from
1036 making contributions, including a principal of a state contractor or
1037 prospective state contractor with regard to a state contract solicitation
1038 with or from the General Assembly or a holder of a valid
1039 prequalification certificate.

1040 (4) The provisions of this subsection shall not apply to the campaign
1041 of a principal of a state contractor or prospective state contractor or to

