

# State Elections Enforcement Commission



## *At a Glance*

*State Elections Enforcement Commission Members: Anthony J. Castagno (Chair), Salvatore Bramante (Vice Chair), Patricia Stankevicius, Stephen Penny, Michael J. Ajello*

*MICHAEL J. BRANDI, Executive Director and General Counsel*

*Organizational structure - State Elections Enforcement Commission Members; Executive Director and General Counsel; Public Campaign Financing and Compliance; Campaign Disclosure and Audit; Fiscal Affairs, Administration and Grant Payments; Information Technology Systems and Services; Investigations; Enforcement.*

*Established - 1974*

*Statutory authority - Connecticut General Statutes §§ 9-7a, 9-7b*

*Central office - 20 Trinity Street, Hartford, CT 06106-1628*

*Number of employees - 35*

*Recurring Operating Expenses - \$ 3,172,925.58*

*Citizens' Election Fund – Grant Payments - - \$578,444.11 (General Election \$442,716.31, Special Elections \$83,750.00, Primary \$51,977.80)*

## **Mission**

*The Commission was established in the post-Watergate era of 1974 as an independent agency in the executive branch of state government, to enforce and ensure compliance with laws pertaining to state and local elections, primaries and referenda. In 2005, its mission was expanded to include the administration of the Citizens' Election Program, Connecticut's public financing program. Following federal court decisions in 2010, its mission was again expanded to include providing transparency and disclosure for the now unlimited independent expenditures from all persons, including corporation and SuperPACs. The Commission is comprised of 5 members, and is bi-partisan in composition. The Commission's goal is to prevent violations from occurring by ensuring that those who require advice obtain it in a timely manner and to improve and maintain the confidence of the people of Connecticut in the electoral process and the officials involved in that process.*

## **Statutory Responsibility**

The Commission's original statutory responsibility was to enforce provisions of state election laws pertaining to elections, primaries and referenda. With the passage of Public Act 05-5, the Commission's responsibilities were considerably expanded, and now include the administration of the Citizens' Election Program (the Program). The Program provides public campaign grants to qualified candidates for statewide offices and the General Assembly, who adhere to expenditure limits and other program requirements. The Commission is also charged with developing and maintaining an electronic campaign reporting system (eCRIS). With the passage of Public Acts 10-187 and 13-180, the Commission began to provide increased transparency for independent expenditures in state elections. The Commission is the state campaign finance filing repository for all campaign finance records for candidate committees organized for state elections, party committees, traditional political committees and independent expenditure political committees formed to aid or promote the success or defeat of state candidates, and other persons making independent expenditures in state elections. The Commission is charged with the specific responsibility to conduct investigations of election complaints, review campaign finance statements filed by candidates, political parties and political committees, issue compliance advice concerning requirements of the campaign finance laws and suggest revisions to the election laws to the Connecticut General Assembly.

## **Public Service**

The Commission is an independent watchdog agency within the executive branch of state government and serves as an impartial arbiter of complaints alleging violations of the election laws. The Commission takes a proactive approach to educate candidates, campaign officials, political parties and citizens of their rights, duties and obligations under the election laws in order to ensure voluntary compliance with the law. The Commission staff conducted individual and group workshops and training sessions during the year in the following areas: eCRIS electronic reporting, the Citizens' Election Program and campaign financing for town committees and municipal candidates.

## **Improvements/Achievements FY 2015-2016**

### **Public Campaign Financing**

Connecticut's landmark public campaign financing program, the Citizens' Election Program was successfully administered for the 2015- 2016 time-frame, both in special elections during that time period and the beginning of the 2016 regular election cycle, which includes General Assembly candidates. The Program is financed by the Citizens' Election Fund (CEF), a separate, non-lapsing fund within the state's General Fund.

In fiscal year 2016, staff reviewed 67 grant applications and issued grants in the amount of \$578,444.11, which includes 4 grants in 2 special elections.

In addition, Audit staff completed 113 post-election audits of the randomly selected General Assembly and statewide committees which were presented to the Commission for consideration.

### **Compliance & Training**

SEEC staff works closely with candidates running for municipal, statewide and General Assembly offices, providing candidates and campaign treasurers with materials and training necessary to understand Connecticut campaign finance laws and Program requirements. The elections officers work in concert with the compliance attorneys to ensure proper education and training relative to continued changes to election laws. In the past fiscal year, the elections officers assisted candidates in primary races for General Assembly and candidates in the regular election.

SEEC issued five opinions of counsel, and one Declaratory Ruling during this fiscal year. It also published numerous handbooks, guides and other informational materials and provided trainings throughout the state for candidates and treasurers, town clerks and registrars of voters. With informal advice, staff assisted citizens, candidates and committees with their understanding of the public financing and private financing requirements of Connecticut campaign finance laws. The attorneys and elections officers answered over 5617 compliance questions regarding state and local elections, referenda, fundraising and the Program. The agency has developed a record-keeping, research and review process designed to ensure consistent, accurate and expeditious responses. We responded to approximately 125 Freedom of Information requests as well.

SEEC staff coordinates the Commission's legislative activities as well as acting as liaison with legislators and other executive administrative branch agencies. The agency works closely with the Attorney General's office to assess challenges to certain provisions of Connecticut campaign finance laws. See Connecticut Democratic State Central Committee v. State of Connecticut State Elections Enforcement Commission, HHD-CV15-6061345-S, DSCC brought suit against SEEC, seeking a declaratory ruling that federal law preempts enforcement of state law against spending and fundraising by DSCC's federal account and State of Connecticut State Elections Enforcement Commission v. Connecticut Democratic State Central Committee, HHD-CV15-6061373-S, SEEC sued DSCC to enforce a subpoena to obtain records relating to the pending complaint.

### **Campaign Disclosure**

The SEEC serves as the filing repository for party committees, candidate committees registered for Statewide or General Assembly offices, political committees formed to aid or promote the success or defeat of such candidates, and persons making independent expenditures for such candidates. The agency is responsible for receiving and processing the paper campaign disclosure filings and for scanning them into the eCRIS Document Search System.

The prior fiscal year saw the legislature's passage of a municipal filing pilot program under which the Commission may establish a test program to provide assistance to the town

clerks of up to twenty municipalities with the completion of some or all of their filing repository duties. SEEC has prepared for this pilot program and selected the 20 pilot towns. If successful, the Commission will ultimately become the filing repository of all 169 municipalities. The program will lead to significant cost savings at the local level and provide the public with more adequate disclosure given that all statements would be available for viewing on eCRIS.

In addition, the Legislature passed a new bill which imposes mandatory electronic filing for most committees registered with the Commission, effective July 1, 2017. Under this Act, the following committees will be required to file electronically: (1) candidate committees and exploratory committees of candidates registered with SEEC that raise or spend \$1,000 or more; (2) all state central committees, legislative caucus committees and legislative leadership committees; (3) town committees and political committees registered with SEEC that raise or spend \$1,000 or more during the current calendar year or in the preceding regular election cycle; and (4) any other committees or other persons (including individuals and businesses) who make or obligate to make an independent expenditure in excess of \$1,000 on behalf of a statewide office, General Assembly, or judge of probate candidate. If a treasurer is able to demonstrate good cause for not being able to file electronically, SEEC may waive the requirement. The SEEC continues an intensive outreach and training effort, conducting numerous eCRIS trainings and individual consultations onsite. This outreach effort has resulted in over a 10 percent increase in eCRIS usage for ongoing committees.

SEEC also proposed legislation which would enact various changes to independent expenditure laws, including the adoption of coordinated spender language to strengthen the ability to enforce contribution limits. In addition, SEEC proposed legislation to provide clean elections funding for judge of probate candidates. Neither bill passed.

### **Information Technology Systems and Services**

SEEC IT Staff successfully implemented new changes to the financial disclosure forms impacting the eCRIS application. The changes resulted in a redesign of several forms, screens and reports. The new upload template was revised to accommodate the changes and improvements to the upload process were refined and implemented. The eCRIS application continues to gain the confidence of our users as the number of filers using the eCRIS application increased by over 11%. All of the fillable financial disclosures forms were also updated and made available to our user community. In collaboration with the Public Financing and Audit and Disclosure units, we successfully trained over 200 officers representing candidate, town and political committees. eCRIS Helpdesk IT staff continues to provide 24/7 support and successfully handled over 1,100 contacts (including on holidays and weekends) during the last fiscal year.

The Information Technology Staff continued with direct staff engagements and solicited customer feedback to enhance and make improvements to the Committee Tracking System (CTS) interface. The IT Staff provided additional functionality to enhance the audit tracking function of CTS. Ongoing enhancements to The Audit Tracking functionality offers streamlined work flow and provides productivity gains in the Grant Application Review process. IT staff continues to provide updates to the comprehensive search functions, allowing users to search the data repositories and provide them with unique ways to view the data, including searches for documents, committees, disbursements, receipts and summary totals. Also implemented were the enhancements to the indexing application to accommodate receipt and public disclosure of Independent Expenditure reports.

The IT unit continued to make improvements to the Commission's website in an effort to enhance the user experience and provide support for the growing market of mobile handheld devices. The Commission successfully completed the first phase of our routine technology refresh program by replacing and upgrading certain staff computers, mobile workstations and electronic tablet devices for Commissioners. A major effort was also undertaken to reduce IT costs associated with both hardware and software components required for the agency.

SEEC IT staff continues to provide support for State Contractors Contribution Ban, eCRIS and SEEC Support applications. The IT Staff successfully partnered with BEST and installed a Disaster Recovery Server at the Springfield Massachusetts Data Center to provide maximum redundancy to our customers in the event of an outage. The IT unit successfully installed additional Storage Area Network space to meet the growing needs of our users and the Commission. All procured hardware was successfully installed to expand our SAN and server capabilities. The IT unit successfully migrated all production and development environments offsite to the State Data Center in Groton CT. The migration of all existing applications to Windows 2012 R2 and SQL Server 2014 was completed successfully and ahead of schedule.

### **Investigations and Enforcement**

The Commission docketed 111 new cases that were either the result of a sworn citizen's complaint, a referral from a state or local election official, or from a decision by the Commission to initiate a case investigation on its own motion. These investigations involve a multitude of election issues, including matters of election administration, the process of voting, campaign finance laws and the Citizens' Election Program. The case investigations do *not* include a number of complaints filed with SEEC which allege facts that, even if accepted as true, would not have constituted violations of state election law. The unit collected \$58,481.09 in late filing fees, civil penalties and forfeitures for violations of election laws, which were deposited in the General Fund.

### **Information Reported as Required by State Statute**

Pursuant to General Statutes § 9-7a (c), the Commission is required to provide the following information concerning its activities:

Of the 111 new complaints docketed during this fiscal year, the following municipalities had more than one complaint:

*Bridgeport, Bristol, Danbury, East Haven, East Lyme, Fairfield, Hartford, Middletown, New Britain, New Haven, New London, Somers, Southington, Stamford, Stratford, Trumbull, West Haven*

SEEC closed a total of 96 cases during the fiscal year. Of these, 65 were newly docketed cases and 31 were from prior years. Of the closures, 21 resulted in monetary penal sanctions (late filing fees, civil penalties or forfeitures), 17 resulted in reprimands or orders to comply, 56 were dismissed with a finding of no violation, 7 resulted in compliance with no further action taken, 4 was withdrawn by the complainant and zero were administratively closed for lack of sufficient evidence to investigate.