# 2021 Special Elections Overview

Chapter 157 of the Connecticut General Statutes establishes the Citizens' Election Program (the "Program"), a voluntary program which provides 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 the sale of abandoned property in the State of Connecticut's custody.

The Commission is responsible for administering the Program and monitoring compliance with Program requirements. Candidates running for the office of State Representative or State Senator in any special election may join the Program.

The State Elections Enforcement Commission (the "Commission") is also the filing repository for all campaign forms, including registration and disclosure statements filed by General Assembly candidates. An individual may register as a candidate for a General Assembly special election as soon as the Secretary of the State's Office has received notice of an official vacancy in the seat. For more information, please see this link to frequently asked questions concerning special elections. **Candidates may register with SEEC electronically through eCRIS and are strongly encouraged to do so.** Please visit this link for a training video on how to create an eCRIS user account if you do not yet have one. Once you have created an eCRIS account, you will have access to a training video on creating a new committee registration. If you need further assistance, please contact the eCRIS Helpdesk at 860-256-2930.

Although participation in the Citizens' Election Program is voluntary, certain requirements apply to all General Assembly candidates 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), with the exception of candidates who have filed a 1B exemption from forming a candidate committee—they are presumed to be nonparticipating and are not required to file either form.

## Program Goals

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

1. Allowing candidates to compete without reliance on special interest money;

2. Allowing legislators the ability to make decisions free of the influence of or the appearance that they have been influenced by donations of special interests;
3. Restoring public confidence in the electoral and legislative processes;
4. Increasing meaningful citizen participation, and
5. Providing the public with useful and timely disclosure of campaign finances.

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

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

All General Assembly candidates in any special election are required to file an affidavit with the Commission, with the exception of candidates who have filed a 1B exemption from forming a candidate committee—they are presumed to be nonparticipating and are not required to file either form. 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 the 25th day before the special election date**.

## Qualifying Threshold

To qualify for public financing, candidates must demonstrate they have adequate support from the public. General Assembly candidates accomplish this by meeting a two-part "threshold" that sets 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 $5 and $270 to the candidate's committee. Communicator lobbyists may only contribute up to $100.

Committees seeking to raise online contributions should contact the Candidate Services Unit at 860-256-2985 for information on setting up an online contribution interface that collects all of the information necessary and to have our staff review the online contribution interface ***before it goes live and starts receiving contributions***.

Qualifying contributions are small monetary contributions from individual human beings and sole proprietorships, and do not include in-kind contributions, personal funds, or loans. Qualifying contributions must be fully disclosed and adequately documented.

Principals of current and prospective state contractors may not make qualifying contributions.

| Office Sought | Aggregate Contribution Requirement<br>Individuals Only | Minimum Individual Resident Contributions |
|---|---|---|
| **State Senator** | $12,000 | 225 residents of municipalities included, in whole or in part, in the district |
| **State Representative** | $4,000 | 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***. The grant will be reduced by the amount of any *allowable personal funds provided*. Personal funds do not constitute qualifying contributions.

| Office Sought | Maximum Allowable Personal Funds |
|---|---|
| **State Senator** | $2,000 |
| **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 $1,000 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." General Statutes § 36a-41. No person, political committee, or party committee can endorse or guarantee a loan or aggregate loans exceeding $500, except the candidate, or, in a general election, a state central committee, may endorse or guarantee a loan or aggregate loans from financial institutions up to $1,000.

The $1,000 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. For more information, contact the Secretary of the State, Legislative and Election Administration Division at 860-509-6100 (or toll-free at 800-540-3764). Note: 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 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 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. Candidates are encouraged to submit their grant application as early as possible. Candidates who apply on the last possible application date will have little if any time to cure any mistakes.**

## Grant Amounts

A candidate's eligibility for a public grant hinges on demonstrating significant public support. The Program bases a candidate committee's grant amount on the level of public support as demonstrated by how each candidate qualifies for the ballot, and, in some instances, by a show of support based on the number of nominating petition signatures a candidate obtains (as set forth below). In some circumstances, a candidate may utilize the nominating petition process to qualify for a grant, or, if already eligible for a partial grant, to increase the amount of the grant if the candidate receives enough nominating petition signatures to meet certain thresholds demonstrating significant public support.

## 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.

## Special Election Grant Amounts - Major Party Candidates

| Office Sought | Special Election Grant Amount Major Party |
|---|---|
| **State Senator** | $77,966.25 |
| **State Representative** | $22,931.25 |

## Special Election Grants – Minor Party Candidates

Candidates who have the nomination of a minor party may demonstrate public support either through prior vote totals or through petitioning.

- 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.
- 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 can continue to raise and spend additional contributions, known as "differential contributions," which must meet the criteria for qualifying contributions, up to the amount of the full applicable grant for the special election for that office.
- 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.

## Special Election Grant Amounts – Minor Party Candidates

| ***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 Senator | $77,966.25 | $51,977.50 | $25,988.75 |
| State Representative | $22,931.25 | $15,287.50 | $7,643.75 |

## Special Election Grants – Petitioning Candidates

A candidate who is not nominated by a party, but who petitions onto the ballot, may qualify for a grant by demonstrating public support through the nominating petition process. Any questions about the nominating petition process, including deadlines for submitting nominating petitions, should be directed to the Office of the Secretary of the State (860-509-6100).

- 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 also raise differential 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 for that office.

- 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 Grant Amounts – Petitioning Candidates

| ***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 Senator | $77,966.25 | $51,977.50 | $25,988.75 |
| State Representative | $22,931.25 | $15,287.50 | $7,643.75 |

## 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 distinct 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; and (2) the **general election campaign period**, which is the period of the special election campaign and begins the day following nomination or ballot access.

## 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 Senator** | $12,000 | $2,000 | $12,000 - $14,000 |
| **State Representative** | $4,000 | $1,000 | $4,000 - $5,000 |

## General Election Campaign Period 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-general election period.

Additionally, minor and petitioning party candidates who receive less than the full grant amount may raise and spend differential contributions, that is, 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.

## 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 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 items, 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;
- **Salaries for campaign staff or consultants**, provided a written agreement is signed before the performance of any work or services, and contemporaneous detailed records are kept documenting the work performed or services rendered (for example, timesheets, work logs, etc.);
- **Campaign office expenses**, including office rent (with a written lease) and office supplies, equipment, and furniture;
- **Limited post-election expenses,** such as costs of photocopies associated with compliance with the Commission's post-election review of the participating candidate's campaign.

## Examples of impermissible expenditures include:

- Spending for the personal use of any candidate or individual;
- Payments to the candidate or candidate's family members or the businesses of the participating candidate or any of the candidate's family members;
- Contributions, loans or expenditures to other candidates or committees;
- Payments above fair market value for goods or services received; and
- Expenditures lacking sufficient contemporaneous documentation.

***Important Note***: Expenditures by other groups may be impermissible in-kind contributions to the candidate if the candidate or the candidate's agent has consented, coordinated or consulted with that group. Under Public Act 13-180, the candidate or candidate's agent, as well as the treasurer, of a committee that participated in or had knowledge of impermissible coordination will be jointly and severally liable for penalties related thereto.

***Important Note***: For a special election, campaigns *that received grant money may spend no more than the following amounts for post-election 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 the office of State Representative.

## 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 website, https://portal.ct.gov/seec. If you have specific questions you may contact the Commission's Candidate Services Unit at 860-256-2985.