Understanding Connecticut Campaign Finance Laws

A 2010 Guide for Judge of Probate Candidates

STATE ELECTIONS ENFORCEMENT COMMISSION

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I. INTRODUCTION

This publication is designed to serve as a guide to the campaign finance laws applying to the political campaigns of candidates for judge of probate candidates. The Connecticut Campaign Finance Laws that are applicable to such campaigns are set forth in Chapters 155 of the Connecticut General Statutes, sections 9-600 through 9-624, inclusive, and as amended by Public Act 10-187. Guides are also available on the Commission's website, www.ct.gov/seec, for candidates running for Statewide Office, General Assembly, or municipal office, as well as for political committees that are formed to support or oppose candidates or to support or oppose ballot questions (referenda) and for party committees. Copies of the campaign finance laws, disclosure forms, and committee registration statements are available at both the State Elections Enforcement Commission's offices and on our website, www.ct.gov/seec.

Anyone using this Guide is advised to refer to the specific statutory provisions, regulations, and the Commission's advisory opinions and declaratory rulings referenced throughout.

Recent Changes in the Law

The 2010 legislative session has brought some changes to the state's campaign finance laws, most significantly amending our laws to conform with the United States Supreme Court's ruling in *Citizens United v. FEC*. This ruling, issued in January of 2010, declared certain restrictions on independent expenditures by corporations using their treasury funds unconstitutional. Because Connecticut prohibited direct expenditures of corporate, business entity, and labor organization funds to promote candidates or political parties, the legislature rewrote portions of the law to allow corporations, other types of entities, and labor organizations to make these independent expenditures, and also to require any such entity or labor organization to comply with new reporting and attribution requirements. This new law is relevant to candidates for judge or probate because it clarifies the analysis to determine when expenditures made by other committees, entities, or persons are truly independent and when they may be deemed coordinated with the candidate, candidate committee, or an agent of the candidate or candidate committee. See Public Act 10-187.

Requesting Compliance Advice

The Commission's Candidate Services Unit assists candidates, treasurers and campaign staff in understanding and complying with campaign finance rules and requirements. Each campaign is assigned to one of the Commission's Candidate Services Liaisons to answer questions, listen to suggestions and provide support.

Important Note: *Every* candidate will be assigned a Candidate Services Liaison from the Commission's Candidate Services Unit. **This Liaison should always be the first point of contact for candidates, treasurers and campaign staff.** The Candidate Services Unit can be reached at 860-256-2985.

Anyone who is covered by Connecticut's campaign finance law may request free legal advice about how the law applies to them in a particular situation. Candidates, treasurers, and campaign staff should direct their questions initially through their Candidate Services Liaison, who works closely with the Legal Compliance Unit to answer questions. PLEASE DO NOT request advice for the SAME QUESTION using more than one point of contact in the agency.

1. **Call your Candidate Services Liaison at 860-256-2985.**

OR

2. **Make a written request for advice.**

   You may submit a request for advice by e-mailing the Candidate Services Unit at public.finance@ct.gov or by sending a letter to:

   State Elections Enforcement Commission
   Attn: Candidate Services Unit
   20 Trinity Street – 5th Floor
   Hartford, CT 06106

   In your request for advice, please include a complete description of all relevant facts and a specific question. Your request must concern a specific transaction or activity that you plan to undertake or are currently undertaking and intend to continue in the future.

The Commission and/or its staff issue three (3) types of written advice: opinions of counsel, advisory opinions, and declaratory rulings. An **Opinion of Counsel** is an opinion by SEEC staff counsel; it is not binding on the Commission. However, the person to whom an opinion of counsel is rendered may rely upon the opinion with respect to any matter brought before the Commission based upon the same facts and circumstances. If there is an omission or change in any of the facts or assumptions presented, and such omission, fact or assumption is material to the conclusions presented in the opinion of counsel, then the requestor may not rely on those conclusions in support for such activity brought before the Commission.

Where the Commission sees that similar questions are being asked by various individuals or concludes that the regulated community would best be served by written guidance, the Commission may opt to issue an **Advisory Opinion**. An advisory opinion is an official Commission response to a question relating to the application of Connecticut campaign finance law and has general applicability.

Finally, the Commission may issue a **Declaratory Ruling.** The purpose of a declaratory ruling is to obtain the Commission's ruling as to the applicability to specified circumstances of a provision of the General Statutes, a regulation, or a final decision on a matter within the Commission's jurisdiction. An individual may petition for a declaratory ruling or the Commission may initiate a proceeding on its own motion. A petition for a declaratory ruling must: (1) state clearly and concisely the substance and nature of the petition; (2) identify the statute, regulation and/or order which the petition

concerns; (3) identify the particular aspect to which the petition is directed; and (4) be accompanied by a statement of any supporting data, facts, and/or arguments that support the petitioner's position. A declaratory ruling has general applicability.

The Candidate Services and Legal Compliance Units will NOT respond to requests concerning:

1. **The conduct of another individual.**

   The Candidate Services and Legal Compliance Units may provide you only with advice concerning your own conduct.

2. **Conduct that has already occurred.**

   The Candidate Services and Legal Compliance Units may provide you only with advice concerning your current or future conduct.

3. **Issues that are not covered under the campaign finance statutes.**

   The Candidate Services and Legal Compliance Units may only provide you with advice concerning Chapters 155 through 157 of the General Statutes and General Statutes 9-7a and 9-7b, the enabling statutes for the State Elections Enforcement Commission, as well as advice about any Commission regulations that relate to these provisions, and Commission advisory opinions and declaratory rulings.

II. REGISTRATION BY THE CANDIDATE

Becoming a Candidate

A *candidate* is an individual who seeks nomination or election to public office, whether or not such individual is successful. An individual is deemed to have become a candidate if he or she:

1. Has solicited or received funds or other resources (personally, or through another person), or made expenditures, including expenditures from personal funds, for the purpose of bringing about such individual's nomination or election to any office;
2. Has been endorsed or nominated by a political party and is thus entitled to a position on the ballot at an election or primary (whether or not funds or resources have been solicited, received or spent);
3. Is otherwise qualified for placement on the ballot pursuant to the election laws (whether or not funds or resources have been solicited, received or spent); or
4. Has registered with the Commission as a candidate (whether or not funds or resources have been solicited, received or spent).

All judge of probate candidates are required to register with the Commission no later than ten (10) days after becoming a candidate. As discussed more fully below, candidates register by: (1) filing SEEC Form 1 and 1A to form a candidate committee; (2) filing SEEC Form 1 and 1B as being exempt from forming a candidate committee, if eligible; or (3) filing SEEC Form 4 to form an exploratory committee, if applicable.

Important Note: Failure to file SEEC Form 1 will result in the imposition of a mandatory $100 penalty by the Commission, which the candidate must pay with his or her personal funds.

[Conn. Gen. Stat. §§ 9-601(11), 9-604 (a) and (b), 9-623(b)]

Designation and Registration of a Candidate Committee

A candidate registers a candidate committee by filing with the Commission a form entitled SEEC Form 1, "Registration by Candidate," and SEEC Form 1A, "Candidate Committee Registration."

A Candidate Committee registration form is referred to in this Guide as "the registration statement." A registration statement includes the following information:

(1) The name of the committee.
(2) The name, address, telephone number and party affiliation of the candidate.
(3) The name, address, and telephone number of the committee's treasurer and deputy treasurer, if a deputy treasurer is appointed.
(4) The name and address of the depository institution in Connecticut in which a single checking account is established for the committee's funds.
(5) Identification of the office being sought by the candidate and the date of the applicable election or primary.
(6) A signed and dated certification by the candidate, campaign treasurer and deputy treasurer (if appointed).

[Conn. Gen. Stat. §§ 9-602, 9-603, 9-604(a)]

Exemption from Requirement to Form a Candidate Committee

A candidate who qualifies for an exemption is not required to form a candidate committee if the candidate files a certification form, entitled "Certification of Exemption from Forming a Candidate Committee" (SEEC Form 1B), along with the SEEC Form 1, with the Commission.

SEEC Form 1B sets forth an exclusive list of the qualifying conditions for which the exemption from forming a candidate committee applies, which are as follows:

(a) The candidate is one of a slate of candidates whose campaigns are to be funded solely by a **town committee** or a **political slate committee** formed for the single election or primary (in this situation, expenditures made on behalf of the candidate's campaign are to be reported by the committee sponsoring his or her candidacy); or
(b) The candidate intends to finance his or her campaign entirely from personal funds and will not receive or expend funds from any other sources; or
(c) The candidate will not receive or expend in excess of $1,000 from all sources; or

(d) The candidate does not intend to receive or expend **any** funds, including personal funds, for the campaign.

A candidate who has established a candidate committee may not later file a 1B exemption form for that office. A candidate who has an exploratory committee and then declares that he or she will seek nomination or election to a particular office must establish a candidate committee and cannot utilize any of the 1B exemptions.

Many candidates who file 1B exemptions need not file the periodic campaign finance disclosure statements, though there are a couple exceptions. First, if a candidate has elected to be solely funded by a town committee or a political slate committee, then that committee must file disclosure statements and report all expenditures it makes on behalf of the candidate. In addition, if a candidate claims the 1B exemption because he is self-financing and he personally makes expenditures in excess of one thousand dollars ($1,000) in the aggregate for his campaign, then he is required to file itemized financial disclosure statements as well. This is accomplished by filing SEEC Form 23, entitled "Self Funded Candidate's Expenditure Statement." Such forms must be filed in accordance with the filing schedule required of candidate committees. See **Chapter VI Reporting Information** for more information.

[Conn. Gen. Stat. § 9-604(b)]

Designation and Registration of an Exploratory Committee

An *exploratory committee* is a committee formed by a candidate who has not yet decided whether to seek a particular public office so that he or she can "test the waters." An exploratory committee must be tied to a specific election and only one exploratory committee may be formed per election cycle. An exploratory committee established for a particular election may only be used for that election. This means that if a candidate forms an exploratory committee for the November regular election, and subsequently a special election is announced and the same individual decides to seek election in the special election, the candidate cannot use funds raised by the exploratory committee to finance his candidacy in the special election.

Registration of an exploratory committee is accomplished by filing SEEC Form 4 (entitled "Exploratory Committee Registration") with the Commission. The registration statement must designate the name and address of the committee treasurer, deputy treasurer (if any), the depository institution of the committee's checking account, and the election date.

As previously mentioned, an exploratory committee exists to allow a candidate to determine whether he would have a viable candidacy for a specific office. Under Connecticut law, the legitimate activity of an exploratory committee includes the promotion of one's nomination to the ballot. Once the candidate actually decides to pursue election to a particular office, the underlying purpose of his or her activities is no longer exploration but rather election to office and the candidate must roll into candidate committee. Certain circumstances trigger the requirement for a candidate to dissolve the exploratory committee:

- The candidate makes a public declaration of his/her intent to seek nomination or election to a particular public office; OR
- The candidate receives endorsement for a particular public office at a convention, caucus or town committee meeting; OR
- The candidate files candidacy for nomination under Section 9-400 or 9-405 of the General Statutes (forcing a party primary); OR
- The candidate decides, before any triggering event mentioned above, to terminate the exploratory committee and form a candidate committee for a particular public office in the same election cycle.

For further information regarding what constitutes a "public declaration," see Declaratory Ruling 2009-01.

For more information on when the candidate must dissolve his or her exploratory committee, please see **Chapter VII Termination of the Committee: Distribution of Surplus and Elimination of Deficit**.

Important Note: If you are in an exploratory committee considering a run for General Assembly and/or Statewide Office in addition to judge of probate, there are certain state contractor and lobbyist provisions that apply to your committee. For more information, please see our Participating and/or Nonparticipating guidebooks for Statewide Office and General Assembly candidates.

[Conn. Gen. Stat. §§ 9-601(5), 9-604(c), 9-608(f); Declaratory Ruling 2007-02, Declaratory Ruling 2009-01]

A Candidate May Not Have More Than One Candidate Committee

A candidate is prohibited from having more than one candidate committee registered to fund his campaign. A candidate who has registered a candidate committee for a particular public office may not establish, authorize or assist in the establishment of ***any*** other committee to promote the candidate's campaign for such office.

[Conn. Gen. Stat. § 9-604(a)]

Consistent with this prohibition, the chairperson of a political committee formed solely to support a single candidate is under an obligation to notify the candidate of the formation of the political committee by certified mail as soon as the political committee is established. If the candidate does not disavow the political committee in writing to the Commission within fourteen (14) days after receiving such notification, or if the candidate accepts any funds from the political committee, the political committee is automatically deemed to be the candidate's candidate committee. A violation of this prohibition against having two simultaneously existing committees for a single office is considered an extremely serious violation of the election laws.

[Conn. Gen. Stat. §§ 9-601(4), 9-604(c)]

Online Registration

Online registration (and periodic filing of campaign finance disclosure statements) is now available to judge of probate candidates and treasurers through the Electronic Campaign Reporting Information System ("eCRIS"). eCRIS provides candidates, treasurers, and deputy treasurers with the process to electronically submit committee registration information and campaign finance statements detailing the receipts and expenditures of the committee. In addition, eCRIS provides its users with prompts, and alerts treasurers to potential compliance issues.

eCRIS users benefit from the following:

- Treasurers can upload campaign finance data into eCRIS from Excel and other campaign management software applications using eCRIS's online interface;
- Treasurers may assign the data entry function to another individual and review the report for errors before filing;
- Treasurers can make amendments to previously filed registration or disclosure statements quickly; and
- Calculations required by law are system-generated, including aggregates for contributions and expenditures, thereby reducing potential errors.

If you are currently serving as a candidate, treasurer, deputy treasurer, or data entry operator of a candidate committee, go to https://seec.ct.gov/seecSSO/PublicAccess/CreateUser.aspx to set up an eCRIS user ID. To learn more about the eCRIS project, go to http://seec.ct.gov/eCris/eCrisHome.aspx. You may also contact the eCRIS Helpdesk at 860-256-2930.

When and How to Amend a Registration Statement

Any additions or revisions to a registration statement (i.e. a change in treasurer) must be made in writing or electronically submitted to the Commission by the candidate within ten (10) days of the addition or revision. The candidate's completion of an amended SEEC Form 1 and SEEC Form 1A is required with any changed information. Again, use of eCRIS expedites this process, and ensures compliance.

If a candidate who has filed SEEC Form 1B faces a change in circumstances regarding campaign funding, he must file an amended registration statement within three (3) business days of such change. The amended statement must indicate the new condition for which the candidate qualifies for an exemption. In the event that the candidate, as a result of any changes, no longer qualifies for the exemption under any of the qualifying conditions, the candidate must file the SEEC Form 1A, "Candidate Committee Registration," within the three (3) days.

[Conn. Gen. Stat. §§ 9-604(b), 9-605(c)]

Designation of a Depository Institution for Committee Funds

The name and address of a single depository institution located in Connecticut must be designated on the committee's registration form. All committee funds must be deposited **into a single checking account** established within the designated depository and all expenditures may be made only by the treasurer or deputy treasurer, if applicable, from this one account. The treasurer and deputy treasurer, if applicable, should be the only signatories on the checking account. Note that the depository account number is not required on the registration statement, so candidates may register their committees before they have physically opened up an account.

[Conn. Gen. Stat. §§ 9-602(a), 9-607(e); Advisory Opinion 1975-6]

Important Note: There may be additional Internal Revenue Service (IRS) requirements regarding an Employer Identification Number and the necessity to make filings regarding the committee's taxable income. Any questions about these IRS filing requirements should be directed to the IRS's Tax Exempt and Government Entities Customer Account Services toll free telephone number 1-877-829-5500. Additionally, information is available at the following IRS websites: www.irs.gov or http://www.irs.gov/charities/political/article/0,,id=96355,00.html.

Appointment of a Treasurer or Deputy Treasurer

All committees are required to appoint one individual, who is a Connecticut elector, as *campaign treasurer* and may appoint another individual as deputy campaign treasurer. The importance of choosing a reliable and conscientious treasurer cannot be overstated. It is also strongly recommended that each committee has a deputy treasurer who can deposit funds and make or authorize expenditures and other committee payments if the treasurer is unavailable. If a treasurer is unable to act for any reason and a candidate has failed to appoint a deputy treasurer, the committee may not make or incur any expenditures until the treasurer is available or a new treasurer is appointed.

In the case of an exploratory committee or candidate committee, the candidate appoints the treasurer and deputy treasurer. These appointments must appear on the committee's most current registration statement. A committee treasurer and deputy treasurer (if applicable) must co-sign the registration statement, filed by the candidate, signifying their acceptance of the appointment. Once appointed, the treasurer and deputy treasurer serve indefinitely. The campaign treasurer is solely responsible for receiving, depositing, and expending funds, for filing financial disclosure statements with the proper filing repository, and for keeping internal records of all transactions. For more information on the treasurer's duties, please see **Chapter III Responsibilities of the Treasurer**.

[Conn. Gen. Stat. §§ 9-602(a) and (c), 9-604(a), 9-606(d)]

Resignation and Replacement of the Treasurer

A treasurer may resign or be replaced, or otherwise become incapacitated. A written statement of resignation must be filed with the Commission in order to relieve the treasurer from the statutory obligations under the campaign finance laws. Any treasurer may submit a resignation by e-mail at SEEC@ct.gov.

Upon a treasurer's resignation or permanent incapacity, the deputy treasurer, if any, automatically succeeds as treasurer until a new treasurer has been appointed. Regardless of whether a deputy treasurer has been appointed, the candidate has ten (10) days in which to designate a successor treasurer to fill the vacancy by filing an amended committee registration statement (SEEC Form 1/1A) with the Commission. The failure to designate a successor treasurer within this ten (10) day period is a violation of General Statutes § 9-602(c), for which a fine or penalty of up to two thousand dollars ($2,000) can be imposed against the candidate.

A committee may not deposit any contributions, or make or incur any expenditures during a period in which the committee is without a treasurer or deputy treasurer. A candidate is legally liable for any such violation and subject to a civil penalty of up to two thousand dollars ($2,000) per each violation.

[Conn. Gen. Stat. §§ 9-7b, 9-602(c), 9-607(a) and (d)]

Who May Not Be Treasurer or Deputy Treasurer

Commissioners and deputy commissioners of state agencies may not serve as treasurer or deputy treasurer of a judge of probate candidate committee or exploratory committee:

Furthermore, a candidate cannot serve as his or her campaign's treasurer or deputy treasurer. This is true whether or not the authorized funding source of the candidate's campaign is a candidate committee or an exploratory committee, or in the case of a 1B filer, a town committee or a political slate committee.

[Conn. Gen. Stat. §§ 9-606(d), 9-622(11)]

III. RESPONSIBILITIES OF THE TREASURER

Makes and Authorizes Expenditures

The treasurer (or deputy treasurer, when necessary) is the only individual who may authorize and make expenditures on behalf of the committee.

All committee expenditures must be made by check or debit card drawn on the committee's checking account or the committee's credit card. Committee checks must contain the committee's name. Checks and debit cards may only be signed and used by the treasurer.

A committee worker or candidate may be reimbursed by the committee if: (1) the worker or candidate has paid the expense from his or her own personal funds or personal credit card; (2) the treasurer authorized the expenditure; (3) the worker or candidate provides the treasurer with a written receipt from the vendor proving payment by the worker or candidate; (4) the expenditure is for the lawful purpose of the committee; and (5) the expenditure is not a contribution to any other committee. When a committee worker uses personal funds to make authorized expenditures on behalf of the committee and subsequently seeks reimbursement, the payment made by the worker will be deemed a contribution to the committee unless the committee reimburses the worker within a reasonable time. Generally speaking, the Commission has previously determined that forty-five (45) days from the date that such expenditure was made or incurred satisfies this reasonableness test. Imposing this time limit on reimbursement prevents a campaign worker from inadvertently making an excessive contribution by, in effect, loaning the committee money.

Additionally, the campaign treasurer may allow a committee worker or candidate to be an authorized cardholder of a credit card issued to the committee, provided that the committee worker or candidate's credit card expenditures are: (1) for goods or services that are pre-authorized by the treasurer; and (2) for a lawful purpose of the committee. The treasurer should be particularly careful in opting to authorize a committee worker or candidate as a cardholder as such authorization will mean that all expenditures made by the cardholder on that credit card will be deemed to have been authorized by the treasurer, even if the cardholder failed to obtain explicit authorization for the particular expenditure in question. A committee worker may only be an authorized holder of a committee credit card, which is paid on a periodic basis. A debit card, which draws directly from the committee checking account, is treated differently under the law. Debit cards may **only** be used by the treasurer.

[Conn. Gen. Stat. § 9-607 (a), (d), (e), (g)(2)(O), and (j)]

Judge of probate candidate committees are required to report all expenditures made or incurred. This means that the candidates themselves are required to report to the treasurer each campaign expenditure that he or she has paid from his or her personal funds. This disclosure is reported in Section Q entitled "Campaign Expenses Paid by

Candidate," of the SEEC Form 20. At the time of this disclosure, the candidate must indicate whether or not reimbursement is sought. The disclosure must be made by the close of the relevant reporting period and must be made even if the candidate does not seek reimbursement. It is imperative that candidates report expenditures they make to the treasurer in a timely manner.

A candidate who initially does not seek reimbursement for expenses may not then request reimbursement from the candidate committee after the election has been held. A candidate may do so before the election, however, and such a change would require the treasurer to amend "Is Reimbursement Claimed?" found in the appropriate entry in section Q of SEEC Form 20 from "no" to "yes." Also, a candidate who initially sought reimbursement for an expense he paid may decide at any time to not be reimbursed and treat the expense as a provision of personal funds.

[Conn. Gen. Stat. § 9-607(k)]

Deposits All Monetary Receipts

The committee's treasurer must deposit all funds received by the committee in the committee's single checking account within fourteen (14) days of receipt.

The treasurer must ensure that any funds or resources received by the committee are lawful and within the aggregate limits permitted under the campaign financing laws. Receipts that are either prohibited or otherwise in excess of the permissible limits set forth by law should not be deposited. Rather, the treasurer should return them to the donor within fourteen (14) days of receipt or by the filing deadline for transactions falling within the reporting period, whichever is earlier.

If the treasurer deposits a monetary receipt into the committee's account that is later deemed unlawful, the treasurer must report the deposit on the financial disclosure statement (SEEC Form 20) and refund the same without delay by returning the amount to the donor on a check drawn on the committee's checking account. Any such refund must be reported as an expenditure in the SEEC Form 20 using the "REF" Expenditure Code for that purpose. Wherever possible, such refunds should be made in the same reporting period as the funds were deposited. The same rules apply to non-monetary receipts that are from improper sources or that exceed the relevant contribution limit.

The candidate or treasurer may decide to return any funds received by the committee before the funds are required to be deposited.

[Conn. Gen. Stat. §§ 9-606(a), 9-607(g)(2)(R), 9-608(c)]

Retains All Records and Receipts

The treasurer must retain internal records in order to substantiate all receipts and expenditures made by the committee, as well as bank records and documentation for fundraising events. The chart below provides examples of types of such records.

TREASURER'S BEST PRACTICES: RECORDS TO OBTAIN, COPY, AND KEEP

This chart is intended only as a guide. Treasurers are advised to refer to the specific statutory provisions, regulations, declaratory rulings, and advisory opinions mentioned in this chapter.

BANK RECORDS	• Bank statements • Canceled committee checks • Deposit slips or tickets • Electronic funds transfer transaction slips • Copies of electronic banks statements • Documentation of interest paid or fees charged
FUNDS RECEIVED BY COMMITTEE	• Contribution checks, money orders (photocopies or electronic images) • Signed contribution certification forms • Copy of treasurer's letter, return receipt requested, for contributor certifications not provided • Transaction receipts for contributions made by credit or debit card • Proof of credit card transaction rate • Details of each credit card contribution transaction from merchant account provider or payment gateway • Loan agreements and guarantor agreement • Receipt for sale of surplus equipment and record of how fair market value was determined
EXPENDITURES	• Compensation agreements created before hiring staff • Records showing time worked for consultants or committee staff • Itemized secondary payments consultants have made to vendors on behalf of committee • Cash register receipts for purchases • Debit card slips and statements for every committee purchase/expenditure • Invoices and bills • Written receipts in support of requests for reimbursement (dated, showing items, amount) • Documents describing expenditures incurred but not yet paid • Rental or lease agreements for real or personal property • Written account of all petty cash disbursements
FUNDRAISING & MISC.	• Names and addresses of all individuals appointed as solicitors • Lists from solicitors with contributor information for all contributions collected or promised • Detailed information on each fundraising event including date, time and location • List of each contribution received at or in connection with each event • Fundraising event tickets, invitations, programs, advertising • Documentation provided by house party host(s) with amount and description of donation • Documentation of candidate's attendance fee for community event (up to $100), copy of invitation to same • Written agreement with other committee(s) for allocating joint expenditures • Copy of documentation provided by party, legislative leadership committee or legislative caucus committee describing organization expenditures • Travel itineraries (campaign travel)

The treasurer must keep these internal records for four (4) years from the date of the financial disclosure statement in which the transactions were entered.

[Conn. Gen. Stat. §§ 9-606(a), 9-607(f), 9-608(c)(1)]

For more guidance on the types of information that must be collected and retained, see **Chapter VI Reporting Information**.

Maintains Service Agreements

In all instances where the committee agrees to pay someone more than one hundred dollars ($100) for his or her work or services, the treasurer must enter into a **written agreement** with the individual, signed before any such work or service commences, which sets forth (1) the nature and the duration of the fee arrangement; and (2) a description of the scope of the work to be performed or services to be rendered. The treasurer must also maintain contemporaneous records and/or invoices detailing the work performed or services rendered.

[Regulations of Conn. State Agencies § 9-607-1]

Important Note: Candidate committees may not compensate the candidate or his immediate family, which is defined as his spouse and any dependent children residing in the candidate's household for campaign services. Conn. Gen. Stat. § 9-607(g)(2)(L).

Files Periodic Financial Disclosure Statements

The law requires the treasurer to file all of the committee's required financial disclosure statements. For more information on how and when to submit financial disclosure statements, see **Chapter VI Reporting Information**.

Appoints Solicitors

The treasurer may appoint solicitors to help with fundraising. A *solicitor* is any individual who is appointed by the campaign treasurer to receive, but not deposit or spend, funds or resources on behalf of the committee. Receiving funds is different than merely asking that donations be given to a committee. One that merely asks for donations to be transmitted to a committee is not a solicitor. In contrast, a solicitor is someone who receives contributions on the committee's behalf.

Candidates, their treasurers and deputy treasurers, as well as volunteers and campaign workers, may personally solicit funds for the campaign. Treasurers and deputy treasurers do not need to be appointed as solicitors in order to solicit funds. Treasurers, however, do need to appoint the candidate and any campaign workers or volunteers who will be receiving funds on behalf of the campaign as official solicitors. A treasurer may appoint as many solicitors as he wants – there is no limit on the number of solicitors.

Important Note: The treasurer is responsible for training solicitors to comply with the relevant requirements regarding soliciting and accepting contributions.

[Conn. Gen. Stat. § 9-602 (a)-(b)]

The treasurer is required to keep records of each solicitor appointment, including an accurate list of the name and address of each solicitor, and the terms of appointment. Although the names of solicitors are not disclosed in the committee's financial disclosure statements, the law requires the treasurer to keep these internal records. Documentation of solicitor appointments may be requested in an enforcement action or audit of the committee.

The following rules apply to solicitors:

- Solicitors must be appointed by the committee treasurer;
- Solicitors may receive monetary donations on behalf of the committee, but may never deposit them (only the treasurer can deposit and spend campaign money) and may never spend or authorize anyone else to spend such donations;
- Solicitors must deliver all contributions, in the form received, to the campaign treasurer within seven (7) days of receipt;
- Solicitors must submit to the treasurer a list of the names and addresses of all persons whose contributions were received or promised to be made. The campaign treasurer must receive a copy of this no later than twenty-four (24) hours before each campaign finance disclosure filing deadline, and the list must be complete as of ninety-six (96) hours before the filing deadline; and
- Solicitors must collect contribution certification documentation (if required) for contributions they receive and must provide the documentation to the treasurer when delivering the contributions.

[Conn. Gen. Stat. §§ 9-601(14), 9-606(a) and (c), 9-622(11)]

Limitations on Who May Solicit Contributions

Commissioners and deputy commissioners of state agencies may not serve as solicitors for judge of probate candidate committees and exploratory committees.

Municipal employees are prohibited from soliciting funds for the benefit of any candidate from an individual under the supervision of such employee or their spouse or dependent children. Note that elected officials are generally not considered municipal employees.

In addition, there are certain limitations on solicitations by chiefs of staff. A chief of staff of a legislative caucus may not solicit contributions from an employee of the legislative caucus; a chief of staff for a Statewide elected official may not solicit contributions from a member of such official's staff if the elected official is running for reelection to the same office; and a chief of staff of the Governor or Lieutenant Governor may not solicit contributions from a member of the Governor or Lieutenant Governor's staff or from any commissioner or deputy commissioner of any state agency.

[Conn. Gen. Stat. §§ 9-601(14), 9-622(11)-(12) & (14)-(16)]

IV. RAISING FUNDS FOR YOUR CAMPAIGN

Judge of probate candidates and candidate committees may raise funds through contributions from individuals and other committees, subject to certain limitations discussed below. There are also some expenditures and donations that are not considered contributions due to certain exemptions under the law.

Committees may raise funds by holding fundraising events, including political gatherings sponsored by the committee for which it charges an attendance fee, or tag sales or auctions at which the committee sell items to its invited guests. The issues which most commonly arise concerning a fundraising event are whether the funds or items given are treated as contributions or as donations which are not contributions, and how to disclose these types of receipts on the treasurer's financial disclosure statement.

This section provides information regarding permissible and impermissible contributions, other permissible sources of funds, and the appropriate means by which funds may be collected. For more information on how to report these contributions and receipts, please see **Chapter VI Reporting Information**.

Contributions

Permissible Sources and Limits

Candidates and Candidate Committees

A judge of probate candidate or candidate committee may accept the following contributions up to the listed aggregate limits per donor. These limits apply separately if the candidate is involved in both a primary and the general election.

Table 1
Contribution Limits to Judge of Probate Candidates and Candidate Committees

CONTRIBUTOR SOURCE	LIMITS
Individual	$1,000*
State Central Party Committee	$10,000
Town Committee	$3,000
Political Committee (established by 2 or more individuals, a business entity, or labor organization, or for a single election)	$1,500
Legislative Leadership or Caucus Committee	PROHIBITED

* Individual must be either a United States citizen or a foreign national with permanent resident status in the United States. Also, contributions from an individual less than eighteen years of age may be accepted to a maximum of thirty dollars ($30) for the duration of the committee.

[Conn. Gen. Stat. §§ 9-611(b) and (e), 9-613(d), 9-615(a), 9-617(b) and (c), 9-618(b) and (d), 9-619(b); Title 11 Code of Federal Regulations, §110.20]

Important Note: For purposes of allocating donor contributions between a candidate primary and election, any contribution made during the period beginning with the date that the committee was established through the date of the primary is counted towards the primary limitation, and any subsequent contribution is counted towards the election. For example, if the donor's contribution limit is $250 and he contributes $250 by primary day, then an additional $250 may be given by the same donor for the election after primary day. Another donor who gave $100 of the applicable $250 limit by primary day would be allowed to give only another $250 for the election. The application of these rules is dependent on two critical factors: (a) a candidate must be challenged in a primary; and (b) timing of receipt of the donor's contribution in relationship to primary day. Additionally, the candidate must remain on the election ballot in order to qualify for additional contributions relating to the election.

Exploratory Committees

A candidate in an exploratory committee considering the office of judge of probate may accept the following contributions up to the listed aggregate limits per donor. Note that candidates in an exploratory committee are required to specify on their registration form what types of offices they are considering and the limits differ depending on whether the candidate indicates that she is considering state representative as an office.

Table 1

Contribution Limits to Exploratory Committees Considering Judge of Probate

CONTRIBUTOR SOURCE	CONSIDERING STATE REPRESENTATIVE	NOT CONSIDERING STATE REPRESENTATIVE
Individual	$250	$375
State Central Party Committee	$375	$375
Town Committee	$375	$375
Political Committee (established by 2 or more individuals, a business entity, or labor organization, or for a single election)	$375	$375
Legislative Leadership or Caucus Committee	PROHIBITED	PROHIBITED

Contributions to an exploratory committee are not counted against the particular donor's contribution limit with respect to the same candidate's candidate committee for the same election cycle. The exploratory committee's surplus and liabilities must be transferred to the candidate committee of the same candidate.

[Conn. Gen. Stat. §§ 9-611(b) and (e), 9-613(e), 9-615(b), 9-617(b) and (c), 9-618(a) and (d), 9-619(a); Title 11 Code of Federal Regulations, §110.20]

In-Kind Contributions

The previously mentioned contribution limits and prohibitions apply to all contributions, whether monetary or in-kind. An *in-kind contribution* is the donation of goods, services or anything of value given free of charge or at a discount, i.e. at less than the usual and normal charge to the recipient committee. An in-kind contribution is valued at the market value or what the candidate would need to pay to any other source to obtain similar goods or services, less any amount paid by the recipient committee. All contributions, including in-kinds, must be disclosed in the committee's financial statements.

Uncompensated services provided by an individual who **volunteers** his or her time to a committee is *not* an in-kind contribution and need not be reported. However, services that are provided by an individual for which that individual receives compensation from another committee, individual, or any other entity, must be reported as an in-kind contribution, and are subject to source and amount restrictions. (But see exception for organization expenditures, below.) Also, the volunteer cannot provide things of value to the campaign as part of his volunteer service – he must either be reimbursed for such items or the committee can report the items as an in-kind contribution, if within the appropriate limits.

Example: Susan enjoys photography and has decided to volunteer her services to photograph Nonparticipating Candidate X along the campaign trail. Every week, she has her photos printed at a local pharmacy and gives them to the campaign's communications director. While Susan is permitted to provide her photography skills as part of her volunteer services, she must either be reimbursed for the cost of the photographs or that cost must be reported as an in-kind contribution from her to the campaign.

Each treasurer of a political or party committee which makes an in-kind contribution of goods to a candidate committee is required to send written notice to the recipient committee's treasurer setting forth the donor treasurer's valuation of the in-kind contribution. This notice must be sent by the donor committee's treasurer before the close of the recipient committee's reporting period in which the in-kind contribution was made. The notice must be signed by the treasurer of the donor committee and include the full name of the donor committee, the date on which the contribution was made, and a complete description of the contribution as well as a statement of the value of the contribution. Any dispute concerning the information contained in such notice must be resolved by the treasurer of the recipient committee. The treasurer is required to preserve each such notice issued or received for four (4) years from the date of filing of the committee's termination statement.

[Conn. Gen. Stat. § 9-606(a)]

Coordinated Expenditures

Judge of probate candidates must be mindful when working closely with groups or individuals that support them. Collaborating on strategy or spending with supporters could result in the group or individual making a "coordinated expenditure" on behalf of a candidate committee, which constitutes a contribution and must be within the donor's applicable contribution limit.

With Public Act No. 10-187, the General Assembly amended the definition of coordinated expenditures. These changes created a "rebuttable presumption" that expenditures made in certain ways or by certain persons or groups are coordinated with the candidate. While the candidate committee could overcome this presumption by showing that an expenditure truly was independent, see **Independent Expenditures** later in this chapter, committees may be served best by understanding the scenarios that could invoke these presumptions.

The statute points out several instances where the Commission will presume that a coordinated expenditure was made, including where:

- The individual or group making the expenditure and the candidate committee benefiting from the expenditure share the same leadership or consultants;
- The individual or group makes an expenditure in cooperation with a candidate or committee or based on information received from the candidate or someone acting on behalf of the candidate about the candidate's plans or needs;
- The individual or group pays for political advertising or communications that uses material prepared by the benefiting committee or a consultant hired by the benefiting committee;
- The individual or group pays for fundraising affairs on behalf of a committee; and
- The individual or group pays for communications or advertising that clearly identify the candidate and the candidate or a representative of the candidate has been informed about the manner, contents, and target audience, among others, of the communication.

If an expenditure is coordinated by an individual or a committee with a judge of probate candidate and payment or reimbursement is not made by the candidate committee within a reasonable time, the coordinated expenditure constitutes a in-kind contribution to that candidate's campaign. If an expenditure is coordinated by a business entity, labor union, or any other type of entity that is not making the expenditure through a political committee established under Connecticut law, it is an impermissible contribution.

[Conn. Gen. Stat. §§ 9-601(19), 9-622(13); Public Act 10-187]

Loans as Contributions

All loans, except those made by a judge of probate candidate to his candidate committee or by a bank in the ordinary course of business, are considered contributions. As contributions, these loans are capped at the overall limit on contributions to the committee. The amount of the contribution is equivalent to the principal amount of the outstanding loan. An unpaid loan, when added to other contributions from the same donor, may not exceed the contribution limit applicable to that donor. Repayments made on the loan reduce the amount of the contribution. Once repaid in full, a loan no longer counts against the donor's contribution limit. The committee treasurer and the individual or entity making the loan must execute a written agreement, and the treasurer must retain a copy of the agreement for the same period as other internal records.

A loan is not a contribution if it is made by a candidate to his candidate committee or by a bank or other financial institution in the ordinary course of its business to any committee. A judge of probate candidate can always forgive a loan he has made to his committee since he can provide unlimited personal funds.

Important Note: Any loan given by a candidate to his exploratory committee is a contribution, limited to the applicable contribution limit from an individual to the exploratory committee, as the case may be. See, Table 2.

[Conn. Gen. Stat. §§ 9-601a(a)(1) and (b)(1), 9-608(c)(1)(E)]

Impermissible Sources

There are a number of sources that cannot make contributions to judge of probate candidates and judge of probate candidates and candidate committees should not accept them.

Contributions from a national committee of a political party are prohibited.

[Conn. Gen. Stat. § 9-616(b)]

Contributions from another candidate committee are prohibited as are contributions from a committee of a candidate for federal or out-of-state office.

[Conn. Gen. Stat. § 9-616(a) and (b)]

Only the candidate's own exploratory committee may distribute surplus funds to the candidate's own candidate committee; surplus fund distributions are prohibited from an exploratory committee of an individual who is not the candidate of the recipient candidate committee.

[Conn. Gen. Stat. § 9-608(c)]

Contributions from a political committee established solely to support or oppose referendum questions, or to support a slate of candidates for municipal office are prohibited.

[Conn. Gen. Stat. §§ 9-610, 9-612, 9-620]

Although Public Act No. 10-187 now permits independent expenditures by entities and organizations, contributions from a business entity, labor union or other organization remain prohibited. (Contributions from **political committees** established by such entities are permissible in accordance with applicable limits, as previously outlined.)

[Conn. Gen. Stat. §§ 9-612(e), 9-613(a) and (g), 9-614(a) and (d), as amended by Public Act 10-187]

Contributions of more than thirty dollars ($30) in the aggregate from any minor child under eighteen (18) years of age are prohibited.

[Conn. Gen. Stat. § 9-611(e)]

Contributions from any other committee or entity which is not registered in accordance with Connecticut's campaign finance laws are prohibited.

[Conn. Gen. Stat. § 9-602]

Contributions from an individual, political committee, or party committee to eliminate a deficit remaining from the campaign are prohibited if the same donor has already contributed the maximum amount to the campaign.

Contributor Certification Cards

Treasurers are required to report each contribution received, as discussed more fully in **Chapter VI Reporting Information**. To facilitate this process, the Commission has provided sample certification forms, available at its website, www.ct.gov/seec, and in the appendix of this Guide. The sample forms request that each contributor provide the following information:

- Contributor's name and address;
- Principal occupation;
- Employer; and
- Indication whether the contributor is a lobbyist or the spouse or dependent child of a lobbyist (pertinent definitions are included to facilitate this process).

While all of this information may not be statutorily required depending on the contribution amount, the Commission recommends that the treasurer request this information from **all** contributors, whatever the amount given, because such information becomes **necessary** as contributions are aggregated throughout the calendar year. For example, while a treasurer may choose not to itemize an individual who contributes fifty dollars ($50) or less to the candidate committee, that contributor must be itemized, with the above information, as soon as that person contributes in excess of fifty dollars ($50) in the aggregate.

Other Sources of Funds

As previously stated, certain monetary and non-monetary receipts are not considered contributions under the law. For example, some types of expenditures made by certain committees on a candidate committee's behalf are not considered contributions. Also, certain transactions associated with a fundraising event may result in receipts that are not considered contributions, depending on the source and dollar value of the receipt. However, treasurers must be mindful that these exemptions are **narrow** and each receipt constitutes a "contribution" unless it squarely falls within one of the narrowly defined exemptions. Moreover, once the limits imposed by a given exemption are exceeded, the **entire** receipt must be reported as a contribution.

[Conn. Gen. Stat. § 9-601a(b)]

The following is a list of the most common types of monetary and non-monetary receipts **not** considered contributions. Where appropriate, we provide information regarding how to report the receipt that falls within the exceptions. For more information on reporting these receipts, see **Chapter VI Reporting Information**.

Organization Expenditures

Judge of probate candidates may be eligible to receive or benefit from certain types of in-kind donations from party committees called *organization expenditures*. An "organization expenditure" by a party committee is specifically exempted from the definition of "contribution" and "expenditure" for purposes of the campaign finance laws, but remains a reportable transaction for purposes of public disclosure.

Organization expenditures may be made for the following:

- The preparation, display, mailing, or distribution of a party candidate listing. A "party candidate listing" is a communication that (1) lists the name or names of the candidates, (2) is distributed through public advertising, direct mail, telephone, electronic mail, Internet, or personal delivery, (3) treats all candidates substantially similar, and (4) is **limited in content** to candidate photos, the office sought, party enrollment, a brief statement of the candidate's position, philosophy, goals, accomplishments or biography, encouragement to vote for the candidate and information concerning voting, including hours and locations. Such communications cannot promote the defeat of any candidate or solicit funds;

- Printed or electronic documents including party platforms, issue papers, information on Connecticut election law, voter registration lists, and voter identification information that a party, legislative caucus, or legislative leadership committee creates or maintains for party or caucus building and gives to candidates who are members of the same party;

- A campaign event at which a candidate or candidates are present. If a judge of probate candidate attends such an event, he or she may bring a treasurer or designated solicitor to collect contributions in connection with his or her appearance;

- A professional advisor on campaign organization, financing, accounting, strategy, law, or media; and

- The use of offices or office equipment that does not result in additional cost to the party, legislative caucus, or legislative leadership committee.

The significance of an "organization expenditure" is that if properly qualified, it does not count against the donor's contribution limit and there are no limits on how much and on what type of organization expenditure a party committee may make on behalf of a judge of probate candidate committee. Party committees are the only types of committees that may utilize this exemption for judge of probate candidates.

The scope of what constitutes an organization expenditure is construed narrowly. For the complete definition of "organization expenditure" see Section 9-601(25) of the General Statutes. Any committee authorized to make an expenditure should seek guidance from the Commission about whether the planned outlay of funds constitutes a permissible organization expenditure.

Committees that make organization expenditures and committees of candidates benefiting from organization expenditures are subject to reporting requirements. For more information, see **Chapter VI Reporting Information**.

[Conn. Gen. Stat. §§ 9-601(25), 9-601a(16), 9-718]

Certain Items of Personal Property

An **individual** may donate an item of personal property to a judge of probate candidate committee for a fundraising event, or purchase such an item at the event, and such transaction would not be deemed a contribution if the aggregate amount of the donation or purchase does not exceed fifty dollars ($50). Such transactions are reported in Part II of SEEC Form 20 using Section L4, "In-Kind Donations Not Considered Contributions" for donations and Section L2, "Proceeds from Tag Sale, Auction or Other Sale of Donated Items" for purchases.

[Conn. Gen. Stat. § 9-601a(b)(9)]

EXAMPLE A: Jane Doe donates three (3) compact discs to a committee to be sold at a tag sale, and the value of each CD is ten dollars ($10), or a total of thirty dollars ($30). This non-monetary receipt is not a contribution yet must be reported in Section J3 as an in-kind donation.

EXAMPLE B: Jane Doe purchases a used television for sixty dollars ($60) at a committee sponsored tag sale. She has made a sixty dollar ($60) contribution because the purchase price is over fifty dollars ($50). This monetary receipt constitutes a contribution from Jane Doe of sixty dollars ($60) which is counted against her contribution limit to the committee and must be separately itemized in Section B of SEEC Form 20.

Important Note: The full amount of a monetary receipt for an item purchased at a fundraising event is reported and is not reduced by the value of the item (i.e. price paid for television purchased at a committee sponsored tag sale is not diminished by the fair market value of the television).

Certain Business Entity Donations

Generally speaking, discounts from a business entity would be an in-kind contribution from an impermissible source. There is, however, a narrow exception to this prohibition. A business entity (e.g. restaurant) may sell to a candidate committee food or beverage at a discount as long as the charge is not less than the cost to the business entity and the cumulative value of the discount given is not more than two hundred dollars ($200) with respect to any single election. These discounts are not considered in-kind contributions because of this exception.

[Conn. Gen. Stat. § 9-601a(b)(6)]

The donation by a business entity of goods or services for a **fundraising event** may also be a permissible source of funds if the aggregate value of the goods or services does not exceed one hundred dollars ($100). These items will be reported in Section L4 as an in-kind donation. Please note that a business entity may **only** donate goods or services that it sells or provides as part of its business. If the value of these goods or services **exceeds** one hundred dollars ($100), it is an **illegal contribution**.

[Conn. Gen. Stat. § 9-601a(b)(12)]

EXAMPLE C: ABC Corporation, a printing company, donates free printing services to a committee for a fundraising picnic worth ninety dollars ($90) in value. This nonmonetary receipt is not a contribution but must be reported as an "in-kind donation" in Section L4.

EXAMPLE D: The same corporation donates an **additional** sixty dollars ($60) worth of printing to the fundraising affair. It has made a prohibited contribution because the value of the printing exceeds one hundred dollars ($100)—now at one hundred and fifty dollars ($150)—and therefore this exemption does not apply. The in-kind contribution may not be accepted and must either be returned immediately by the treasurer, or purchased from ABC Corporation.

Communications to a Restricted Class

A business entity or an organization may pay the costs of directly communicating with certain groups on political topics, including expressly advocating the election or defeat of a specific candidate, without making a contribution to that candidate or cause. For business entities, the restricted class includes owners, shareholders, executive and administrative personnel and their families – but not all employees of the business generally. For organizations, the restricted class includes its members and their families.

To qualify for this exemption, the business entity or organization must create the "communication" itself. Simple republication of campaign material initially paid for and provided to the business entity or organization by an exploratory or candidate committee will not fall within this narrow exception.

[Conn. Gen. Stat. §§ 9-601(19), 9-601a(b)(2)]

EXAMPLE E: XYZ Corporation invites a judge of probate candidate to a shareholders' meeting to speak about his run for office. This is a communication limited to members of the business's restricted class and therefore any associated costs are not contributions.

EXAMPLE F: The same corporation sends campaign materials created by the candidate's committee out to all of its clients. XYZ Corporation may be in violation of the law because it: (1) republished material created by a candidate committee; and (2) distributed the communication outside of the restricted class.

Important Note: Business entity or organization treasury funds may not be used to reward, give a bonus to or in any manner reimburse any individual for contributing funds or resources to a candidate or committee. Such reward would be an illegal business entity or organization contribution and violate the prohibition against giving in the name of another.

House Party Exemption

There are also special provisions relating to expenses of a fundraising affair or gathering held for a candidate committee in the personal residence of an individual. No contribution is made by the host for expenses paid by the host for invitations, food or beverages for the event if the aggregate cost to the host does not exceed two hundred dollars ($200) for that candidate in a single election cycle. If a husband and wife, for example, are co-hosting a fundraising event in their house, then they can each provide invitations, food, and beverages up to two hundred dollars ($200) each, or four hundred dollars ($400) total. These costs are in-kind receipts that are not counted against such individual's contribution limit, but must be disclosed in Section L4 as an "in-kind donation."

In order for the event to qualify for the "house party" exemption, the entire cost of the event (invitations, food, beverages, etc.) should not exceed the $200/$400 amount. The campaign cannot plan to hold a far more expensive event and merely pay for any amount that exceeds that limit. In other words, the $200/$400 amount is not an offset for a more expensive party. Alternatively, the home owner can provide his or her home free of charge and the campaign can pay for the entire event. The home owner also has the option of paying for a larger event, in which case the entire value of the event (not just the amount over the $200/$400 house exemption limit) would be deemed an in-kind contribution that is counted against the home owner's contribution limit and must be disclosed in Section M as an "in-kind contribution."

[Conn. Gen. Stat. §§ 9-601a(b)(5), 9-608(c)]

Use of Facility Space

A business entity or organization may provide a candidate committee with use of its facility space at a discount or for free provided the business entity or organization: (1) customarily makes the space available to clubs, civic or community organizations or other groups at a discount or for free; (2) makes the space available on the same terms given to other groups using the space; and (3) makes the space available to any other candidate or candidate committee upon request. If these three conditions cannot be met, then the provision of space would constitute an impermissible business or organization contribution.

[Advisory Opinion 2010-02]

Independent Expenditures

"Independent expenditures" occur when an individual or entity makes an expenditure without the consent, knowing participation, or consultation of, a candidate or agent of the candidate committee. An independent expenditure does not count as a contribution to the candidate who received the benefit of the independent expenditure. Independent expenditures are not "coordinated expenditures."

Individuals, entities, and committees that make an independent expenditure have an obligation to report independent expenditures to the Commission.

[Conn. Gen. Stat. § 9-612(e); Public Act 10-187]

Methods of Payment

Cash or Check

Monetary receipts from individuals may only be accepted by the committee in specific forms, specifically:

(a) An aggregate amount of one hundred dollars ($100) or less may be accepted if made by cash, personal check, bank instrument or credit card; and

(b) An aggregate amount in excess of one hundred dollars ($100) or less may be accepted if made by personal check or credit card.

[Conn. Gen. Stat. §§ 9-611(d), 9-622(9)]

Permissible monetary receipts from any committee must be made by check or debit card drawn on that committee's designated depository institution.

[Conn. Gen. Stat. § 9-607(e)]

No committee may accept anonymous cash contributions in excess of fifteen dollars ($15). *Anonymous contributions* include only those contributions where the donor cannot be determined by any means, such as an envelope of cash sent through the mail without a return address. The campaign treasurer may not accept any anonymous cash receipt that exceeds fifteen dollars ($15). Rather, the treasurer must immediately forward the contribution in the manner in which it was received to the State Elections Enforcement Commission for deposit in the General Fund of the State of Connecticut.

[Conn. Gen. Stat. § 9-606(b)]

Credit Card and Debit Card Contributions

Individuals may make contributions to a candidate committee by credit card (including their personal debit card) either in person, by mail, by telephone or over the Internet. Because the campaign treasurer must retain documentation to verify each contribution reported in the candidate committee's disclosure statements, **contributions via credit card or debit card must be documented by a receipt of the credit card or debit card transaction**.

If an individual's contributions are made in person, by mail or over the telephone, they must be delivered to the treasurer or to an individual appointed by the treasurer to serve as a solicitor. A contribution made over the Internet, however, must be made directly to the candidate committee via credit or debit card. *Remember that expenses and fees charged by merchant account processors in connection with the processing of contributions by credit card are expenses of fundraising .* If the individual contributor is required to pay the additional fee charged by the merchant account processor, then payment of that fee is also considered part of the contribution.

In order to accept a credit card contribution over the Internet from an individual, a treasurer should obtain the following information from the individual contributor:

(1) Contributor's full name;
(2) Contributor's name as it appears on the credit card;
(3) Residence home address, zip code and telephone number of contributor;
(4) Billing address on record with card issuer (if different than residence address);
(5) Individual's e-mail address (applicable to credit card contributions over the Internet);
(6) Amount of contribution;

(7) Statement indicating whether the contributor is a communicator lobbyist or the spouse or dependent child of a communicator lobbyist;
(9) Principal occupation, if individual's aggregate contributions to the committee exceed fifty dollars ($50);
(10) Name of employer, if individual's aggregate contributions to the committee exceed fifty dollars ($50);
(11) Donor must affirm the statement: "I am 18 years of age or older" (applicable to contributions exceeding thirty dollars ($30));
(12) Last four digits of credit card number;
(13) Credit card expiration date;
(14) Donor must affirm the statement: "This contribution is made on my personal credit card for which I have a legal obligation to pay and intend to pay from my own personal funds; payment on this card is not made from the funds of a corporation, labor organization or any other entity"; and
(15) Donor must affirm the statement: "I am either a United States citizen or a foreign national with permanent resident status in the United States."

Please see the sample online interface for credit card contributions at http://www.ct.gov/seec/cwp/view.asp?a=3557&Q=459266.

The committee must select a merchant account provider (an entity in the business to authorize the processing of credit card transactions) that is able to comply with the requirements set forth in this section. The merchant account provider must therefore be able to supply the committee with all of the above information as completed by the contributor on the online contribution form. In addition, the merchant account processor must be able to keep the campaign's contributions in a separate, unique (not shared or pooled) merchant account.

The committee is required to keep the details of each transaction provided by the merchant account provider or payment gateway and to ensure that the Commission is able, upon request, to review all such records (whether held by the committee, merchant account provider or payment gateway on behalf of the committee), including the affirmation provided in the contribution certification form that a personal credit card is being used.

Each committee must promptly send confirmation of each credit card contribution received through the Internet to the contributor by electronic mail to the individual's email address. For contributions received by telephone or mail, the confirmation shall be sent to the contributor by U.S. mail. For credit card transactions made in person, each committee must obtain a signed credit card receipt from the contributor.

Contributions made by credit card shall be deemed received by the committee on the date that the contributor completes the transaction, unless a no charge decision is made within fourteen (14) days of the transaction or by the filing deadline for transactions falling within the reporting period, whichever is *earlier*. A no charge decision within such time relieves the committee treasurer of any responsibility for reporting the transaction. A committee receiving contributions by credit card must

report the full (gross) amount of each contribution before the payment of any fees or deductions to any third party.

The committee's treasurer is responsible for preserving all records of each credit card contribution for the period of four (4) years from the date that the credit card transaction(s) are reported.

[Conn. Gen. Stat. §§ 9-606(a), 9-607(f), 9-608, 9-611(d)]

Testimonial Events

A "testimonial affair" is an event held in honor of a candidate or in honor of an individual who holds elective office during his or her term of office. No testimonial affair can be held for a candidate, or any elected official during his or her term of office, unless its purpose is to raise funds for the individual's candidate committee. There are two (2) exceptions to this rule:

- A retirement party may be held for an individual who has announced his intent to retire from public office, unless he has a deficit outstanding from any one of his prior campaigns, in which case the proceeds must be used to eliminate the deficit; *or*
- A testimonial may be held by an entity duly organized for charitable purposes, provided that all proceeds go to the charity.

Anyone who organizes an improper testimonial or fundraiser is subject to civil and potentially criminal liability.

If a party or political committee conducts a testimonial affair to benefit a candidate or elected official, the net proceeds must be given to the individual's candidate committee and are subject to the aggregate limits applicable to the candidate committee. For example, individuals purchasing tickets to the testimonial are considered to have made a contribution to the candidate committee for the full amount of the purchase price. In addition, the expenses paid by the sponsoring committee must be reported as an in-kind contribution made by that committee and received by the candidate committee. The sponsoring committee's treasurer must provide the written valuation notice required for in-kind contributions.

[Conn. Gen. Stat. §§ 9-606(a), 9-609(b)]

V. SPENDING COMMITTEE FUNDS

Spending committee funds must be for a lawful purpose, as discussed more fully below. There are additional guidelines for spending regarding sharing expenses with other committees and the manner in which the committee may use cash for expenditures. Finally, there are some prohibitions on spending, such as personal use and buying votes. The permissible uses of judge of probate candidate and candidate committee funds and guidelines for use are discussed below.

Permissible Expenditures Generally

All expenditures must be made to promote the nomination or election of the candidate who established the committee. Permissible expenses, if made or incurred to promote the candidate's campaign, include but are not limited to the rental of real and personal property, the purchase of computer equipment and supplies, professional services, office supplies, polling, utility costs for campaign headquarters, printing, postage, photocopying, compensation of campaign staff, travel costs of the candidate and campaign advertising of any kind.

[Conn. Gen. Stat. § 9-607(g)]

No goods, services, funds and contributions received by any committee may be made available for the personal use of any candidate or individual. Expenditures for "personal use" include expenditures to defray normal living expenses for the candidate, the immediate family of the candidate, or any other individual. Expenditures for personal use are those that have no direct connection with, or effect upon, the campaign of the candidate. Examples of such expenditures include rent or mortgage payments for residential or business purposes, clothing, shoes, groceries, and personal subscriptions. The treasurer may not under any circumstances pay the candidate or the candidate's immediate family (spouse and dependent children residing in the candidate's household) for services rendered to the campaign. This prohibition is not applicable to reimbursements to candidates or committee workers for goods and services purchased by them for campaign purposes.

[Conn. Gen. Stat. § 9-607(g)]

Other improper expenditures include any expenditures by committee officers or workers which have no substantial relationship to the committee's lawful activity. The treasurer must authorize all committee expenditures.

Generally, a candidate committee cannot transfer funds to any other committee or make expenditures which benefit other candidates or committees. However, there are limited exceptions explained in the next section.

[Conn. Gen. Stat. § 9-616]

Expense Sharing by Committees

While a candidate committee is prohibited from making any contributions or expenditures that benefit other candidates or committees, there are two exceptions to this rule:

(1) A candidate committee must pay its *pro rata* share of the expenses of operating a campaign headquarters and of preparing, printing and disseminating any political communication that benefits its candidate and is paid for by any other candidate or candidates.

(2) A candidate committee may reimburse a party committee for any expense incurred by the party committee to benefit the candidate. A candidate committee is not required to reimburse a town committee if the expenditure is (a) an *organization expenditure*; or (b) an *in-kind contribution* that is within the limitations prescribed by law.

A committee that makes an expenditure which benefits another candidate must disclose it in Section P, entitled "Expenses Paid by Committee," of SEEC Form 20 along with the name or names of the other candidates supported, and must also indicate that the expense was coordinated with reimbursement sought. The committee must be reimbursed by the other candidate's committee at the time of the expenditure to avoid making a prohibited contribution. The recipient committee shall then report the reimbursement received from the other committee in Section C2 entitled "Reimbursements, Payments, or Surplus Distributions from other Committees" of SEEC Form 20.

[Conn. Gen. Stat. §§ 9-608(c)(1)(C), 9-610(b), 9-616(a)(5)]

Important Note: *Pro rata* means the proportion of space or time devoted to a single candidate in relationship to all other candidates. In the case of a printed advertisement, *pro rata* means the proportion of space devoted to each candidate. In the case of audio or video advertising, *pro rata* means the percentage of time used. Other factors to consider in determining pro rata share might be whether one campaign utilized its paid consultant to design or produce the communication. The Commission will permit any reasonable allocation that is made in good faith by the treasurer of the candidate committee making the expenditure that benefits other candidates.

Joint Fundraising to Benefit Two or More Candidates

Two or more candidate committees may hold a joint fundraising event together.

First, each candidate committee can pay a pro rata share of the expenses associated with the event and have contributors write separate checks out to each involved committee. Committees opting for this arrangement should keep in mind that all communications sent out for the event, including invitations, would have to bear the attributions of both committees. See Attribution Requirements for Communications, later in this chapter.

Important Note: Statewide Office and General Assembly candidates participating in the Citizens' Election Program may not pay or receive payment from other committees once their committee has received a public grant. Thus, if you are having a joint event with such a candidate committee, each committee should pay the vendor(s) directly.

Alternatively, the candidate committees may choose to form a separate political committee for the limited purpose of holding one or more of these fundraising events.

Prior to holding any such event, the candidates must determine how the net proceeds will be divided. This can be done either on an equal basis or by any other ratio agreed upon by the candidates. Each monetary receipt, whether or not a contribution, will be attributed to the donor and distributed to each of the committees which formed the political committee in accordance with the candidates' prior agreement, or on an equal basis if there is no agreement, provided that notice of how the proceeds are to

be divided must be given to those solicited and attending the fundraising event. Receipts so divided must be counted against any aggregate limits applicable to donors giving to the candidates' committees. This counting of limits applies to both contribution limits and the ceilings applicable to transactions that are exemptions from contributions.

After each fundraiser is held and all of the expenses related thereto are paid by the treasurer of this political committee, the proceeds must be distributed within fourteen (14) days after the event to each of the candidate committees in the applicable distribution ratio. Funds may be transferred to the political committee by each of the candidate committees to pay expenses of the event, but must be in accordance with the allocation ratio agreed upon for division of the proceeds. Within seven (7) days of the committee's final distribution, the treasurer is required to dissolve the committee and file a terminating financial disclosure statement with the Commission.

[Conn. Gen. Stat. § 9-610(a)]

Petty Cash Funds

The treasurer of a committee is permitted to establish a single petty cash fund by drawing a check on the committee's account in an amount which may not exceed one hundred dollars ($100). The treasurer may replenish the petty cash fund from time to time, provided that the total balance of the fund may never exceed one hundred dollars ($100), and provided further that the fund is not replenished more than twice in any seven (7) day period.

Expenditures made from a petty cash fund are limited to twenty-five dollars ($25) per transaction (i.e. purchase of supplies for the committee) and must be reported by the treasurer in the same manner as any other expenditure. The treasurer must maintain a written account of all petty cash expenditure disbursements documenting how the money was spent (i.e. copies of receipts). Like with every other committee expenditure, the treasurer must authorize all expenditures made from the petty cash fund.

[Conn. Gen. Stat. § 9-607(e); Regulations of Conn. State Agencies § 9-607-1]

Committee Credit Cards

The committee treasurer may allow a committee worker or candidate to be an authorized cardholder of a credit card issued to the committee, provided that the individual's expenditures are: (1) for goods or services that are preauthorized by the treasurer; and (2) for a lawful purpose of the committee. The treasurer should be particularly careful in opting to authorize a committee worker or candidate as a cardholder as such authorization will mean that all expenditures made by the cardholder on that credit card will be deemed to have been authorized by the treasurer, even if the cardholder failed to obtain explicit authorization for the particular expenditure in question. A committee worker may only be an authorized holder of a committee credit card, which is paid on a periodic basis. A debit card, which draws

directly from the committee checking account, is treated differently under the law. Debit cards may **only** be used by the treasurer.

[Conn. Gen. Stat. §§ 9-606(a), 9-607(a), (d), (e), (g)(2)(O), and (j)]

Computers and Other Electronic Equipment

A committee may purchase a computer and other types of electronic equipment (i.e. mobile devices) at fair market value. Electronics purchased with committee funds must be used exclusively for the committee; no personal, business or non-campaign use of electronics is permitted by law.

[Conn. Gen. Stat. § 9-607(g)(2) and (4)]

In the alternative, a committee may choose to lease or rent electronic equipment at fair market value. A **written** memorandum of the terms of the rental agreement must be made, signed and dated, and kept as an internal record of the committee. The committee's payments under the lease must be reported as expenditures. Leasing electronic equipment to the committee at less than the fair rental value is an in-kind contribution and must be reported accordingly. Under these circumstances, the difference between the fair rental value and the amount actually charged to the committee must be disclosed in Section K, "In-Kind Contributions." Leasing such equipment at *more than* fair market value results in an unlawful expenditure, because paying greater than fair market value for any good or service does not promote the committee's lawful purpose. Contributors may only make an in-kind contribution of electronic equipment up to the applicable contribution limit; a discounted lease arrangement valued at more than this limit would constitute an excessive contribution. (A nonparticipating candidate may make unlimited contributions to his candidate committee, so there is no possibility of an excessive contribution being received from the candidate.) Sources that may not properly make contributions to the committee, such as business entities, can only lease electronics to the committee at fair rental value. Personal use of electronic equipment leased or rented by the committee is not permissible.

[Conn. Gen. Stat. § 9-607(g)(2) and (3)]

An individual may perform committee work at home on electronic equipment owned by such individual and use of the electronic equipment will not be considered an in-kind contribution. The individual may be the candidate, the committee treasurer or any other campaign worker. Use of one's own computer or other electronic equipment while working for a committee is not a contribution and does not need to be reimbursed or reported by the committee. However, loaning electronics to the committee without charge is considered an in-kind contribution and is permissible only if it comes from a source that may make contributions. The loan of the electronic device is also subject to the aggregate contribution limits applicable to such donor. If the candidate loans the equipment to the campaign, the candidate may not receive rental payments which exceed the candidate's cost of purchasing the equipment even if such payments are equal to the fair rental value. Personal use of electronic equipment loaned to the campaign is not allowed.

[Conn. Gen. Stat. § 9-601a(b)(4) and (5)]

When the committee dissolves and must distribute its surplus equipment so that it can terminate, the committee may sell computers and other electronic equipment that it purchased to any buyer for fair market value. Leased equipment must be returned and the lease discontinued.

Attribution Requirements for Communications

There are specific attribution requirements which pertain to "written, typed or printed communications or web-based written communications." These include communications that support or oppose a candidate, that solicit campaign funds, or both.

These communications can take many forms, such as letters, brochures, circulars, e-mails, websites and other web-based communications, billboards, transit advertisements, newspaper advertisements, as well as campaign signs that are greater than 32 square feet in surface area.

"Paid For By"

Any committee which finances any written, typed or printed communication, or any web-based written communication, must include on the face of the communication the text "paid for by" together with the name of the sponsoring committee and its treasurer.

Any candidate without a committee because he is self-financing or is not intending to raise or spend more than a thousand dollars ($1,000) and who finances a written, typed or printed communication or web-based communication must similarly include on the face of the communication the words "paid for by" together with the candidate's name and address.

An individual who is not a candidate and who finances a written, typed or printed communication or web-based written communication with the cooperation of, at the request or suggestion of, or in consultation with any candidate, agent of a candidate or candidate committee must also include on the face of the communication the words "paid for by" together with the name and address of the individual financing the communication.

[Conn. Gen. Stat. § 9-621(a)]

"Approved By"

In addition to the foregoing attribution requirements, communications financed by any candidate or any individual with the cooperation of, at the request or suggestion of or in consultation with any candidate, agent of a candidate or candidate committee or directly by a candidate committee, must also include on the face of the communication the words "approved by" together with the name of the candidate who approved the communication, whether or not the communication is in support of the approving candidate or an approved candidate communication in opposition to some other candidate.

[Conn. Gen. Stat. § 9-621(a)]

Additional Requirements for Television or Internet Video Advertising Communications

In addition to the "paid for by" and "approved by" attribution requirements outlined above, any candidate, candidate committee or exploratory committee that finances any television advertising or Internet video advertising in support of the candidate sponsoring the communication or in opposition to some other candidate is required to simultaneously include at the end of such advertising, for a period of not less than four (4) seconds, the following:

- A clearly identifiable photograph or similar image of the sponsoring candidate;
- A clearly readable printed statement identifying the sponsoring candidate and indicating that the sponsoring candidate has approved the advertising (which is satisfied by the "paid for by" and "approved by" attribution set forth above); and
- A personal audio message in the following form: "I am (sponsoring candidate's name) and I approved this message".

The advertisement must also include the candidate's name, image and voice in the narrative of the advertisement.

[Conn. Gen. Stat. § 9-621(b)(1)]

Additional Requirements for Radio or Internet Audio Advertising Communications

In addition to the "paid for by" and "approved by" attribution requirements outlined above, any candidate, candidate committee or exploratory committee that finances any radio advertising or Internet audio advertising in support of the candidate sponsoring the communication or in opposition to some other candidate is required to include at the end of such advertising a personal audio statement by the sponsoring candidate that:

- Identifies the sponsoring candidate and the elective office(s) being sought; and
- Indicates approval of the advertising in the following form: "I am (candidate's name) and I approved this message."

The advertisement must also include the candidate's name and voice in the narrative of the advertisement.

[Conn. Gen. Stat. § 9-621(b)(2)]

Attribution Requirements for Campaign "Robo" Telephone Calls

In addition to the "paid for by" and "approved by" attribution requirements described above, any candidate, candidate committee or exploratory committee that makes or incurs an expenditure for automated telephone calls must include the candidate's name and voice in the narrative of the call.

[Conn. Gen. Stat. § 9-621(b)(3)]

Special Requirements for Deficit After the Election

In addition to the "paid for by" and "approved by" attribution requirements described above, any candidate committee that has a deficit after the election and solicits funds to eliminate the deficit by written or printed communication must include a statement that the funds sought are to eliminate a deficit.

[Conn. Gen. Stat. § 9-621(e)]

Important Note: These contributions count towards the donor's election contribution limit, and are not subject to a separate limit. Thus, if a donor has already contributed the maximum amount, in dollars or in-kind, he cannot make any further contributions after the election.

Exempt Communications

The attribution requirements outlined above do not apply to editorials, news stories, or commentaries published in a newspaper, magazine, or journal on its own behalf, upon its own responsibility, and not in exchange for any compensation. In addition, banners, political paraphernalia (e.g., pins, buttons, badges, emblems, hats, or bumper stickers) and signs with a surface area of not more than thirty-two (32) square feet (most lawn signs) are exempt from the law's attribution requirements.

[Conn. Gen. Stat. § 9-621(d)]

Communications During 90 Days Preceding Election

Finally, only campaign funds raised in accordance with Connecticut's campaign finance law may be expended during the ninety (90) days preceding the date of an election for any commercial advertisement that refers to one or more clearly identified candidates and that is broadcast by radio or television, other than by means of a public access channel, or that appears in a newspaper, magazine or on a billboard. The cost of any such advertisement meeting this criteria is considered an expenditure, and could be independent or coordinated (in-kind contributions) as discussed above. However, there is an exception that allows for business entities to run commercial advertisements, during this restricted period, that refer to such business's owner, director or officer who is also a candidate, provided that such commercial advertisements had been broadcast or appeared prior to such individual's becoming a candidate.

[Conn. Gen. Stat. § 9-601b(a)(2)]

VI. REPORTING INFORMATION

Who Reports?

The treasurer or, in the treasurer's absence or inability, the deputy treasurer of the committee is required to file all financial disclosure statements. For candidates who are self-funding their campaigns exclusively and have claimed the exemption from forming a committee, the candidate must file reports if the expenditures exceed one thousand dollars ($1,000) for the campaign.

[Conn. Gen. Stat. §§ 9-601(13), 9-604(b), 9-608(a)]

How and Where to Report?

The SEEC Form 20 (Itemized Campaign Finance Disclosure Statement) or, if applicable, the SEEC Form 21 (Short Form Campaign Finance Disclosure Statement) must be filed with the Commission. Treasurers can use SEEC Form 21 if their committees have not had monetary or non-monetary receipts or made expenditures in excess of one thousand dollars ($1,000) from the time of their creation to the close of the relevant reporting period. Once the campaign exceeds that threshold, it must use the SEEC Form 20 for the remainder of the campaign. Moreover, the first SEEC Form 20 must include **all** of the reportable financial transactions which have occurred since the committee's inception. A candidate who funds his campaign entirely from personal funds should file SEEC Form 23.

EXAMPLE: A judge of probate candidate committee is established on January 2, 2010 and then begins to spend and receive money. It does not raise or spend more than one thousand dollars ($1,000) by March 31st of that year, however. The treasurer files a SEEC Form 21 (Short Form) for the April 10th filing. By June 30, 2010 the committee exceeds the one thousand dollar ($1,000) threshold, requiring the treasurer to file the SEEC Form 20 for the July 10th filing, covering all financial activity between January 2 and June 30, 2010. The committee must file all subsequent reports using the SEEC Form 20.

[Conn. Gen. Stat. §§ 9-603(a), 9-608(b)]

The treasurer may print or copy this form and file a computer print-out or, if necessary, may use the pre-printed paper form prescribed by the State Elections Enforcement Commission which may include, where necessary, typed schedules and attachments. When using computer spreadsheets or forms, or other schedules or attachments, it is important to duplicate the section headings and **all** of the data fields that appear in SEEC Form 20.

When to File?

The treasurer must file a financial disclosure statement with the Commission by the following deadline dates: the 10th day of January, April, July and October, on the 7th day prior to the election and, if the candidate is in a primary, on the 7th day prior to the primary. (There are additional reporting requirements for a nonparticipating candidate committee who opposes one or more participating candidates, as discussed later in

this chapter.) If such deadline falls on a Saturday, Sunday or legal holiday, the statement shall be filed on the next business day. This filing must be submitted at some time during the filing period, which begins at the conclusion of the reporting period and ends on the filing deadline date. A more specific calendar, with the actual filing dates and reporting periods, is available on the Commission's website. Statements are timely if they are either postmarked by the United States Postal Service or by a delivery service designated by the Secretary of the Treasury of the United States on or before midnight of the required filing deadline date, delivered by hand to the Commission on or before 4:30 p.m. of the filing deadline date, or submitted through eCRIS on or before midnight of the filing deadline date.

The reporting period for each disclosure statement filed on the 10th day of January, April, July and October must include the financial activity of the committee beginning the first day not included on the last filed financial disclosure statement and ending on the last day of the month preceding the month in which the statement is required to be filed. Each disclosure statement filed on the 7th day preceding Election Day or Primary Day, however, must include the financial activity of the committee beginning the first day not included on the last filed financial disclosure statement and ending as of seven (7) days immediately preceding the required filing deadline day.

In addition to the quarterly and pre-election statements, financial disclosure statements are required to be filed within forty five (45) days after a special election or within thirty (30) days following an unsuccessful primary. The post election filing date for all candidates competing in a November election is January 10th.

Following an election or unsuccessful primary, the candidate committee must be terminated. For more information on when to file termination statements as well as additional reporting requirements relating to dissolution (paying off deficits, distributing surpluses), please see **Chapter VII Termination of the Committee: Distribution of Surplus and Elimination of Deficits**.

[Conn. Gen. Stat. §§ 1-2a, 9-608(a) and (d)]

Late Filing Fees for Quarterly and Pre-Election Statements

Failure to file any of the financial disclosure statements previously referred to, by the applicable deadline date results in an automatic and non-discretionary $100 late filing fee, which must be paid by the treasurer from personal and not committee funds. Similarly, failure to file a registration statement or qualified exemption within ten (10) days of becoming a candidate subjects the candidate to a $100 automatic late filing fee, which must be paid by the candidate from personal funds. The Commission will notify the treasurer within ten (10) days after the missed filing date. Late filing fees are payable to the SEEC.

In addition, the failure by the treasurer or the candidate, as the case may be, to submit these filings within twenty-one (21) days after receiving a failure to file notice from the Commission by certified mail, return receipt requested, will subject the treasurer or candidate to an additional civil penalty of $200 to $2,000 per late report.

[Conn. Gen. Stat. § 9-623]

Copies of Disclosure Statements

The treasurer must provide the candidate with a duplicate copy of the disclosure statement at the time of filing.

[Conn. Gen. Stat. § 9-608(d]

The registration and disclosure statements filed on behalf of judge of probate candidate and candidate committees are available for public inspection at the Commission's offices and on its website. To review filings online, please visit http://seec.ct.gov/eCris/DocumentSearch/DocumentSearchHome.aspx?seecNav=| or call the eCRIS helpdesk at 860-256-2930 for assistance.

These statements are required to be kept by the filing repository for five (5) years from the date of filing.

[Conn. Gen. Stat. § 9-608(c)(7)]

What Information Must be Reported?

All monetary receipts and non-monetary receipts (i.e. in-kind contributions), whether or not such receipts constitute contributions, must be reported in the period received. All expenditures made or obligated to be made or incurred by the committee must also be reported on the financial disclosure statement. How to report these kinds of receipts and expenditure is more fully outlined below.

[Conn. Gen. Stat. § 9-608(c)]

Reporting Receipts

Contributions from Individuals

Monetary contributions received from an individual that are fifty dollars ($50) or less in the aggregate during the life of the committee do not require disclosure of the donor's name and address and can be entered in Section A, "Total Contributions From Small Contributors – This Period Only," (though treasurers must maintain internal documentation of their names and addresses) or else can be itemized in Section B, "Contributions from Individuals over $50 in the Aggregate." Moreover, when monetary contributions exceed fifty dollars ($50) from an individual who was previously reported as a small contributor in Section A, the contributor must be itemized in Section B on the next scheduled statement. All non-monetary contributions are to be itemized as in-kind contributions in Section M of SEEC Form 20.

[Conn. Gen. Stat. § 9-608(c)(1) and (4)]

Monetary and non-monetary contributions received from an individual that are over fifty dollars ($50) in the aggregate require disclosure of the donor's name, address, amount received during the relevant reporting period, method of contribution, date of the contribution and the aggregate amount given.

[Conn. Gen. Stat. § 9-608(c)(1)]

For individuals who contribute to the committee in excess of one hundred dollars ($100) in the aggregate, the treasurer must also obtain their principal occupation and name of employer, to the extent known.

[Conn. Gen. Stat. § 9-608(c)(1)]

As previously noted, the Commission has provided sample Individual Contributor Certification Forms, available on its website. The Commission **strongly** recommends that the treasurer request this information from **all** contributors, whatever the amount given, because such information becomes **necessary** as contributions are aggregated and in the event a given contribution turns out to be impermissible, if a treasurer has obtained a certification form with the information requested within the sample form, the certifications provide the treasurer with a good faith reliance defense.

Anonymous monetary receipts of fifteen dollars ($15) or less during the reporting period are reported in Section I, "Anonymous Contributions," and must include the denomination of the bills and the total value of all coins received anonymously.

[Conn. Gen. Stat. § 9-608(c)(1)(B)]

Monetary receipts in the form of personal checks written on joint accounts should be attributed to the individual who signs the check. If both individuals on a joint checking account sign the check, then the contribution must be allocated equally between them.

[Conn. Gen. Stat. § 9-606(b)]

A monetary receipt in the form of a money order is considered to be "cash" and should be reported as such. There is a limit of one hundred dollars ($100) of aggregated contributions made by cash or money order.

[Conn. Gen. Stat. § 9-611(d)]

Loans

All loans are reported in Section D, "Loans Received," of SEEC Form 20 regardless of whether they are considered contributions. The treasurer must report the name and address of any bank or other lender which has made a loan to the committee, the principal amount of the loan received in the reporting period, along with the name and address of any person who is a guarantor or cosigner of the loan. Outstanding loan balances must be continuously reported as a debt, on the "Summary Page" of the SEEC Form 20.

[Conn. Gen. Stat. § 9-608(c)(1)(E)]

Personal Funds

Any funds provided by a nonparticipating candidate to his or her candidate committee for which no repayment is expected must be reported in Section H as "Personal Funds of the Candidate." These funds are not subject to limits. Any loan by the candidate must be reported in Section H as "Loans Received." Once a candidate provides personal funds to the campaign, the committee cannot later recharacterize the provision as a loan and return the money to him.

Please Note: A candidate's donation or loan to his or her exploratory committee is subject to the $375 limit applicable to all other individual donors. Only a candidate who has established a candidate committee may give or loan an unlimited amount of personal funds to the committee.

Because the treasurer is responsible for accurate and up-to-date reporting, it is imperative that the candidate timely reports to the treasurer all provisions of personal funds.

Receipts from Other Committees

Any monetary receipt from another committee must be reported as either: (1) a monetary contribution in Section C1, "Contributions from Other Committees;" (2) a reimbursement that is not contribution in Section C2, "Reimbursements or Payments from other Committees;" (3) a non-monetary contribution in Section M, "In-Kind Contributions;" or (4) an organization expenditure in Section O, "Non-Monetary Receipts of Organization Expenditures Made by Legislative Leadership, Legislative Caucus, and Party Committee." For more information on the applicable contribution limits and the definition of organization expenditure, please see **Chapter IV Raising Funds for Your Campaign**.

Monetary Receipts Not Considered Contributions

All other monetary receipts that are not contributions must be disclosed. Examples include interest posted or received from deposits in authorized investment accounts (reported as "Interest from Deposits in Authorized Accounts," Section J); bank credits or refunds (reported as "Miscellaneous Monetary Receipts not Considered Contributions," Section K); and certain other monetary receipts from fundraisers (i.e. purchases of goods reported in the "Fundraising Event Activity" section).

Reporting Fundraising Events

The treasurer is required to disclose **all** receipts of a fundraising event whether or not such receipt constitutes a contribution to the committee. Each fundraising affair, including the date, location, and a description, are required to be reported in Section L1 "Fundraiser Event Information" of Part II of SEEC Form 20. The treasurer is required to answer several questions regarding the fundraiser in Section L1, which guide the treasurer to other sections to complete, as applicable. Each event must be assigned a unique event number by the treasurer for reporting purposes. See, instructions to SEEC Form 20.

All monetary receipts received at the given event which are contributions may be recorded as an aggregate amount if the contributor has contributed fifty dollars ($50) or less in the aggregate since the formation of the committee (enter in Section A of Part I of SEEC Form 20). If the contribution's total contributions given to the committee exceed fifty dollars ($50), the contributor must be itemized in Section B of Part I. The corresponding fundraising event at which the given contribution was received must be identified in Section B as well. The purchase of fundraising event tickets are considered contributions, and therefore must be reported in Section A or B depending on the amount purchased by the contributor and the amount of other contributions by the same contributor.

Each non-monetary receipt which is a contribution must be itemized as an in-kind contribution in Section M of SEEC Form 20. Again, the treasurer must identify the fundraising event listed in L1 at which the given in-kind contribution was received.

The in-kind donations received in connection with the fundraising event that do not constitute contributions (i.e. donations of items of personal property valued at (fifty dollars) $50 or less) must be disclosed in Part II entitled "Fundraising Event Activity," Section L4 of the SEEC Form 20. Such itemization must include the name and address of each donor and the corresponding amount. If the aggregate amount exceeds fifty dollars ($50), the donor has made a contribution which must be itemized in Section B.

The treasurer must also separately itemize each expenditure made by the committee in connection with the fundraising affair in the same manner as any other committee expenditure in Section IV "Expenditures" of the SEEC Form 20, as more fully outlined below. The treasurer cannot merely disclose the net proceeds of the event.

[Conn. Gen. Stat. § 9-608(c)]

Reporting Expenditures

Expenditures are reported in Section P, "Expenses Paid by Committee," of the SEEC Form 20. Each expenditure, regardless of the amount, must be separately itemized with the following information:

- Payee's full name and address;
- Amount, date, description, and method of payment;
- Correct Expenditure Code identifying the purpose of the expenditure (Expenditure Codes are listed in the SEEC Form 20 Instructions);
- If the expenditure was shared with other candidate(s), the "candidate(s) supported or opposed" and whether the expenditure is "coordinated" with reimbursement sought from that committee; and
- If the expenditure was made in connection with a fundraising event, the treasurer must enter the proper code ("FNDR") and the corresponding event reference number (listed in section L1).

There are also specific instructions for disclosing certain types of expenses, as more fully discussed below.

Loan Repayments

Loan repayments are expenditures and are reported in Section P, using "LOAN" as the expenditure code. The name and address of each bank or other lender, the amount and date of the repayment (principal plus interest) on the loan during the applicable reporting period must be reported.

Expenses Paid by the Candidate

Expenses paid directly by the candidate from his or her own personal funds must be itemized in Section Q of SEEC Form 20, entitled "Campaign Expenses Paid by the Candidate." Any expense, irrespective of the amount, for which the candidate seeks reimbursement, must be reported. In addition, any candidate expense for which the candidate does not wish to be reimbursed must be reported, except telephone calls, travel and meals.

Reimbursements to Workers

Each expenditure that is a reimbursement to a committee worker or candidate must be treated as any other expenditure and must include an itemization of any payments to secondary payees (e.g. the vendor who transacted with the committee worker or candidate). Such reimbursements are reported in Section P, using "RCW" as the expenditure code. In a separate section of SEEC Form 20, Section T, "Itemization of Reimbursements to Committee Workers and Consultants," the treasurer must itemize what the worker was reimbursed for. This section will not affect the balance on hand and need not be carried forward to the "Summary Page." Candidates and committee workers should timely provide details and documentation to the treasurer for all expenditures they make on behalf of the committee.

Payments to Consultants

If the committee pays a consultant to provide services, the treasurer must report the payment in Section P. If the consultant pays other vendors (secondary payees) for committee-related expenses, then the committee's payment to the consultant to cover such expenses must also be reported in Section T, "Itemization of Reimbursements to Committee Workers and Consultants." Secondary payees are those vendors who received a payment from the consultant for goods or services purchased by the consultant for which the committee has paid the consultant.

Expenses Incurred but Not Paid

Each expense incurred but not yet paid must also be separately itemized in the same manner as expenditures paid, including the disclosure of any secondary payees. Expenses incurred but not paid are reported in Section S, "Expenses Incurred by Committee but Not Paid During this Period." The obligation to report expenses incurred arises when the committee has received the goods or services, or enters into a written contract, promise or agreement to make an expenditure. For example, if a candidate committee purchases mailers that it distributes in June but is not billed for them until August, the committee would report the expense in Section S of its July 10th filing.

[Conn. Gen. Stat. §§ 9-601b(c), 9-607(j), 9-608(c); Regulations of Conn. State Agencies § 9-607-1]

VII. TERMINATION OF THE COMMITTEE: DISTRIBUTION OF SURPLUS AND ELIMINATION OF DEFICITS

Exploratory Committees

Triggering Events Requiring Dissolution

There are several triggering events that necessitate the dissolution of an exploratory committee:

- Candidate makes a public declaration of his/her intent to seek nomination or election to a particular public office; OR
- Candidate receives endorsement for a particular public office at a convention, caucus or town committee meeting; OR
- Candidate files candidacy for nomination under Section 9-400 or 9-405 of the General Statutes (forcing a party primary); OR
- Candidate decides, before any triggering event mentioned above, to terminate the exploratory committee and form a candidate committee for a particular public office in the same election cycle.

Important Note: For more information on what constitutes a public declaration, please *see* Declaratory Ruling 2009-01: "Public Declarations by Candidates in an Exploratory Committee," available at the Commission's website, www.ct.gov/seec.

Within 15 days of any of the triggering events listed above, the candidate must file an Exploratory Committee Notice of Intent to Dissolve (SEEC Form 5) with the Commission. After the triggering event, the candidates must form a candidate committee within 10 days of making an expenditure or receiving a contribution, or within 15 days from filing the SEEC Form 5, whichever is earlier. The exploratory committee must also distribute its surplus and file a termination SEEC Form 20 (or SEEC Form 30 if the candidate was also exploring for a Statewide or General Assembly office) within 15 days of filing the SEEC Form 5. **This filing terminates the exploratory committee and should disclose the exploratory committee's distribution of surplus, if applicable.**

In order to facilitate a smooth transition from exploratory committee to candidate committee, the Commission recommends that the candidate open up a depository account and form a candidate committee **as soon as possible** after the triggering event. This allows the campaign to continue without interruption, provides a place to deposit the surplus and any other newly arrived contributions, and helps to avoid running afoul of the statutory deadlines. After the candidate committee account is opened, the exploratory committee treasurer should distribute the exploratory committee's surplus to the candidate committee as soon as possible and file the committee's termination SEEC Form 20 (or SEEC Form 30 if applicable) at the same time

as the Exploratory Committee Notice of Intent to Dissolve (SEEC Form 5) is filed, i.e. within 15 days of the triggering event.

Important Note: The 14-day rule for treasurers to deposit contributions still applies. Contributions made *after* the triggering event should *not* be deposited in the exploratory committee's depository account, but instead should be deposited in the newly formed candidate committee depository account. If a contribution is made and received after the triggering event, then the treasurer must open a depository account within fourteen days and deposit the check, regardless of the time period for filing a termination SEEC Form 20.

Checklist for Dissolving the Exploratory Committee

For the Candidate:

- ❑ Notify the campaign treasurer when you are ready to dissolve the exploratory committee.
- ❑ Complete and sign SEEC Form 5, *Exploratory Committee Notice of Intent to Dissolve*.
- ❑ File SEEC Form 5 with the State Elections Enforcement Commission, Campaign Disclosure and Audit Unit, Third Floor, 20 Trinity Street, Hartford, CT 06106, no later than 15 days of an event triggering dissolution.

For the Campaign Treasurer:

- ❑ Complete, sign, and file SEEC Form 20 (or SEEC Form 30 if applicable) **when the distribution of surplus is complete, and in no case later than 30 days after the triggering event that necessitated the dissolution of the exploratory committee.**
- ❑ Mark the TERMINATION box in Section 9 of the cover summary page of the SEEC Form 20 (or SEEC Form 30 if applicable), if filing by paper, OR
- ❑ Select Non-Standard Report and then Termination for Type of Report on the eCRIS Reporting Home page, if filing electronically via eCRIS.

Period Covered

- ❑ Report all activity of the exploratory committee beginning with the last day not covered by the previous exploratory committee SEEC Form 20 (or SEEC Form 30 if applicable) through the day before it is filed with the Commission; OR
- ❑ If the committee raised and/or spent less than $1,000 in prior filing periods and previously filed *Short Form Campaign Disclosure Statement(s)* (SEEC Form 21), report all activity from the date of exploratory committee's first contribution received or expenditure made through the day before the report is filed with the Commission.

- ❑ The period should close on midnight of the day before you are submitting the statement. If filing via eCRIS, the closing date of the period cannot be the same day that you submit the report electronically. If hand-delivering the SEEC Form 20 (or SEEC Form 30 if applicable), the closing date of the period cannot be the same as the day you hand-deliver the disclosure statement.

Exploratory Committee Depository

- ❑ Keep the exploratory committee depository open until all committee checks written, including the surplus distribution check(s), have been presented and honored by the bank.
- ❑ Do not make any expenditures for the candidate committee from the exploratory committee depository, except to distribute surplus.
- ❑ Do not deposit any contributions made after the triggering event into the exploratory committee depository. Either deposit any new checks into the newly formed candidate committee depository account or return them, if appropriate, to the contributor.

Recordkeeping

- ❑ Obtain and keep copies of documentation for all exploratory committee transactions.
- ❑ The treasurer (or candidate, if so desired) must keep the committee records* for FOUR YEARS from the date of the termination filing.

**See* Treasurer's Best Practices Checklist Records Treasurers Must Obtain, Copy and Keep, available at the Commission's website, www.ct.gov/seec.

Checklist for Forming the Candidate Committee

For the Candidate:

- ❑ Promptly designate a campaign treasurer and committee depository for the candidate committee.
- ❑ Designating a deputy treasurer is also **highly** recommended.
- ❑ Obtain the signature of the designated treasurer and deputy treasurer on SEEC Form 1/1A, *Registration by Candidate*.
- ❑ Register the candidate committee by filing SEEC Form 1/1A with the Commission within 10 days of soliciting or receiving contributions or making an expenditure, and in any event, no later than 30 days after the triggering event that necessitated the dissolution of the exploratory committee (if applicable).

For the Candidate Committee Campaign Treasurer:

- ❑ Open the candidate committee depository account **as soon as possible**. The account may be with the same institution where the exploratory committee maintained an account, but the candidate committee must open a *new* account.
- ❑ Obtain surplus distribution check(s) and contribution documentation from the exploratory campaign treasurer.
- ❑ Within 14 days of your receipt, deposit surplus distribution check(s) into the candidate committee depository. The same rule applies to any other post-trigger contributions.
- ❑ Report the receipt of surplus funds from the exploratory committee in Section C2, "Reimbursements or Payments from other Committees," in the candidate committee's first itemized campaign finance disclosure, SEEC Form 20.

Exploratory Committee Surplus and Deficit

All surplus funds and equipment of the exploratory committee, as well as its liabilities, must be transferred to the candidate committee. The transfer of funds must be disclosed as an expenditure in the "Expenditures" section on the exploratory committee's termination statement and listed as a contribution from another committee (Section C1) on the recipient candidate committee's initial SEEC Form 20. In the event that the exploratory committee has a deficit, the outstanding liabilities must be carried forward to the candidate committee's initial statement "Expenses Incurred by Committee but Not Paid During this Period" (Section S).

If the candidate decides not to seek nomination or election to any office and the exploratory committee has a surplus, the surplus must be distributed to one or more of the following:

(a) An ongoing political committee (so long as such political committee has not been established to finance future political campaigns of the candidate);

Important Note: The Commission has concluded that a political committee is deemed to have been established to finance future political campaigns of a candidate where 26% or more of the committee's expenditures go to the candidate's future campaigns.

(b) A party committee (no strings attached or earmarking for later use);

(c) A tax exempt, tax deductible organization under Section 501(c)(3) of the Internal Revenue Code;

(d) All contributors on a pro-rata basis based upon the relationship of the aggregate contribution from a particular contributor to the total of all contributions received by the committee from all contributors; or

(e) The Citizens' Election Fund established under Section 9-701, General Statutes, for financing campaigns for Statewide or General Assembly offices.

If a candidate decides not to seek nomination or election to any office and the exploratory committee has a deficit, the treasurer must file a deficit statement SEEC Form 20 (or SEEC Form 30 if applicable) with the Commission within thirty (30) days of the

candidate's decision not to seek election to any office. This deficit statement shall include all contributions received and expenditures made from the date of the last filed statement completed as of seven (7) days before the filing of the deficit statement and shall include the amount of the deficit.

As in the case of a candidate committee, the exploratory committee must remain in existence until the deficit is eliminated. The treasurer is required to file an additional statement on the 7th day of any succeeding month when there is an increase or decrease in the deficit that is greater than five hundred dollars ($500) from the last disclosure statement.

[Conn. Gen. Stat. § 9-608(f)]

Candidate Committees

If a candidate withdraws prior to a primary or election, the surplus may not be distributed prior to the primary or election, except to (a) a tax-exempt entity or group organized under Section 501(c)(3) of the Internal Revenue Code; or (b) all contributors to the committee on a pro-rata basis of contribution. The committee can also wait to terminate until after the primary and/or election. Until you terminate, however, you are required to comply with all filing requirements, including any bi-weekly or weekly filings that are due for your particular race.

[Conn. Gen. Stat. § 9-608(e)(2)]

If, after the election or an unsuccessful primary, there is a surplus or deficit in the committee's account, the committee must remain in existence to distribute its surplus, or eliminate its deficit, whichever is applicable.

In the event of a surplus, a candidate committee must distribute the surplus by January 31st for elections held in November, or within ninety (90) days after an election held at any other time or following an unsuccessful primary. Once a committee has distributed its surplus, it has seven (7) days to terminate, except if such filing deadline date falls on a Saturday, Sunday or legal holiday, in which case such filing is due on the next business day. Surplus may be distributed only to the following:

(a) An ongoing political committee (so long as such political committee has not been established to finance future political campaigns of the candidate);

> **Important Note**: The Commission has concluded that a political committee is deemed to have been established to finance future political campaigns of a candidate where 26% or more of the committee's expenditures go to the candidate's future campaigns.

(b) A party committee (no strings attached or earmarking for later use);

(c) A tax exempt, tax deductible organization under Section 501(c)(3) of the Internal Revenue Code;

> **Important Note**: A committee is responsible for determining whether a group is a 501(c)(3) organization prior to distributing any surplus funds to said group. The IRS maintains a database of 501(c)(3) organizations at http://www.irs.gov/app/pub-78/.

(d) All contributors on a pro-rata basis based upon the relationship of the aggregate contribution from a particular contributor to the total of all contributions received by the committee from all contributors; or

(e) The Citizens' Election Fund.

[Conn. Gen. Stat. § 9-608(e)(1)(A)]

A candidate committee treasurer whose candidate is elected may, with the approval of the candidate, expend the committee's surplus during the 90-day post election period by paying for the clerical, secretarial or other office expenses necessarily incurred by the candidate in preparation for taking office. However, capital assets and equipment for the elective office may not be purchased with surplus funds. The treasurer may not under any circumstances pay surplus proceeds to the candidate or the candidate's family for services rendered to the campaign.

[Conn. Gen. Stat. § 9-608(e)(1)(D)]

Surplus funds may be used to pay expenditures for inaugural activities and a "thank you" party for campaign workers.

[Conn. Gen. Stat. § 9-608(g)(2)(B)]

In the event of any deficit, the treasurer must file a financial statement ninety (90) days after an unsuccessful primary, if applicable, or ninety (90) days after the election, if the election is not held in November, or on February 7th for a November election. If any such filing deadline date falls on a Saturday, Sunday or legal holiday, the filing is due on the next business day. The financial statement must indicate the amount of the deficit, including an itemized accounting of all receipts and expenditures since the last financial statement. The treasurer is also required to file an additional statement on the 7th day of any succeeding month when there is an increase or decrease in the deficit that is greater than five hundred dollars ($500) from the last filed disclosure statement. The filing deadline for such a supplemental deficit statement is on the 7th day of the next succeeding month.

A final termination statement must be filed on the 7th day of the next succeeding month following elimination of the deficit, and this is true even where the deficit amount is less than five hundred dollars ($500).

[Conn. Gen. Stat. § 9-608(e)(4)]

A candidate committee may, after the election, raise funds only to eliminate its deficit. In addition to the "paid for by" and "approved by" attributions, any solicitation by written communication for contributions to pay down a deficit must include a statement that the funds sought are to eliminate a deficit.

[Conn. Gen. Stat. § 9-621(e)]

Please Note: An in-kind contribution is the donation of goods, services or anything of value given free of charge or at less than the usual and customary charge to the recipient committee. Thus, commercial vendors, who may not as business entities make contributions to a campaign, are expected to take normal and reasonable steps to collect the debt and, concomitantly, the committee treasurer must make reasonably necessary efforts to eliminate the deficit. If such action is not taken, the Commission can conclude that the committee has accepted illegal business entity contributions.

Disposition of Furniture, Equipment and Other Assets

All furniture, equipment, computers and other capital assets acquired during the campaign must be sold as part of the wind up of the committee's affairs at fair market value and the monies received must be distributed as part of the committee's surplus distribution as previously discussed (i.e. to a charitable organization or to the Citizens' Election Fund). Committees can look to the marketplace (by contacting vendors and/or looking to the Internet) to determine the current average cost of the item. The law permits sale of these items to **any person,** which includes sale to individuals (including the candidates), committees, corporations, partnerships, organizations, or associations. The candidate committee should keep an internal record of how fair market value was determined as well as a receipt for the sale. The proceeds from the sale of these items are reported in Section K**,** "Miscellaneous Monetary Receipts not Considered Contributions," of SEEC Form 20. In the "Description" field, the treasurer should provide a brief description of each item sold as well as the original purchase date.

Important Note: Goods distributed at less than fair market value may be deemed by the Commission as a violation of the prohibition concerning goods made available by a committee for the personal use of any candidate or individual.

Prior campaign assets such as lawn signs and campaign paraphernalia are not considered equipment and may be stored for use in future elections. As a general rule a committee does not need to sell items that have a fair market value of less than fifty dollars ($50).

VIII. GENERAL PROHIBITIONS AND PENALTIES

Vote Buying and Selling

No person may knowingly give, lend or promise to give or lend any money or other valuable consideration to any person to influence any person to vote, or refrain from voting for or against any candidate. Any person who votes for or against any candidate in consideration of any gift or other valuable consideration received shall be guilty of illegal practices.

[Conn. Gen. Stat. § 9-622(1)]

Contributions in False Name

No person may make a payment or contribution to a treasurer in any name other than the name of the true donor or payor; nor may any treasurer knowingly receive the payment or contribution. This section is violated when the original source of funds, for example, gives another person cash to make a contribution in his or her own name. The Commission treats such violations seriously. A treasurer is prohibited from entering the name of someone other than the true donor or payor on the committee's financial disclosure statement.

[Conn. Gen. Stat. § 9-622(7)]

General Criminal and Civil Penalties

Any person who violates any provision of Connecticut's Campaign Finance Laws is subject to a civil penalty not to exceed two thousand dollars ($2,000) or twice the amount of the improper contribution or payment, whichever is greater.

[Conn. Gen. Stat. § 9-7b(a)(2)]

Any person who "knowingly and willfully" violates any provision of Connecticut's Campaign Finance Laws is subject to criminal penalties of up to five thousand dollars ($5,000) in fines, or five (5) years imprisonment, or both.

[Conn. Gen. Stat. § 9-623]

Unlawful Solicitation of Contributions or Making of Expenditures

No person may solicit or accept funds or other resources, or expend funds, for or on behalf of any committee, unless the committee has been registered with the Commission. A ten-day grace period applies from the committee's formation unless it is formed within ten (10) days of an election.

[Conn. Gen. Stat. §§ 9-602, 9-605]

Similarly, no person may solicit or accept funds or other resources, or expend funds, on behalf of a committee during the period in which there exists a vacancy in the position of treasurer and there is no deputy treasurer of the committee to act as treasurer. No person may solicit, make or receive excessive contributions or payments which are otherwise prohibited by the provisions of Connecticut's Campaign Finance Laws, Chapter 155 of the General Statutes.

[Conn. Gen. Stat. § 9-622(10)]

Prohibition of Use of Public Funds

No incumbent officeholder may expend public funds to mail or print flyers or other promotional materials intended to bring about his or her re-election or election to another office in the three (3) months preceding the election.

[Conn. Gen. Stat. § 9-610(d)(1)]

No public official or public employee may, during the twelve-month period preceding an election, authorize the use of public funds for a television, radio, movie theater, billboard, bus poster, newspaper or magazine promotional campaign or advertisement which, for any purpose, features the name, face or voice of a candidate for elective office, or which promotes the nomination or election of a candidate for elective office.

[Conn. Gen. Stat. § 9-610(d)(2)]

Promise of Public Appointment or Position of Trust

No individual may, in order to influence his nomination or election or that of any other individual, promise to appoint or secure the appointment of any other individual to any public office or to any position of honor or trust.

[Conn. Gen. Stat. § 9-622(6)]

IX. COMPLAINTS

Who May Bring a Complaint?

Any individual may bring a complaint to the Commission requesting that an investigation be made into any alleged violation of the State election laws.

The Commission may, on its own initiative, also decide to conduct an investigation on any possible violation of the State election laws.

[Conn. Gen. Stat. § 9-7b]

Form of Complaint

All complaints filed with the Commission must be in writing and sworn to under oath by the complainant.

A pre-printed form, which is available at both the Commission's offices and at its website (www.ct.gov/seec), may be used to file complaints. A complaint may also be filed in letter form provided that it is sworn to under oath.

Complaints must be submitted with an original signature of the complainant. No copies or facsimiles will be accepted.

Complaints Should Include the Following:

(1) The legal name, address and telephone number of the person filing the complaint.

(2) A clear and concise statement of the facts including:
   - (a) The date of the alleged violation(s);
   - (b) The identity of the person(s) alleged to have committed the violation(s);
   - (c) The identity of any person(s) who may have knowledge of the facts asserted in the complaint; and

(d) Any other document, written material or other information known to the complainant and having a bearing on the violation(s) alleged in the complaint.

X. CONCLUSION

This Guide was intended to clarify and summarize the most important provisions relating to Connecticut's campaign financing requirements relevant to candidates seeking nomination or election to the office of judge of probate.

Contact Us

Inquiries regarding campaign financing requirements, legal interpretations of the State Elections Enforcement Commission, as well as complaints and requests for formal advice may be addressed to:

State Elections Enforcement Commission
20 Trinity Street, 5th Floor
Hartford, Connecticut 06106-1628

Candidate Services Line:	**860-256-2985**
Main Telephone:	860-256-2940
Toll Free (in CT):	1-866-SEEC-INFO
Main Fax:	860-256-2997
Website:	www.ct.gov/seec
E-Mail:	public.finance@ct.gov

Requests for copies of the published calendar of specific filing dates and committee registration and disclosure statements may be obtained from the website of the State Elections Enforcement Commission and also by contacting the Commission by phone or mail.

GLOSSARY

Anonymous Contributions: Those contributions where the donor cannot be determined by any means, such as an envelope of cash sent through the mail without a return address. The campaign treasurer may not accept any anonymous cash receipt that exceeds fifteen dollars ($15). Rather, the treasurer must immediately forward the contribution in the manner in which it was received to the State Elections Enforcement Commission for deposit in the General Fund of the State of Connecticut.

Business Entity: A business entity includes a stock corporation, bank, insurance company, limited liability company, business association, bankers association, insurance association, trade or professional association receiving funds from membership dues and other sources, partnership, joint venture, private foundation, trust or estate, cooperative or other association, and any similar organization or entity which is engaged in the operation of a business or profit-making activity. It does not include a solely owned professional service corporation or a sole proprietorship, which are considered individuals. Conn. Gen. Stat. § 9-601(8) and (9).

Campaign Treasurer: The individual appointed by a candidate to receive and disburse funds on behalf of the candidate or committee and to comply with all campaign finance reporting and recordkeeping provisions. The treasurer must be a registered voter in the State of Connecticut. Conn. Gen. Stat. § 9-601(12).

Candidate: An individual who seeks nomination for election or election to public office even if the campaign proves unsuccessful. Individuals qualify as candidates if they have (A) been endorsed by a party or become eligible for a position on the ballot at an election or primary, or (B) solicited or received contributions, made expenditures, or consented to any other person soliciting or receiving contributions or making expenditures so that the individual can win nomination or election to any office. Conn. Gen. Stat. § 9-601(11). An individual must register within ten (10) days of becoming a candidate. Conn. Gen. Stat. § 9-604(a).

Candidate Committee: Any committee designated by a single candidate, or established with the consent, authorization, or cooperation of a candidate, for the purpose of participating in a single primary or election and to aid or promote such candidate's candidacy alone for a particular public office. Candidate committees are distinct from political committees or party committees. A candidate can form only one candidate committee for a particular office. Conn. Gen. Stat. § 9-601(4).

Candidate Services Unit : A group within the SEEC formed with the goal of assisting candidates, treasurers, and candidate committees in understanding and complying with the pertinent statutes and regulations. Candidate Services Liaisons will be assigned to judge of probate candidates and will be available to answer questions, listen to suggestions and provide support.

Caucus: A meeting at a designated hour and place of the enrolled members of a political party within a municipality or political subdivision thereof held to select party-

endorsed candidates for a party primary or to transact other business of such party. Conn. Gen. Stat. § 9-372(1).

Citizens' Election Fund: The non-lapsing account within the State of Connecticut's General Fund that serves as the primary funding source for the Citizens' Election Program. Assets in the Citizens' Election Fund result from the sale of abandoned property that has reverted to the State. Conn. Gen. Stat. § 9-701.

Citizens' Election Program (the "Program"): The publicly–funded, campaign financing program created in Connecticut in 2005, which provides campaign grants to qualifying major party, minor party, and petitioning Statewide Office and General Assembly candidates. Conn. Gen. Stat. § 9-702(a).

Communicator Lobbyist: A lobbyist who communicates directly or solicits others to communicate directly with an official or member of the official's staff in the executive or legislative branch in order to influence legislation or administrative action. Communicator lobbyists are required to register with the Office of State Ethics. Conn. Gen. Stat. §§ 1-91(v), 9-601(16).

Contribution: Any gift, loan, payment or expenditure of money, goods or anything of value made for the purpose of influencing the nomination or election of any individual to office. A contribution may be monetary or non-monetary (in-kind). All contributions are counted toward the aggregate contribution limits that apply to the particular donor. Conn. Gen. Stat. § 9-601a(a).

Convention: A meeting of delegates of a political party held to choose the candidate or endorse candidates of that party for state or district offices or to transact other business of such party. Conn. Gen. Stat. § 9-372(2).

Depository Account: The single checking account at a depository institution designated as the sole repository for the candidate committee's moneys in accordance with the provisions of subsection (a) of section 9-604. All committee funds must be deposited into and all committee expenditures must be made from this account. The depository institution must have a physical location in Connecticut. Conn. Gen. Stat. §§ 9-604(a), 9-700(2).

Deputy Campaign Treasurer: Appointed by the candidate (or by the chairperson of an exploratory committee), the deputy campaign treasurer may act for the campaign treasurer if he or she is unable to perform his or her duties for any reason. Conn. Gen. Stat. §§ 9-601(13), 9-602(c).

eCRIS (Electronic Campaign Reporting Information System): The SEEC's online campaign finance reporting and disclosure system that allows candidates and their committee treasurers to submit required committee registration information and campaign finance statements detailing the receipts and expenditures of the committee electronically via the Internet. eCRIS can be found at http://seec.ct.gov/eCris/eCrisHome.aspx?seecNav=|. See Conn. Gen. Stat. § 9-675.

Entity: An organization, corporation, cooperative association, limited partnership, professional association, limited liability company, and limited liability partnership, whether organized in Connecticut or in any other state. Conn. Gen. Stat. § 9-601(19) (as amended by P.A. 10-187).

Expenditure: Any purchase, payment, distribution, loan, advance, deposit, or gift of money or anything of value, when made for the purpose of influencing the nomination for election, or election, of any person. Conn. Gen. Stat. § 9-601(b).

Exploratory Committee: A committee established by a candidate for a single primary or election to determine whether to seek nomination or election to public office so that he or she can "test the waters". Conn. Gen. Stat. § 9-601(5). See also Declaratory Ruling 2007-02. An exploratory committee must be tied to a specific election and only one exploratory committee may be formed per election cycle.

Federal Employer Identification Number (FEIN): Identification number assigned by the Internal Revenue Service. Most banks require the FEIN when a candidate committee opens an account. For more information about obtaining an FEIN, contact the IRS at (800) 829-4933.

General Election Campaign: The general election campaign period begins on one of two dates, depending on the nature of the candidate's nomination. In the case of a candidate nominated through a primary, the general election period commences on the day following the primary. For a candidate nominated without a primary, the general election period starts on the day following the day on which the party nominates the candidate. In any event, the general election ends on the date the campaign treasurer files the final statement for such campaign pursuant to section 9-608. Conn. Gen. Stat. § 9-700(7).

Individual: The term "individual" refers to a human being, a sole proprietorship, or a professional service corporation organized under chapter 594a and owned by a single human being. Conn. Gen. Stat. § 9-601(9).

In-Kind Contributions: Donation of goods, services, or anything of value given free of charge or at less than the usual charge to the recipient committee or candidate. Conn. Gen. Stat. § 9-601a(a).

Major Party: A political party or organization whose candidate for Governor in the most recent gubernatorial election received at least twenty per cent of the whole number of votes cast for all candidates for Governor while running as a member of that party, or a political party having a number of enrolled members on the active registry list equal to at least twenty per cent of the total number of enrolled members of all political parties on the active registry list in the state at the time of the last gubernatorial election. Conn. Gen. Stat. § 9-372(5).

Minor Party: A political party that is not a major party and whose candidate for the office in question received at the last-preceding regular election for such office, under the designation of that political party or organization, at least one per cent of the

whole number of votes cast for all candidates for such office at such election. Conn. Gen. Stat. § 9-372(6).

Organization: An organization includes any labor organization, employee organization, bargaining representative organization for teachers, local, state or national organization to which any labor organization pays fees or membership dues, as well as any trade or professional association receiving its funds exclusively from membership dues. Conn. Gen. Stat. § 9-601(7).

Organization Expenditure: Certain expenditures made by the legislative caucus or legislative leadership or party committees which are not considered contributions. Organization expenditures may only be made for limited purposes. Eligible committees making organization expenditures must be extremely cautious to ensure that their activity constitutes an actual organization expenditure; otherwise, the expenditure may be deemed a contribution. The committee making an organization expenditure must disclose it on its financial disclosure statement and must notify the candidate who benefits from the expenditure. That candidate must also report the expenditure to the Commission. Conn. Gen. Stat. §§ 9-601(25), 9-608(c)(5) and (6).

Party Committee: A party committee may be the local town committee of a political party or the state central committee but does not include any party-affiliated district, ward, or borough committees. Conn. Gen. Stat. § 9-601(2).

Personal Funds: Judge of probate candidates may provide unlimited personal funds to their candidate committees.

Petitioning Candidate: A candidate who becomes eligible to be on a ballot by virtue of obtaining the necessary amount of signatures of qualified electors on forms prescribed by the Secretary of the State in accordance with General Statutes §§ 9-453a *et seq.*

Primary Campaign: Beginning on the day following the close of (A) a convention held pursuant to Conn. Gen. Stat. § 9-382 for the purpose of endorsing a candidate for nomination to judge of probate, or (B) a caucus, convention or town committee meeting held pursuant to Conn. Gen. Stat. § 9-390 for the purpose of endorsing a candidate for the municipal office of judge of probate, whichever is applicable. The primary campaign period ends on the day of a primary held for the purpose of nominating a candidate for such office. Conn. Gen. Stat. § 9-700(11). *See also* **General Campaign**.

Solicitor: A solicitor is any individual who is appointed by the campaign treasurer to receive funds or resources on behalf of the committee. There are no limitations on the number of solicitors that the treasurer may appoint on behalf of the committee. Receiving funds and resources (a solicitor) is different than asking that donations be given to a committee. A candidate may serve as solicitor for his or her own campaign. Certain individuals are restricted from soliciting donations on behalf of a candidate or committee. (See Limitations on Who May Solicit Contributions in Chapter III for more information.) Conn. Gen. Stat. §§ 9-601(14), 9-606(c), 9-622(11).

State Elections Enforcement Commission ("SEEC" or "Commission"): The independent bi-partisan five member state agency in the executive branch of government which is responsible for the administration and enforcement of Connecticut's campaign finance laws and enforcement of all state election laws.

Statewide Office: Statewide Office includes the officer of Governor, Lieutenant Governor, Attorney General, State Comptroller, State Treasurer and Secretary of the State.

Treasurer: See **Campaign Treasurer.**

Sample Certification - Form J **Form J - For use by:** ***Individuals Making Contributions to Candidate Committees or Exploratory Committees for Judge of Probate***	**Do NOT use this form if candidate is participating in the Citizens' Election Program** ***Candidates Participating in the Citizens' Election Program must use:*** ***General Assembly Candidates - Sample Certification – Form A*** ***Statewide Candidates - Sample Certification – Form B***

Individual Contributor Certification Form

[*Insert name of Candidate Committee or Exploratory Committee for Judge of Probate*]

NAME OF INDIVIDUAL CONTRIBUTOR			**CONTRIBUTION AMOUNT**
RESIDENTIAL ADDRESS*			**PHONE NUMBER**
CITY	**STATE**	**ZIP CODE**	**Are you 18 or older?**
			Yes ☐ No ☐ If you are not 18 or older please list your age: _____
EMPLOYER		**PRINCIPAL OCCUPATION**	

Please answer each of the following:

Yes ☐ No ☐ Are you a lobbyist**?

Yes ☐ No ☐ Are you the spouse or dependent child of a lobbyist?

CERTIFICATION

I hereby certify and state that all of the information disclosed by me and set forth above on this contributor card is true and accurate to the best of my knowledge and belief. I certify that I am either a United States citizen or a foreign national with permanent resident status in the United States. I certify that this contribution is being made from my personal funds, is not being reimbursed in any manner, is not being made as a loan, and is not an otherwise prohibited contribution

_____ _____

SIGNATURE OF CONTRIBUTOR DATE (mm/dd/yyyy)

** You may enter an alternate address in lieu of your residential address **only if** you are admitted into the Address Confidentiality Program pursuant to General Statutes § 54-240(a) or if you are one of the individuals with protected address status articulated in General Statutes §1-217.*

*** The law requires disclosure for each itemized contribution made by a lobbyist, the spouse of a lobbyist or any dependent child of a lobbyist who resides in the lobbyist's household. General Statutes § 9-608(c) (1)(l). The term lobbyist includes anyone required by law to register as a lobbyist with the Office of State Ethics because they (a) expend or agree to expend $2,000 or more in a calendar year on lobbying; OR (b) receive or agree to receive $2,000 or more in a calendar year for lobbying. General Statutes § 1-91. Lobbyists **may** contribute to candidate committees and exploratory committees for probate judge.*