



STATE OF CONNECTICUT STATE ELECTIONS ENFORCEMENT COMMISSION

Advisory Opinion 2010-06: Treatment of Replacement Candidates under the Citizens' Election Program

The Commission has received several inquiries from current and prospective candidates regarding the how the Citizens' Election Program (CEP or Program) will administer grants when a candidate participating in the Program has withdrawn from the campaign after receiving grant monies and is replaced by another nominated candidate ("replacement candidate"). This advisory opinion addresses the options available to such replacement candidates with respect to the CEP, including:

1. May a candidate who is replacing a participating candidate after withdrawal participate in the CEP and receive a Program grant?
2. Must such a replacement candidate participate in the CEP?
3. May a participating replacement candidate raise qualifying contributions?

Legal Analysis and Conclusions:

May a candidate who is replacing a participating candidate after withdrawal participate in the CEP?

A replacement candidate for a formerly participating candidate who has already received grant monies under the CEP may choose to participate in the Program and can receive grant monies under the Program. General Statutes § 9-706 (f).¹ Such a replacement candidate must file a SEEC Form CEP 10 - Affidavit of Intent to Abide by Expenditure Limits and a SEEC Form CEP 14 - Citizens' Election Program Certification by Replacement Participating Candidate in order to receive a grant from the CEP. The candidate need not raise qualifying contributions or otherwise apply for a grant in order to receive the grant monies. However, if such a candidate chooses to file the SEEC Form CEP 14 and obtain a grant by becoming a replacement candidate, the candidate is not

¹General Statutes § 9-706 (f) provides:

If a nominated participating candidate dies, withdraws the candidate's candidacy or becomes disqualified to hold the office for which the candidate has been nominated after the commission approves the candidate's application for a grant under this section, the candidate committee of the candidate who is nominated to replace said candidate pursuant to section 9-460 shall be eligible to receive grants from the fund without complying with the provisions of section 9-704, if said replacement candidate files an affidavit under section 9-703 certifying the candidate's intent to abide by the expenditure limits set forth in subsection (c) of section 9-702 and notifies the commission on a form prescribed by the commission.

permitted to raise or spend contributions or provide personal funds to his or her campaign and is limited to spending only his or her public grant monies.

Such replacement candidates are eligible to receive a Program grant in an amount equal to the amount for which the withdrawn participating candidate was eligible pursuant to General Statutes § 705. Note that, although such participating replacement candidates would not be subject to the provisions in General Statutes § 704 regarding qualifying contributions, they must comply with other Program rules set forth in Chapter 157 of the General Statutes and the Citizens' Election Program regulations in Regulations of Connecticut State Agencies, section 9-702-1 through section 9-714-1. The expenditure limit for the replacement candidate will be the amount of the grant monies that his or her committee receives. Note that because a candidate choosing this route may not expend monies on his or her campaign beyond public grant funds, once a candidate has raised and spent contributions or provided and spent personal funds on his or her campaign, the candidate is no longer able to file the SEEC Form CEP 14 and receive grant funds using this process.

May a participating replacement candidate raise qualifying contributions?

If time allows, a replacement candidate may also choose to apply for grant monies as if the candidate he or she has replaced never participated – in other words the replacement candidate may choose to start with a clean slate, file a SEEC Form CEP 10, raise qualifying contributions pursuant to the requirements in General Statutes § 9-704, and meet all of the grant application requirements set forth in General Statutes § 9-706. A replacement candidate choosing this route must apply within the applicable time limit set forth in General Statutes § 9-706 (g) (1) by filing a SEEC Form CEP 15 - Grant Application Form. Upon Commission approval of the grant application, the replacement candidate would receive a grant and the expenditure limits that apply to all participating candidates will of course apply. Note that once a replacement candidate files a SEEC Form CEP 15, he or she is no longer able to file the SEEC Form CEP 14 and receive grant funds using that process.

Note that, if a replacement candidate chooses not to raise his or her own qualifying contributions, and instead chooses to file a SEEC CEP Form 14, then the amount of qualifying contributions is not added to the amount that the replacement candidate may expend under the Program.

Must such a replacement candidate participate in the CEP?

A candidate who has been nominated to replace a withdrawn participating candidate need not participate in the CEP. He or she may choose to file a SEEC Form CEP 11 - Affidavit of Intent Not to Abide by Expenditure Limits and privately fundraise rather than receive a Program grant. Such a nonparticipating replacement candidate would be subject to the contribution limits and restrictions set forth in Chapter 155 of the General Statutes.

State Elections Enforcement Commission
Advisory Opinion 2010-06

The foregoing advice is an ~~Advisory Opinion of the Commission~~. This Advisory Opinion is issued pursuant to the provision of General Statutes § 9-7b (14).

Adopted this 26th day of May, 2010 at Hartford, Connecticut by a vote of the Commission.



Stephen F. Cashman, Chairman

