



STATE OF CONNECTICUT
STATE ELECTIONS ENFORCEMENT COMMISSION
20 Trinity Street Hartford, Connecticut 06106—1628

EXPLANATION OF COMMISSION PROCEDURES

Complaint

When a complaint is filed that alleges facts, which if proven true, would constitute a violation of state election or campaign finance laws, it will be docketed and assigned to a staff member to investigate. If a complaint does not allege facts, which if proven true, would constitute a violation of a Connecticut election law statute within the Commission's jurisdiction, it may not be docketed and the complainant will be so advised in writing.

The Investigation

The investigator will analyze documents, collect evidence and interview witnesses, as necessary in a particular case, and prepare an investigation report for the case manager and Commission members to review.

Representation by Counsel

A Respondent may be represented by an attorney at any stage of the Commission's complaint or hearing process, although it is not required.

Commission Review

The Commission typically meets once a month, and when a complaint is on its agenda at such a meeting, it may 1) conclude that there is no reason to believe that a violation of law within its jurisdiction occurred and dismiss the matter; 2) authorize the staff to try and resolve the matter without having a hearing; 3) find reason to believe that a violation of law occurred and proceed to a hearing; or, 4) refer the matter to the Chief State's Attorney's office for criminal prosecution.

Settlement Offers

The Commission resolves many complaints by way of consent agreement. It is an opportunity to resolve the matter without having a hearing on mutually agreeable terms. No one is obligated to accept a settlement offer by the Commission.

Hearing

If the Commission finds reason to believe that a violation occurred, a hearing officer will be appointed and a date scheduled. At that point the matter becomes a "contested case" and hearings are conducted pursuant to the Uniform Administrative Procedures Act (Conn. Gen. Stat. §4-176, et. seq.) and the Commission's Regulations of Practice and Procedure (available on our website at www.ct.gov/seec). A staff attorney of the Commission will act as a civil prosecutor at the hearing, and present evidence and make legal arguments on behalf of the State.

A Respondent is entitled to have legal counsel represent him or her at the hearing, cross-examine the State's witnesses, present evidence and call witnesses in his or her defense. The hearing officer will prepare a hearing officer's report, which is sent to the parties in advance of the next Commission meeting.

Final Decision

A signed settlement agreement between the parties has the force and effect of a final decision under the Uniform Administrative Procedures Act once it is approved by the Commission. A proposed hearing officer's report may be accepted, modified or rejected by the full Commission, and is not a final decision until approved by the Commission. Parties to a contested case have the opportunity to make argument to the full Commission for or against the adoption of a hearing officer's report if the case was heard by a single hearing officer.

Disclosure under the Freedom of Information Act

The fact that a complaint has been filed is public, and anyone may request and receive a copy of the complaint at any time thereafter. The Commission has discretion during the pendency of case, particularly the investigation and settlement negotiation phases, to withhold access to other documents in the file.

The Commission typically meets in executive session to consider whether or not to commence enforcement proceedings or authorize staff to negotiate a settlement agreement. Any formal votes are taken in public session.

The public session portion of Commission meetings and contested case hearings are open to the public under the Freedom of Information Act, and may be televised on CTN, the state's television network. Once the file is closed, most documents are available to the public upon request, unless a specific exemption applies.