

CONNECTICUT STATE ELECTIONS ENFORCEMENT COMMISSION



INSTRUCTIONS FOR SEEC FORM 22 INDEPENDENT EXPENDITURE STATEMENT FOR INDIVIDUALS

Rev. 3/08

SEEC MAILING ADDRESS:

CONNECTICUT ELECTIONS ENFORCEMENT COMMISSION
CAMPAIGN FINANCE DISCLOSURE UNIT—3RD FLOOR
20 TRINITY STREET
HARTFORD, CONNECTICUT 06106-1628

SEEC TELEPHONE NUMBER:

MAIN NUMBER: 860-256-2940
TOLL FREE WITHIN CT: 1-866-SEEC-INFO
FAX NUMBER : 860-256-2981
SEEC WEBSITE ADDRESS: www.ct.gov/seec



GENERAL INSTRUCTIONS

- Type or print clearly all information in black or blue pen. **Please do not use pencil.**
- All individuals are urged to use the instructions provided on this form in conjunction with Connecticut's Campaign Finance Laws (Chapter 155 of the Connecticut General Statutes). Individuals should not rely solely on information provided in the instructions of this form in attempting to interpret any provisions of the Campaign Finance Laws. All such questions should be directed to the State Elections Enforcement Commission at (860) 256-2940 or (866)-SEEC-INFO (Toll Free in Connecticut). Instructions provided here are only to give guidance and assistance.
- If additional pages are needed to complete all information required in each section of the form, please reproduce the page for the appropriate section and attach the page(s) to the section.
- This form is to be filed by any **individual** who, acting alone and apart from any other individual, has made or is obligated to make "independent expenditures" from personal funds in excess of **\$1,000** in the aggregate to promote the success or defeat of any candidate's campaign for nomination at a primary or election or referendum question. An "Independent Expenditure" is one which is not made with the cooperation of, in consultation with, at the request or suggestion of the candidate, his or her committee, treasurer or agent of any other committee or entity. Any Political Committee (PAC) which makes, or incurs an obligation to make, independent expenditures must use SEEC Form 20.

WHICH "INDEPENDENT EXPENDITURES" MUST BE REPORTED BY AN INDIVIDUAL?

An individual must file this form when they make, or obligate to make, an "independent expenditure or expenditures" in excess of (s) \$1000 that: (1) promotes the success or defeat of any candidate's campaign for election or nomination at a primary; or (2) promotes the success or defeat of a referendum question. Put another way, an individual makes or obligates to make an expenditure that triggers the filing of this form when that individual, acting alone, makes or obligates to make a purchase, payment, distribution, loan, advance, deposit or gift from their personal assets, that exceeds \$1000 for a communication or communications (i.e., flyers, pamphlets, newspaper advertisements, television advertisements, etc.) that promotes the success or defeat of any candidate's campaign for election or nomination at a primary; or (2) promotes the success or defeat of a referendum question.

When is the "Expenditure(s)" considered "Independent"?: The above referenced expenditure will be deemed to be independently made when an individual acts alone in making the type of expenditure referenced above; for example, when that individual makes all decisions concerning the communication (i.e., form, content, recipients, method of distribution and payment) without the consent, knowing participation, or in consultation with any other individual; and that expenditure does not otherwise fall within the definition of "coordinated expenditure." See Connecticut General Statutes § 9-601(19) (defining the term "coordinated expenditure"). This form is not required if the expenditure is a "coordinated expenditure." Please note, an individual that serves in an election cycle as campaign chairperson, campaign treasurer or deputy treasurer of a candidate committee, political committee or party committee or in any other executive or policymaking position as a member, employee, fundraiser, consultant or other agent of any of the above named committees is incapable, as matter of law, of making during the same election cycle an "independent expenditure" that benefits the committee on which that individual serves. All expenditures made by such individuals that benefit the committee on which the individual serves will be deemed to be "coordinated expenditures" and thus, must be reported by that committee as an "In-Kind Contribution" from that individual.

When Does A Communication Promote the Success or Defeat of a Candidate or Referendum Question?: A communication will be deemed to "promote the success or defeat of" any candidate's campaign for election or nomination at a primary or "promote the success or defeat of" a referendum question when: (1) that communication contains words that expressly advocate the election or defeat of a candidate or referendum question (i.e. "vote for," "defeat," "support," "reject,"); or (2) that communication, when taken as a whole and with limited reference to contextual factors, cannot reasonably be interpreted to mean anything other than an appeal to vote for or against a specific candidate or question.

Finally, please note that an individual can make an unlimited amount of "Independent Expenditures" but not "Coordinated Expenditures." "Coordinated Expenditures" are "In-Kind Contributions" and are therefore subject to the contributions limits applicable to individuals.



WHERE TO FILE THIS FORM

With the State Elections Enforcement Commission ONLY (State Elections Enforcement Commission, Campaign Finance Disclosure Unit-3rd Floor, 20 Trinity St., Hartford, CT 06106):

- If the independent expenditure(s) is made to promote the success or defeat of any candidate(s) for: Governor, Lieutenant Governor, Secretary of the State, State Treasurer, Comptroller, Attorney General, Judge of Probate, State Senator and State Representative
- If the independent expenditure(s) is made to promote the success or defeat of a statewide ballot question (i.e., proposed constitutional amendments).

With a Town Clerk ONLY:

- If the independent expenditure(s) is made to promote the success or defeat of any candidate(s) for: a municipal office (Mayor, Councilman, Registrar of Voters, etc.) or for nomination in a primary for the position of a Town Committee member.
- If the independent expenditure(s) is made to promote the success or defeat of a referendum question that appears on the ballot in a single municipality. NOTE, in the case of a referendum question that appears on the ballots of two or more municipalities, but not the entire state, (i.e., a regional school district referendum), this form must be filed with the Town Clerk in each municipality involved.

WHEN AND HOW TO FILE

Any individual who makes or incurs independent expenditure(s) in excess of \$1,000 to promote the success or defeat of candidate(s) for the office of Governor, Lt. Governor, State Treasurer, Secretary of the State, State Comptroller, Attorney General, State Senator or State Representative must file this form by (1) checking the **48/24 Hour Independent Expenditure Statement** box; *and* (2) filing it with the SEEC either (a) **within 48 hours** of making independent expenditure(s) *more than twenty days* before a primary or election or (b) **within 24 hours** of making independent expenditure(s) *twenty days or less* before a primary or election. The report is timely filed if a signed hard copy is received by the SEEC by 4:30 p.m. on the filing deadline date or it is transmitted by midnight of the filing deadline date by either (a) facsimile transmission to SEEC at its dedicated filing **Fax No. (860) 256-2984** or (b) by email to the SEEC at its dedicated filing email address:

SEEC.eCris.Info@ct.gov. The 24 or 48 hour deadline for these filings are required even if the deadline falls on a Saturday, Sunday or legal holiday. An original signed Independent Expenditure Report in such instances must also be mailed to the SEEC on the first business day that the Post Office is open immediately following the fax or email transmission or it may be brought to the SEEC in person on such first business day following fax or email transmission on a Saturday, Sunday or legal holiday. Once the \$1,000 aggregate threshold is reached, a **48/24 Hour Independent Expenditure Statement** must be filed for each independent expenditure made or incurred until the day after Election Day irrespective of the amount of the independent expenditure.

An individual who makes or incurs independent expenditure(s) in excess of \$1,000 to promote the success or defeat of candidate(s) for the office of Judge of Probate or one or more municipal offices must file this form on the next regular filing date in which financial reporting is due from a campaign treasurer of the candidate or candidates who were the subject of such individual's independent expenditure(s). In addition, any individual who makes or incurs independent expenditures(s) in excess of \$1,000 to promote the success or defeat of a referendum question must file this form on the next regular filing date applicable to a political committee. Check the SEEC's website at <http://www.ct.gov/seec> for the schedule of regular filing dates for financial reporting for candidates for Judge of Probate or any municipal office candidates, as well as for the filing dates applicable to durational/single election political committees. SEEC Form 22 statements must thereafter continue to be filed by the same individual throughout the remainder of the calendar of regular filings, which ends with either the January 10th statement due following a regular election held in November or 45 days following an election/referendum not held in November. Such statements are required even if the individual makes no subsequent independent expenditure(s) following the first report filed after exceeding the \$1,000 aggregate threshold. Statements must be filed with the proper filing authority (see "Where to File This Form") no later than 4:30 p.m. of the last day of the required filing deadline or received thereafter by the filing repository with a postmark before midnight of the required filing deadline. If the filing deadline falls on a Saturday, Sunday or legal holiday, then it is due on the next business day. The SEEC's dedicated fax number or email address is not available for independent expenditures that involve candidates for Judge of Probate or municipal office or referendum questions.



LATE FILING PENALTY

If an individual fails to file a timely Independent Expenditure Statement for an expenditure made or incurred more than twenty days before the day of the primary or election for Governor, Lieutenant Governor, Secretary of the State, State Treasurer, Comptroller, Attorney General, State Senator and State Representative, a civil penalty of up to \$5,000 may be imposed against the individual and; if an individual fails to file a timely Independent Expenditure Statement for an expenditure made or incurred twenty days or less before the day of the primary or election for the same offices, a civil penalty of up to \$10,000 may be imposed against the individual.

(see Section 9-612(e)(5), General Statutes)

RECORDKEEPING

The individual must keep internal records to substantiate each entry on the statement. Records must be maintained for four years from the date of the statement. See Section 9-607(f), General Statutes, for record keeping requirements.

COMPLETING THE SUMMARY PAGE

1. Individual Name: Provide the full name of the individual making the expenditure(s).
2. Election/Referendum Date: Provide the election or referendum date for which the independent expenditure is made.
3. Individual Address: Provide the full and complete residential address of the individual making the expenditure(s)
4. Type of Report: Check the appropriate box to indicate what type of report is being filed. Remember, the **48/24 Hour Independent Expenditure Statement** and **amendments** thereto are the only types of reports applicable to independent expenditure statements filed by individuals promoting the success or defeat of candidates for Governor, Lt. Governor, State Treasurer, Secretary of the State, State Comptroller, Attorney General, State Senator or State Representative. By contrast, any or all of the regular election cycle of reports may be applicable to independent expenditure statements filed by individuals promoting the success or defeat of candidates for Judge of Probate or municipal office as well as amendments to previously filed reports. The **48/24 Hour Independent Expenditure Statement** is not applicable to independent expenditures involving candidates for Judge of Probate or municipal office.
5. Period Covered: Enter the beginning and ending dates which this statement covers. In the case of an amendment, enter the period covered as originally reported in the statement being amended.

For a complete listing of the periods covered by each regular report, please check the website of the State Elections Enforcement Commission (SEEC) at <http://www.ct.gov/seec> for the filing calendar specific to the type of candidate or candidates that were subject of the individual's independent expenditure campaign.

For the **48/24 Hour Independent Expenditure Statement**, the period covered must include all of the individual's independent expenditure(s), if this is the individual's first filed financial disclosure report, and be complete as of the date that the most recent independent expenditure resulting in the individual's exceeding the \$1,000 aggregate threshold, was made. Thereafter a **48/24 Hour Independent Expenditure** must be filed for every independent expenditure made or incurred and it would cover the period beginning with the day following the close of the last statement filed, and end with the day on which the expenditure was made or incurred.

6. Certification: This form must be signed by the individual making or incurring the expenditure. In addition, print the name of the individual and the date.

***Please Note:** This statement must be complete and accurate. Penalties can be imposed for missing or inaccurate information.



COMPLETING THE SUMMARY PAGE (continued)

Line 7

In Column A, enter the total expenses paid by the individual reported on bottom of page 2. In Column B, enter total since the individual began making expenditures (add all amounts entered in line 6, Column A from prior statements).

Please Note:* In Column B, the term **aggregate refers to the **total** amount expended for the expenditure.

Line 8

In Column A, enter the total of all expenses incurred for independent expenditures this period but not paid reported on page 3 for this period.

Line 9

In Column A, enter the total of all outstanding expenses incurred for independent expenditures from prior reporting periods which are still unpaid as of this reporting period plus any amounts reported this period. This amount is also reported on the last line on page 3.

Section A. Independent Expenses Paid by Individual

The individual must report the full name and complete address of each vendor paid directly by the individual and the amount paid along with the date of payment. Complete the specific purpose of the expenditure with the appropriate expenditure code listed on the final pages of this form. A further narrative description of the expenditure may be required dependent upon the code entered (see "Coded Purposes for Expenditures" for complete instructions). Each itemized "**independent expenditure**" must either include the candidate(s) name and the office sought of the candidate(s) which are subject of the expenditure and whether the expenditure is intended to support or oppose that candidate(s) AND/OR identify the referendum question that the independent expenditure was made to influence and the date of that referendum.

Please Note:* The **Independent Expenditure box is pre-checked under the "Type of Expenditure" box.

Add amounts entered on page 2 and report subtotal on bottom of page. Add each additional page (if any) and enter total of all pages on the appropriate line. Total the amounts for this section and enter the sum on bottom of page 2 and on line 7 of the Summary Page.

Section B. Independent Expenses Incurred but Not Paid by Individual During this Period

In this section separately list each expense incurred but not paid by the individual during the period covered by this statement. If the individual is uncertain as to the specific amount, provide a good faith estimate of the amount incurred.

For each outstanding expense, list the name and address of the creditor, full amount of the expense incurred (actual or estimate) and the date the expense was incurred. Complete the specific purpose of the expenditure with the appropriate expenditure code listed on the final page of this form. A further narrative description of the expenditure may be required dependent upon the code entered (see "Coded Purposes for Expenditures" for complete instructions). Each itemized "**independent expenditure**" must either include the candidate(s) name and the office sought of the candidate(s) which are subject of the expenditure and whether the expenditure is intended to support or oppose that candidate(s) AND/OR identify the referendum question that the independent expenditure was made to influence and the date of that referendum.

Please Note:* The **Independent Expenditure box is pre-checked under the "Type of Expenditure" box.

Add amounts entered on page 3 and report subtotal on bottom of page and on line 8 of the Summary Page. Provide the subtotal of previously reported expenses incurred but still not paid in the next box provided. Add the current amount outstanding with previous amounts outstanding, and enter the grand total on line 9 of the Summary Page.