



General Assembly

January Session, 2019

Raised Bill No. 1042

LCO No. 5302



Referred to Committee on GOVERNMENT
ADMINISTRATION AND ELECTIONS

Introduced by:
(GAE)

***AN ACT CONCERNING THE AUTOMATIC DISMISSAL OF STATE
ELECTIONS ENFORCEMENT COMMISSION COMPLAINTS.***

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

1 Section 1. Subdivision (1) of subsection (g) of section 9-7a of the
2 general statutes is repealed and the following is substituted in lieu
3 thereof (*Effective from passage*):

4 (g) (1) In the case of a written complaint filed with the commission
5 pursuant to section 9-7b, commission staff shall conduct and complete
6 a preliminary examination of such complaint by the fourteenth day
7 following its receipt, at which time such staff shall, at its discretion, (A)
8 dismiss the complaint for failure to allege any substantial violation of
9 state election law supported by evidence, (B) engage the respondent in
10 discussions in an effort to speedily resolve any matter pertaining to a
11 de minimis violation, or (C) investigate and docket the complaint for a
12 determination by the commission that probable cause or no probable
13 cause exists for any such violation. If commission staff dismisses a
14 complaint pursuant to subparagraph (A) of this subdivision, such staff
15 shall provide a brief written statement concisely setting forth the

16 reasons for such dismissal. If commission staff engages a respondent
17 pursuant to subparagraph (B) of this subdivision but is unable to
18 speedily resolve any such matter described in said subparagraph by
19 the forty-fifth day following receipt of the complaint, such staff shall
20 docket such complaint for a determination by the commission that
21 probable cause or no probable cause exists for any violation of state
22 election law. If the commission does not, by the sixtieth day following
23 receipt of the complaint, either issue a decision or render its
24 determination that probable cause or no probable cause exists for any
25 violation of state election laws, the complainant or respondent may
26 apply to the superior court for the judicial district of Hartford for an
27 order to show cause why the commission has not acted upon the
28 complaint and to provide evidence that the commission has
29 unreasonably delayed action. For any complaint received on or after
30 January 1, 2018, if the commission does not, by one year following
31 receipt of such complaint, [issue a decision thereon] find reason to
32 believe, pursuant to section 9-7b-35 of the regulations of Connecticut
33 state agencies, that a violation of state election law has been
34 committed, the commission shall dismiss such complaint, provided the
35 length of time of any delay caused by (i) the commission or
36 commission staff granting any extension or continuance to a
37 respondent prior to the issuance of any such decision, (ii) any
38 subpoena issued in connection with such complaint, (iii) any litigation
39 in state or federal court related to such complaint, [or] (iv) any
40 investigation by the commission or commission staff (I) involving a
41 potential violation of section 9-601c or 9-601d, or (II) involving a
42 potential violation of state election law by any foreign national or
43 foreign-influenced entity, as those terms are defined in section 9-601,
44 as amended by this act, or (v) any investigation by, or consultation of
45 the commission or commission staff with, the Chief State's Attorney,
46 the Attorney General, the United States Department of Justice or the
47 United States Attorney for Connecticut related to such complaint, shall
48 be added to such one year.

49 Sec. 2. Section 9-601 of the general statutes is amended by adding

50 subdivisions (32) to (34), inclusive, as follows (*Effective from passage*):

51 (NEW) (32) "Foreign national" has the same meaning as provided in
52 52 USC 30121(b), as amended from time to time.

53 (NEW) (33) "Foreign owner" means (A) a foreign national, or (B) an
54 entity of which a foreign national holds, owns, controls or otherwise
55 has directly or indirectly acquired beneficial ownership of equity or
56 voting shares in an amount equal to or greater than fifty per cent of
57 total equity or outstanding shares of voting stock.

58 (NEW) (34) "Foreign-influenced entity" means any entity of which
59 (A) one foreign owner holds, owns, controls or otherwise has directly
60 or indirectly acquired beneficial ownership of equity or voting shares
61 in an amount equal to or greater than five per cent of total equity or
62 outstanding shares of voting stock, (B) multiple foreign owners hold,
63 own, control or otherwise have directly or indirectly acquired
64 beneficial ownership of equity or voting shares in an amount equal to
65 or greater than twenty per cent of total equity or outstanding shares of
66 voting stock, or (C) any foreign owner participates in any way, directly
67 or indirectly, in the process of making decisions with regard to the
68 making of expenditures or contributions by such entity.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>from passage</i>	9-7a(g)(1)
Sec. 2	<i>from passage</i>	9-601

GAE *Joint Favorable*