



General Assembly

February Session, 2022

Raised Bill No. 5455

LCO No. 2879



Referred to Committee on GOVERNMENT ADMINISTRATION
AND ELECTIONS

Introduced by:
(GAE)

**AN ACT CONCERNING CAMPAIGN CONSULTANTS AND
DISCLOSURE.**

Be it enacted by the Senate and House of Representatives in General
Assembly convened:

1 Section 1. Section 9-601 of the 2022 supplement to the general statutes
2 is amended by adding subdivisions (33) and (34) as follows (*Effective*
3 *from passage*):

4 (NEW) (33) "Consultant" means any person (A) that provides (i)
5 campaign strategy, (ii) design or management of campaign
6 communications, literature or advertising, or (iii) campaign fundraising
7 or management services, or (B) with duties that include identifying,
8 hiring or paying subvendors for goods or services on behalf of a
9 committee or person required to file a report or statement pursuant to
10 section 9-601d or 9-608, as applicable.

11 (NEW) (34) (A) "Subvendor" means any person that provides goods
12 or services to a consultant or that contracts with a consultant or other
13 subvendor to provide goods or services to a committee or person
14 required to file a report or statement pursuant to section 9-601d or 9-608,

15 as applicable.

16 (B) "Subvendor" does not include a person who is an employee of a
17 consultant if such person has been an employee of such consultant for
18 three or more consecutive months prior to any month in which a
19 committee or person is required to file a report or statement accounting
20 for any expenditure to such consultant or any subvendor for such
21 consultant.

22 Sec. 2. Section 9-622 of the general statutes is repealed and the
23 following is substituted in lieu thereof (*Effective from passage*):

24 The following persons shall be guilty of illegal practices and shall be
25 punished in accordance with the provisions of section 9-623:

26 (1) Any person who, directly or indirectly, individually or by another
27 person, gives or offers or promises to any person any money, gift,
28 advantage, preferment, entertainment, aid, emolument or other
29 valuable thing for the purpose of inducing or procuring any person to
30 sign a nominating, primary or referendum petition or to vote or refrain
31 from voting for or against any person or for or against any measure at
32 any election, caucus, convention, primary or referendum;

33 (2) Any person who, directly or indirectly, receives, accepts, requests
34 or solicits from any person, committee, association, organization or
35 corporation, any money, gift, advantage, preferment, aid, emolument or
36 other valuable thing for the purpose of inducing or procuring any
37 person to sign a nominating, primary or referendum petition or to vote
38 or refrain from voting for or against any person or for or against any
39 measure at any such election, caucus, primary or referendum;

40 (3) Any person who, in consideration of any money, gift, advantage,
41 preferment, aid, emolument or other valuable thing paid, received,
42 accepted or promised to the person's advantage or any other person's
43 advantage, votes or refrains from voting for or against any person or for
44 or against any measure at any such election, caucus, primary or
45 referendum;

46 (4) Any person who solicits from any candidate any money, gift,
47 contribution, emolument or other valuable thing for the purpose of
48 using the same for the support, assistance, benefit or expenses of any
49 club, company or organization, or for the purpose of defraying the cost
50 or expenses of any political campaign, primary, referendum or election;

51 (5) Any person who, directly or indirectly, pays, gives, contributes or
52 promises any money or other valuable thing to defray or towards
53 defraying the cost or expenses of any campaign, primary, referendum
54 or election to any person, committee, company, club, organization or
55 association, other than to a treasurer, except that this subdivision shall
56 not apply to any expenses for postage, telegrams, telephoning,
57 stationery, express charges, traveling, meals, lodging or photocopying
58 incurred by any candidate for office or for nomination to office, so far as
59 may be permitted under the provisions of this chapter;

60 (6) Any person who, in order to secure or promote the person's own
61 nomination or election as a candidate, or that of any other person,
62 directly or indirectly, promises to appoint, or promises to secure or
63 assist in securing the appointment, nomination or election of any other
64 person to any public position, or to any position of honor, trust or
65 emolument; but any person may publicly announce the person's own
66 choice or purpose in relation to any appointment, nomination or
67 election in which the person may be called to take part, if the person is
68 nominated for or elected to such office;

69 (7) Any person who, directly or indirectly, individually or through
70 another person, makes a payment or promise of payment to a treasurer
71 in a name other than the person's own, and any treasurer who
72 knowingly receives a payment or promise of payment, or enters or
73 causes the same to be entered in the person's accounts in any other name
74 than that of the person by whom such payment or promise of payment
75 is made;

76 (8) Any person who knowingly and wilfully violates any provision
77 of this chapter;

78 (9) Any person who offers or receives a cash contribution in excess of
79 one hundred dollars to promote the success or defeat of any political
80 party, candidate or referendum question;

81 (10) Any person who solicits, makes or receives a contribution that is
82 otherwise prohibited by any provision of this chapter;

83 (11) Any department head or deputy department head of a state
84 department who solicits a contribution on behalf of, or for the benefit of,
85 any candidate for state, district or municipal office or any political party;

86 (12) Any municipal employee who solicits a contribution on behalf
87 of, or for the benefit of, any candidate for state, district or municipal
88 office, any political committee or any political party, from (A) an
89 individual under the supervision of such employee, or (B) the spouse or
90 a dependent child of such individual;

91 (13) Any person who makes an expenditure, that is not an
92 independent expenditure, for a candidate without the knowledge of
93 such candidate. No candidate shall be civilly or criminally liable with
94 regard to any such expenditure;

95 (14) Any chief of staff of a legislative caucus who solicits a
96 contribution on behalf of or for the benefit of any candidate for state,
97 district or municipal office from an employee of the legislative caucus;

98 (15) Any chief of staff for a state-wide elected official who solicits a
99 contribution on behalf of or for the benefit of any candidate for state,
100 district or municipal office from a member of such official's staff; [or]

101 (16) Any chief of staff for the Governor or Lieutenant Governor who
102 solicits a contribution on behalf of or for the benefit of any candidate for
103 state, district or municipal office from a member of the staff of the
104 Governor or Lieutenant Governor, or from any commissioner or deputy
105 commissioner of any state agency;

106 (17) Any consultant that fails to provide complete information to a
107 committee or person required to file any report or statement pursuant

108 to section 9-601d or 9-608, as applicable, which complete information is
109 necessary for such committee or person to file such report or statement;
110 or

111 (18) Any consultant that (A) except for such consultant's overhead or
112 normal operating expenses, makes or obligates to make an expenditure,
113 or directly or indirectly authorizes any subvendor to make or obligate
114 to make such an expenditure, on behalf of a candidate, committee or
115 other person, and (B) does so without the knowledge of such candidate,
116 committee or other person.

117 Sec. 3. (NEW) (*Effective from passage*) (a) As used in this section,
118 "consultant", "candidate", "committee", "expenditure", "subvendor" and
119 "person" have the same meanings as provided in section 9-601 of the
120 general statutes, as amended by this act.

121 (b) (1) A consultant that receives or agrees to receive payment from a
122 candidate or committee and that makes or obligates to make any
123 expenditure, including any payment, to a subvendor for or on behalf of
124 a person or committee required to file a report or statement pursuant to
125 section 9-601d or 9-608 of the general statutes, as applicable, shall, not
126 later than five days after making or obligating to make such
127 expenditure, provide such person or committee with detailed
128 information of such expenditure, including, but not limited to:

129 (A) The amount and date of such expenditure and the name of the
130 individual who received such payment;

131 (B) The full name and street address of such subvendor;

132 (C) A description of the purpose of such payment;

133 (D) The name of any candidate or text of any referendum question
134 supported or opposed by such expenditure; and

135 (E) If applicable, the date of any event with which such payment is
136 associated, including, but not limited to, any expenditure directly or
137 indirectly made by a consultant to a subvendor for such event for any

138 (i) written, typed or other printed communication, or any web-based
139 written communication, that (I) promotes the success or defeat of any
140 candidate's campaign for nomination or election or any referendum
141 question, or (II) solicits funds to benefit any candidate or committee, (ii)
142 advertising time or space, including, but not limited to, television or
143 Internet video, radio or Internet audio, telephone call or web-based or
144 social media communication, (iii) wages incurred as a result of work for
145 any candidate or committee, (iv) survey, poll, signature gathering or
146 door-to-door solicitation of voters, (v) facilities, invitations or
147 entertainment for fundraising or other campaign events, or (vi) printing
148 of mass campaign mailings or postage for such mailings.

149 (2) Notwithstanding the provisions of subdivision (1) of this
150 subsection, if a consultant makes or obligates to make payment for an
151 expenditure for which a person or committee is required to file a report
152 or statement pursuant to section 9-601d or 9-608 of the general statutes,
153 as applicable, such consultant shall, concomitant with making or
154 obligating to make such payment, provide such person or committee
155 with complete information necessary to file such report or statement.

156 (c) (1) Any person or committee that makes or obligates to make
157 payment for an expenditure to a consultant, which consultant is
158 required to provide such person or committee with the information
159 described in subsection (b) of this section, shall include in any report or
160 statement required to be filed by such person or committee pursuant to
161 section 9-601d or 9-608 of the general statutes, as applicable, (A) the full
162 name and street address of each subvendor to which payment was made
163 or obligated to be made during the period covered by such filing, (B) the
164 amount and date of such payment, (C) a description of the purpose of
165 such payment, (D) the name of any candidate or text of any referendum
166 question supported or opposed by such expenditure, and (E) if
167 applicable, the date of any event with which such payment is associated.
168 The contents of such report or statement shall include any other
169 information that the State Elections Enforcement Commission may
170 require to facilitate compliance with the provisions of chapters 155 to
171 157, inclusive, of the general statutes, and shall be submitted on a form

172 prescribed by the commission.

173 (2) Except for such consultant's overhead or normal operating
174 expenses, a consultant shall not make any expenditure for or on behalf
175 of a candidate or committee, including, but not limited to, any
176 expenditure described in subdivision (1) of subsection (b) of this section,
177 unless complete information of such expenditure is provided to the
178 person required to file a report or statement pursuant to section 9-601d
179 or 9-608 of the general statutes, as applicable, or the committee on whose
180 behalf or for whose benefit such consultant is acting.

181 (d) Each consultant shall keep detailed information of each
182 expenditure made or obligated to be made for or on behalf of any person
183 or committee required to file a report or statement pursuant to section
184 9-601d or 9-608 of the general statutes, as applicable, and shall retain all
185 records of each transaction required to be included in any report or
186 statement filed pursuant to section 9-601d or 9-608 of the general
187 statutes, as amended by this act, as applicable, for a period of four years
188 after the date of the report or statement in which such transaction was
189 included. Such records shall include, but need not be limited to, any
190 invoice, receipt, bill, financial statement, itinerary or other written or
191 documentary evidence showing the campaign or other lawful purpose
192 of such expenditure.

193 (e) If a subvendor makes or obligates to make any payment described
194 in subsection (b) of this section, such subvendor shall be deemed a
195 consultant and shall comply with the requirements set forth in this
196 section for a consultant.

197 (f) Notwithstanding the provisions of subsections (a) to (e), inclusive,
198 of this section, a financial obligation shall not be made or incurred for or
199 on behalf of a committee unless authorized by the treasurer of such
200 committee pursuant to section 9-607 of the general statutes.

201 Sec. 4. (NEW) (*Effective from passage*) If the treasurer of the candidate
202 committee of a participating candidate, as described in section 9-703 of
203 the general statutes, spends or obligates to spend fifteen per cent or

204 more, in the aggregate, of the moneys received from the Citizens'
 205 Election Fund on the services of a consultant or other professional
 206 person as provided in subparagraph (P) of subdivision (2) of subsection
 207 (g) of section 9-607, such consultant or professional person shall register
 208 as such with the State Elections Enforcement Commission for the
 209 candidate committee and file an affidavit with the commission. The
 210 affidavit shall include written certifications that the consultant or
 211 professional person intends to (1) comply with the provisions of
 212 chapters 155 and 157 of the general statutes, (2) maintain and furnish all
 213 required records in accordance with the provisions of said chapters and
 214 regulations adopted by the commission pursuant to said chapters, and
 215 (3) expend all moneys for or on behalf of such candidate committee in
 216 accordance with the provisions of subsection (g) of section 9-607 and
 217 regulations adopted by the commission under subsection (e) of section
 218 9-706. The commission shall prepare a list of all consultants or other
 219 professional persons for all candidate committees of participating
 220 candidates and shall make such list available for public inspection. As
 221 used in this section, "treasurer", "candidate committee" and "consultant"
 222 have the same meanings as provided in section 9-601 of the general
 223 statutes, as amended by this act.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>from passage</i>	9-601
Sec. 2	<i>from passage</i>	9-622
Sec. 3	<i>from passage</i>	New section
Sec. 4	<i>from passage</i>	New section

Statement of Purpose:

To provide for increased disclosure with respect to moneys paid to campaign consultants.

[Proposed deletions are enclosed in brackets. Proposed additions are indicated by underline, except that when the entire text of a bill or resolution or a section of a bill or resolution is new, it is not underlined.]