



# STATE ELECTIONS ENFORCEMENT COMMISSION CITIZENS' ELECTION PROGRAM



## Requirements for State Representative Candidates Special Election – March 2, 2010 (Office of State Representative, 120<sup>th</sup> House District)

Chapter 157 of the Connecticut General Statutes establishes the Citizens' Election Program (the "Program"), a voluntary program which provides full or partial public financing to qualified candidates for statewide offices and the General Assembly. The Program is financed by the Citizens' Election Fund, which receives funds from the proceeds of sales of abandoned property in the State of Connecticut's custody.

Candidates running for the office of State Representative in any special election held in 2010 may join the Program.

Although participation in the Program is voluntary, certain requirements apply to *all* candidates for the office of State Representative in any special election. For example, all candidates must file an affidavit of intent to abide by Program requirements (SEEC Form CEP 10) *or* an affidavit of intent not to abide by Program requirements (SEEC Form CEP 11). Additionally, *all* candidates must be aware of additional disclosure requirements, including mandatory supplemental campaign finance disclosure reports.

The State Elections Enforcement Commission (the "Commission") is the filing repository for all campaign forms, including registration and disclosure statements. The Commission is also responsible for administering the Program and monitoring compliance with Program requirements.

### Program Goals

The voluntary public financing program was designed with various goals, including:

- (1) to allow candidates to compete without reliance on special interest money;
- (2) to give candidates without access to sources of wealth a meaningful opportunity to seek elective office in the State of Connecticut
- (3) to curtail excessive spending in the State of Connecticut's political process; and
- (4) to provide the public with meaningful and timely disclosure of campaign finances.

To participate, candidates must agree to abide by certain requirements, including contribution and expenditure limits and mandatory disclosure.

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## Affidavit of Intent to Abide or Affidavit of Intent Not to Abide

All candidates seeking election to the office of State Representative in any 2010 special election are required to file an affidavit with the Commission. Candidates who elect to participate in the Program ("participating candidates") must complete the Affidavit of Intent to Abide by Expenditure Limits and Other Program Requirements (SEEC Form CEP 10). Candidates who elect not to participate in the Program ("nonparticipating candidates") must complete the Affidavit of Intent Not to Abide by Expenditure Limits (SEEC Form CEP 11). **Either affidavit must be received by the Commission no later than 4:00 p.m. on February 5, 2010, the twenty-fifth (25<sup>th</sup>) day before the special election date.**

## Qualifying Threshold

To qualify for public financing, candidates must demonstrate they have adequate support from the public. Candidates for State Representative may accomplish this by meeting a two-part "threshold" establishing requirements for the aggregate amount of money which the candidate's committee must raise and the minimum number of individuals from the candidate's district who must have contributed between five dollars to one hundred dollars to the candidate. Qualifying contributions are small monetary contributions from individuals, and do not include in-kind contributions, personal funds, or loans. Qualifying contributions must be fully disclosed and adequately documented. Communicator lobbyists and their immediate family members, as well as principals of current and prospective state contractors, may not make qualifying contributions.

Office Sought	Aggregate Contribution Requirement Individuals Only (Not to exceed \$100 per individual)	Minimum Individual Resident Contributions Between \$5 - \$100
State Representative	\$3,750	113 residents of municipalities included, in whole or in part, in the district

## Candidate's Use of Personal Funds

The Program permits candidates to provide a limited amount of personal funds to their candidate committees. Candidates may only provide such personal funds to their candidate committees **before applying for initial grants**. *Any allowable personal funds reduce the grant by a corresponding amount.* Personal funds do not constitute qualifying contributions.

Office Sought	Maximum Allowable Personal Funds
State Representative	\$1,000



## Loans to the Candidate Committee

The Program expressly limits the aggregate amount and permissible sources of any loans provided to the candidate committees of candidates intending to participate in the Program to an aggregate of one thousand dollars from financial institutions. The term "financial institution" includes "a bank, Connecticut credit union, federal credit union, an out-of-state bank that maintains a branch in this state and an out-of-state credit union that maintains an office in this state." CONN. GEN. STAT. § 36a-41. No person, political committee,, or party committee can endorse or guarantee a loan or aggregate loans exceeding five hundred dollars, except the candidate, or, in a general election, a state central committee.

The one thousand dollar loan limit applies to candidate committees of candidates seeking any statewide or legislative office covered by the Program. Program requirements further provide that any such borrowed funds do not constitute qualifying contributions. A participating candidate must repay all outstanding loans before applying for a grant from the Citizens' Election Fund.

## Ballot Requirement

In addition to raising the required amount of qualifying contributions, candidates must also qualify for the ballot to be eligible to receive public funds. This ballot requirement applies in any primary, general or special election. The Office of the Secretary of the State administers the ballot qualification process. Further, if a candidate raises the required qualifying contributions and qualifies for the ballot as a minor party or petitioning candidate, such candidate must meet additional requirements to receive a grant, as discussed below.

## Grant Application Package

The grant application package contains four (4) parts:

- (1) A completed and signed grant application form (SEEC Form CEP 15);
- (2) A completed and signed campaign finance disclosure statement (SEEC Form 30) that itemizes all financial activity since the last filed disclosure statement, complete as of no more than three (3) days before the date of submission;
- (3) Copies of documentation of qualifying contributions provided to the candidate committee (Qualifying Contribution Certification Forms or other required documentation); and
- (4) A committee check made out to "Citizens' Election Fund" for the amount of any excess qualifying contributions (i.e., the "buffer").

**The last date a participating candidate can apply for a grant is no later than ten business days before the date of the special election (February 16, 2010).**

## Special Election Grants - Major Party Candidates

Eligible major party candidates who qualify for the ballot in a special election may qualify to receive a grant for the special election campaign. The amount of the special election grant is reduced by the allowable amount of personal funds, if any, provided by the candidate before applying.

Nomination Sought	Special Election Grant Amount - Major Party
State Representative	\$19,500

## Special Election Grants - Minor Party Candidates

- If a candidate for the same office representing the same minor party in the prior regular election received 20% or more of the votes cast for that office, the eligible minor party candidate in the current election may qualify to receive the full grant amount for the special election.
- If a candidate for the same office representing the same minor party in the prior regular election received at least 15% of the votes cast for that office, the eligible minor party candidate in the current election may qualify to receive 2/3 of the full grant for the special election.



## Special Election Grants – Minor Party Candidates (cont.)

- If a candidate for the same office representing the same minor party in the prior regular election received at least 10% of the votes cast for that office, the eligible minor party candidate in the current election may qualify to receive 1/3 of the full grant for the special election.
- If a candidate for the same office representing the same minor party in the prior election achieved ballot status but received less than 10% of the votes cast for that office, the eligible minor party candidate who has achieved ballot status in the current election may, within the deadlines set by law, qualify for a grant through the use of nominating petitions approved by the Secretary of the State pursuant to General Statutes § 9-453o.
- Minor party candidates who receive less than the full grant amount may raise additional contributions that meet the criteria for qualifying contributions to make up the difference between the grant received and the amount of the full grant for the special election.
- Minor party candidates who receive a grant and report a deficit in post-election disclosure statements may also be eligible to receive supplemental grant money depending on the percentage of votes received by such candidate.

Office Sought	Candidate Eligible for Full Grant – Prior Party Candidate Received At Least 20% of Votes Cast for Office in Prior General Election	Candidate Eligible for 2/3 Grant - Prior Party Candidate Received At Least 15% of Votes Cast for Office in Prior General Election	Candidate Eligible for 1/3 Grant - Prior Party Candidate Received At Least 10% of Votes Cast for Office in Prior General Election
State Representative	\$19,500	\$13,000	\$6,500

## Special Election Grants - Petitioning Candidates

- If a petitioning candidate's nominating petition is signed by electors equaling at least 20% of the votes cast for that office in the prior general election, the eligible petitioning party candidate in the current election may qualify to receive the full grant for the special election.
- If a petitioning candidate's nominating petition is signed by electors equaling at least 15% of the votes cast for that office in the prior general election, the eligible petitioning party candidate in the current election may qualify to receive 2/3 of the full grant for the special election.
- If a petitioning candidate's nominating petition is signed by electors equaling at least 10% of the votes cast for that office in the prior general election, the eligible petitioning party candidate in the current election may qualify to receive 1/3 of the full grant for the special election.
- Petitioning candidates who receive less than the full grant amount may raise additional contributions that meet the criteria for qualifying contributions to make up the difference between the grant amount received by such candidate and the full grant amount for the special election.
- Petitioning candidates who receive a grant and report a deficit in post-election disclosure statements may be eligible to receive supplemental grant money depending on the percentage of votes received by such candidate.

## Special Election Grants – Petitioning Candidates (cont.)



Office Sought	Candidate Eligible for Full Grant – Nominating Petition Signed by Electors Equaling At Least 20% of All Votes Cast for Office in Prior General Election	Candidate Eligible for 2/3 Grant –Nominating Petition Signed by Electors Equaling At Least 15% of All Votes Cast for Office in Prior General Election	Candidate Eligible for 1/3 Grant – Nominating Petition Signed by Electors Equaling At Least 10% of All Votes Cast for Office in Prior General Election
State Representative	\$19,500	\$13,000	\$6,500

## Expenditure Limits (Special Election)

Participating in the Program is voluntary; however, candidates who elect to participate must abide by the Program's expenditure limits. The Program establishes expenditure limits for two discrete periods of a special election cycle: (1) the pre-general election period, during which candidates raise qualifying contributions in order to demonstrate that they have the threshold of support necessary to qualify for a Program grant (the "qualifying period"); and (2) the general election campaign period (the period of the special election campaign, which begins the day following nomination).

### Pre-General Election Period Expenditure Limits (Special Election)

Expenditures during the pre- general election period are limited to the required amount of qualifying contributions, plus any allowable personal funds (if the candidate chooses to provide personal funds) to the candidate committee.

Office Sought	Aggregate Qualifying Contributions (QC)	Maximum Allowable Personal Funds (PF)	Spending Limit (QC + PF)
State Representative	\$3,750	\$1,000	\$3,750 – \$4,750

### General Election Campaign Expenditure Limits (Special Election)

A candidate's general election campaign expenditure limit for a special election is calculated by adding:

- Amount of special election grant, *and*
- Any unspent qualifying contributions or unspent personal funds provided by the candidate during the pre-election period.

Additionally, minor and petitioning party candidates who receive less than the full grant amount may raise and spend additional contributions that meet the criteria for qualifying contributions to make up the difference between the grant received and the amount of the full applicable grant.

## Excess Receipts and Expenditures



- Excess receipts or expenditures are contributions, loans or other funds received, or expenditures made, or obligated to be made, by a candidate in a primary or general election that includes a participating candidate. For the purposes of triggering a supplemental grant, a participating candidate's applicable expenditure limit is the sum of the amount of required qualifying contributions plus the amount of the full grant for the applicable primary or general election period.
- If a participating candidate is opposed by a candidate who receives funds or makes or incurs expenditures that exceed the participating candidate's applicable expenditure limit, the participating candidate may be eligible to receive supplemental grant funds.
- Nonparticipating candidates are not required to follow the Program's expenditure limits; however, participating candidates are required to follow the Program's expenditure limits. Accordingly, participating candidates should not make excess expenditures. A participating candidate and campaign treasurer of a candidate committee which has received public funds are subject to various penalties if the participating candidate makes or incurs an obligation to make an excess expenditure.

## Excess Receipt and Expenditure Reporting within 24 to 48 Hours

- If a candidate committee makes or incurs an excess expenditure more than 20 days before a special election, the campaign treasurer must file a declaration of excess expenditure within 48 hours of making or incurring the obligation to make the expenditure;
- If a candidate committee makes or incurs an excess expenditure 20 days or less before a special election, the campaign treasurer must file a declaration of excess expenditure within 24 hours of making or incurring the obligation to make the expenditure.

## Supplemental Payments - Excess Receipts and Expenditures

Payment Trigger (Spending Level of Non-participating Opponent)	Supplemental Payment to Eligible Participating Candidate
Opponent raises/spends in excess of 100% of applicable grant amount	25% of applicable grant amount
Opponent raises/spends in excess of 125% of applicable grant amount	25% of applicable grant amount
Opponent raises/spends in excess of 150% of applicable grant amount	25% of applicable grant amount
Opponent raises/spends in excess of 175% of applicable grant amount	25% of applicable grant amount

*If a participating candidate makes an excess expenditure, any participating opponent is eligible to receive a supplemental grant in the amount of the excess expenditure.*

## Reporting Requirements for All Candidates in Campaigns with any Participating Candidates - 90% Initial Threshold

- If *any* candidate in a general election campaign with at least one participating candidate receives an excess receipt or makes or incurs an expenditure exceeding 90% of the applicable grant for that campaign, the campaign treasurer must file a supplemental campaign finance statement within 48 hours if the excess receipt or expenditure is received or made or incurred more than 20 days before the special election, or within 24 hours if received or made or incurred 20 days or less before the special election.
- After the initial report, ALL candidates in the campaign for that office must file additional periodic supplemental campaign finance statements with the Commission regardless of the committee's level of expenditures; and
- The Commission may impose penalties of up to \$5,000 for the failure to timely file supplemental campaign finance statements.

## Independent Expenditures



- An independent expenditure is an expenditure that is made without the consent, knowing participation, or consultation of, a candidate or agent of a candidate committee, and is not a coordinated expenditure.
- Independent expenditures in excess of \$1000, in the aggregate, must be reported to the Commission by the person or entity who makes the independent expenditure.
- Independent expenditures made with the intent to promote the *defeat* of a participating candidate who has received a grant from the Program may trigger a supplemental payment of supplemental payments to the participating candidate.

## Independent Expenditures Reporting Requirements

- If any person or entity makes or incurs an obligation to make an independent expenditure more than 20 days before a special election, such person or entity must report such expenditure within 48 hours of making or incurring the obligation to make the expenditure;
- If any person or entity makes or incurs an obligation to make an independent expenditure 20 days or less before a special election, such person or entity must report such expenditure within 24 hours of making or incurring the obligation to make the expenditure.

## Supplemental Payments to Participating Candidates Targeted by Independent Expenditures

- A participating candidate is eligible for a supplemental payment only if the opposing non-participating candidate's campaign expenditures, plus the amount of the independent expenditure, exceeds the applicable initial special election grant amount.
- An eligible participating candidate can receive a supplemental grant matching the amount of the independent expenditure, up to the applicable special election grant amount.

## Permissible Expenditures

- Public funds may be used only for campaign-related expenditures made to advance the participating candidate's special election campaign.
- Campaigns must maintain detailed documentation indicating that campaign expenditures were made to directly further the participating candidate's special election campaign. Such documentation should be created at the time of the transaction.
- Campaign records are subject to comprehensive audits to ensure compliance with Program requirements.

## Permissible Expenditures (cont.)



Permissible expenditures for participating candidates include but are not limited to:

- **Political campaign advertising expenses**, such as advertisements in any communications medium; production or postage costs related to customary campaign paraphernalia, such as flyers, signs, stickers, t-shirts, hats, buttons, etc.;
- **Campaign promotional events**, including expenditures for food, space rental, staff and entertainment at such events;
- **Polling or get-out-the-vote activities** in furtherance of the participating candidate's campaign;
- **Food and beverages for campaign workers** not to exceed \$15 per person for breakfast, \$20 per person for lunch, or \$30 per person for dinner;
- **Campaign travel expenses** directly related to the candidate's campaign;
- **Salaries for campaign staff or consultants**, provided none are paid more than the fair market value for the hours spent on campaign tasks, and that no payments are made to the candidate or the candidate's family;
- **Campaign office expenses**, including office rent and office supplies;
- **Purchase or lease of campaign office equipment**, such as campaign office furniture, computer hardware and software, fax machines, and printers; and
- **Limited post-election expenses**, such as costs of photocopies associated with compliance with the Commission's post-election audit of the participating candidate's campaign.

*NOTE: For a **special election**, campaigns may spend no more than the following amounts for thank you notes or other advertising to thank campaign staff, contributors, volunteers, or supporters: \$750 for a candidate for the office of State Senator; and \$250 for a candidate for the office of State Representative.*

For additional guidance, please see the Commission's Citizens' Election Program regulations which can be found on the Commission's web site.

## Purpose of Overview Materials

The purpose of this overview is to provide general information about the various rules and requirements of the Program. This document however, is not a substitute for the law, which can be found on the Commission's web site.