



# STATE OF CONNECTICUT STATE ELECTIONS ENFORCEMENT COMMISSION

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## ***Advisory Opinion 2010-01: Withdrawal from Citizens' Election Program***

The Commission has received several inquiries from current and prospective candidates on whether, after executing an affidavit showing their intention to participate in the Citizens' Election Program (CEP), they may subsequently withdraw from the program. This advisory opinion will summarize some of the basic factors surrounding a candidate's withdrawal from the CEP and how and when the Commission will allow a candidate to become a non-participating candidate.

### *Questions Addressed:*

1. After executing an Affidavit of Intent to Abide by Expenditure Limits but before applying for a grant, may a candidate withdraw from the Program?
2. Should it deny a candidate's grant application, will the Commission allow that candidate to withdraw from the CEP and become a non-participating candidate?

### *Legal Analysis and Conclusions:*

#### **Pre-Grant-Application Withdrawal**

Until a candidate has applied for a grant from the Citizens' Election Fund, a candidate who has filed an Affidavit of Intent to Abide by Expenditure Limits may revoke that affidavit and withdraw from the program. This permissive withdrawal follows § 9-703 (c), where the legislature specified that before applying for a grant any participating candidate may withdraw from the program. To withdraw, a participating candidate must file with the Commission a written affidavit of withdrawal. Once the Commission receives that affidavit the candidate will be deemed a non-participating candidate.

#### **Post-Grant-Application Withdrawal**

Gen. Stat. § 9-703 mandates that no participating candidate may withdraw from the CEP after applying to the Commission for a grant. The limitation on participating candidates' withdrawal after applying for a grant is not, however, absolute. The Commission has allowed participating candidates to withdraw from the CEP after they applied for grants in limited circumstances. If candidate submits a grant application and the Commission rejects that application, then the candidate has two options: the candidate may either re-apply for the grant, if that is still an option, or, if the candidate has no grants pending before the Commission, the candidate may ask the Commission to allow the candidate to withdraw from the CEP. If the Commission approves this request, the candidate will be deemed a non-participating candidate.

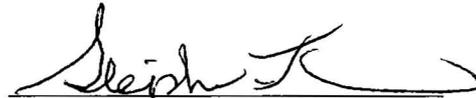
Rejection of a candidate's initial grant application does not foreclose a candidate from receiving a grant. In many instances, the candidate committee will have the opportunity to cure deficiencies in the grant application, such as failing to raise the requisite amount

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of contributions to meet the contribution thresholds, and re-submit the application for subsequent review by the Commission. But some rejections may be incurable, such as when a participating candidate exceeded the personal funds limits and injected too much of his personal money into the campaign.

If the candidate faces one of these incurable deficiencies, the candidate may submit an affidavit to the Commission expressing the candidate's desire to withdraw from the program and run as a non-participating candidate. Once the Commission deems the candidate to be a nonparticipating candidate, the candidate is no longer bound by the Program's voluntary expenditure limits, and may raise contributions under the rules of Chapter 155 of the Connecticut General Statutes. Until the Commission accepts the candidate's affidavit of withdrawal, however, any participating candidate is responsible to comply with all of the Program requirements, including limits on expenditures and amounts and sources of contributions, up to the point the candidate is deemed a nonparticipating candidate.

Adopted this \_\_th day of April, 2010 at Hartford, Connecticut by a vote of the Commission.

  
Stephen F. Cashman, Chairman