

State Elections Enforcement Commission



The Digest of Administrative Reports to the Governor

Fiscal Year 2019-2020

At a Glance

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

Executive Director and General Counsel: Michael J. Brandi, Esq.

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 Authorized Employees: 35

Recurring Operating Expenses - \$3,120,672

Citizens' Election Fund – Grant Payments - - \$1,329,581

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 and eCRIS, the state's electronic filing repository for campaign finance filings. 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 corporations 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 group workshops and training sessions during the year for town clerks, a union and municipal candidates.

Although our offices were closed to the public by Executive Order due to the COVID pandemic, the agency still managed to provide effective training with our on-line training options. We now offer twenty-one different training modules for using the electronic campaign finance filing system, eCRIS, with each of these modules being viewed anywhere from 820 to 2,435 times during this fiscal year. We also had trainings available for municipal candidates and treasurers, covering

four topic areas. Each of these was viewed between 844 and 2,137 times. When the pandemic response prevented the in-person trainings we usually offer, staff developed CEP compliance training modules which were released in the last half of the fiscal year and had already received 15,322 combined viewings by the end of the fiscal year.

During the past year, voter fraud and the security of our voting systems have become topics of national discussion. Our agency has responded to inquiries from the media, advocacy groups, concerned citizens and other agencies at both the state and national levels, answering numerous requests for information and statistics.

Leading up to the 2020 presidential election, the State Elections Enforcement Commission worked closely with both federal and local agencies to secure critical election infrastructure. We worked in coordination with the Department of Homeland Security and the Federal Bureau of Investigation, the Secretary of the State, the Department of Emergency Services and Public Protection as well as DAS/BEST in an effort to disseminate critical information in a timely manner so as to better respond to cyber threats and malicious activities. Information technology staff members provided continuous monitoring and remediation of information systems associated with the critical election infrastructure as reports of new and more active threats emerged from both nation-states and individual bad actors attempting to disrupt the presidential election.

Improvements/Achievements FY 2019-2020

Public Campaign Financing

Connecticut's landmark public campaign financing program, the Citizens' Election Program, was successfully administered for the 2019-2020 time-frame, for the completion of the 2018 cycle, three special elections and the beginning of the 2020 regular election cycle for General Assembly candidates. The Program is financed by the Citizens' Election Fund (CEF), a separate, non-lapsing fund within the state's General Fund.

Staff administered the return to the Citizens' Election Fund of approximately \$99,646 in surplus funds as part of the wrap-up of the 2018 election cycle.

In fiscal year 2019-2020, 128 candidate committees applied for a grant and the Commission issued \$1,329,581 in grant monies. This includes 6 grants in 3 special elections.

During this fiscal year, staff heavily advertised and recruited for participation in the voluntary pre-application review (PAR) process. As a result, we had a record sixty-five committees completing their fundraising early and submitting a pre-review early. In the first six weeks of this year's grant cycle (which coincides with the end of the fiscal year), staff processed and awarded 99 grants to eligible committees. By comparison, during the 2018 election cycle, staff processed and awarded 77 grants to eligible committees in the first six weeks. In other words, staff was able to process and award 28.6% more grants to eligible General Assembly candidates during this fiscal year.

In addition, Audit staff completed 118 post-election reviews of statewide committees and the randomly selected General Assembly 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. In the past fiscal year, the elections officers assisted candidates in primary races for General Assembly and candidates in the regular election.

SEEC issued one opinion 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. The attorneys and elections officers answered over 3,282 compliance questions regarding state and local elections, referenda, fundraising and the Program. We responded to approximately 147 Freedom of Information requests as well.

In an effort to ensure that the elections are administered fairly in every city and town in Connecticut, the SEEC runs a telephone hotline in conjunction with the Secretary of the State so that anyone with knowledge of election fraud or voting rights abuses could report them. For this fiscal year, SEEC staff handled approximately 94 calls on primary and general election days.

During this fiscal year, SEEC staff reviewed and updated the state contractor list processes. Training was provided to all state agencies concerning the state contractor lists and who qualifies as a state contractor. This level of overhaul and training had not been undertaken since 2010.

SEEC staff coordinates the Commission's legislative activities as well as acts as liaisons with legislators and other executive administrative branch agencies. This fiscal year, SEEC proposed legislation which would increase disclosure for independent spenders in Connecticut elections, prohibit foreign entities from funding independent expenditures, require online platforms to disclose who purchased political ads, and allow campaign ads for any office to identify presidential and gubernatorial candidates without creating the requirement for reimbursement or joint campaigning. In addition, SEEC proposed legislation to improve and clarify the clean elections program.

The agency also works closely with the Attorney General's office to assess challenges to certain provisions of Connecticut campaign finance laws. *See Dennis Bradley v. State of Connecticut State Elections Enforcement Commission, HHD-CV18-6111420-S; Joe Markley v. State of Connecticut State Elections Enforcement Commission, HHB-CV-18-6044479-S and Caitlin Pereira v. State of Connecticut State Elections Enforcement Commission, HHB-CV-19-6054160-S.*

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 fiscal year saw the beginning of the 2020 election cycle with the registration of 9 exploratory committees and 386 candidate committees for that cycle.

Overall, for fiscal year ending 2020, we had approximately 1,301 entities registered with the SEEC: as many as 579 candidates, 375 party committees, 347 political committees -- 329 of which were traditional political committees and 18 of which were independent expenditure only political committees. We also had 1 entity reporting independent expenditures who was not required to register with us before beginning to file disclosure reports.

These entities filed approximately 6,203 campaign finance disclosure reports and amendments during the fiscal year. All of these were available to the public and searchable through our electronic filing system, eCRIS.

Information Technology Systems and Services

During this fiscal year, the eCRIS Helpdesk handled over 1,300 contacts (including on holidays and weekends). SEEC information technology staff run the Helpdesk, providing technical support to the regulated community who are required to submit campaign finance filings. The Helpdesk is critical to the successful electronic filing initiative. Through our continued outreach effort by staff, we have been able to achieve electronic filing via eCRIS by nearly all of the 1,000+ committees that file with SEEC. This has resulted in a major savings in data entry costs, staff resources, and expenses for storage of paper documents.

SEEC's responsibilities as the repository for campaign filings, the administrator of the CEP, the year-round answer desk for election law questions and the agency tasked with enforcing all election laws has required the development of highly specific, customized in-house computer systems. These have been routinely maintained, upgraded and improved by our IT staff. These systems include eCRIS (Electronic Campaign Reporting Information System), Candidate Tracking System (CTS), and SEEC Support (internal call and query tracking system). The IT Unit continued active development projects on all of these in-house systems, which is necessary to maintain the flow of information and online application infrastructure to the eCRIS customer base. All of the critical system enhancement requests were completed and put into production with little or no down time impacting our customers even with the COVID-19 shutdown. IT staff, along with other SEEC staff, also have customized and integrated the LaserFiche document management system to organize our internal case flow for the Enforcement Unit, along with other applications.

The Applications Development group completed all approved work assignments on development/enhancement projects assigned. Successful completion of these projects allowed IT to shift its focus to additional enhancement and workflow activities:

- Update / Upgrade the Microsoft SQL Servers to latest versions.
- Partnering with DAS/BEST on Cyber Security initiatives for 2020 Election.
- Continuous monitoring of SEEC Enterprise systems and applications.
- Updated eCRIS homepage to meet the needs of mobile customers.
- Updated eCRIS Search homepage to support mobile technology.
- Enhancing of the eCRIS registration process.
- Continued to enhance CTS with enforcement tabs and milestone tracking.

The IT Staff continued with direct staff engagements and solicited customer feedback to enhance and make improvements to the CTS interface, while continuing to provide additional

functionality to enhance the audit tracking function of CTS in order to leverage the existing data and make reporting and fact finding more relevant. The Audit Tracking functionality offers streamlined workflow and provides productivity gains in the Audit Review process. The IT Staff successfully implemented LaserFiche Workflow in an effort to streamline processes for the Enforcement Unit.

When the COVID-19 pandemic hit and our staff was forced to work remotely, it created several immediate requirements on the SEEC IT unit, many occurring simultaneously. This included, but were not limited to:

- Implementation, monitoring and reporting of security related issues to protect SEEC applications and infrastructure from attack during the 2020 election season.
- Assisted in house with scanning and indexing of paper forms for the Citizens' Election Program (CEP).
- Ongoing on-demand ad-hoc reporting for management during CEP grant season.
- Moved Commission meetings online to Facebook via WebEx technology.
- Created training documents and videos to assist committees with self-service.

Investigations and Enforcement

The Commission determined that it was necessary to investigate 118 new cases in the current fiscal year. These cases 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 \$151,830.50 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 118 new complaints docketed during this fiscal year, the following municipalities had more than one complaint:

Beacon Falls, Bridgeport, Colchester, Danbury, Darien, East Haven, Enfield, Fairfield, Hamden, Hartford, Ledyard, Meriden, Middletown, New Britain, New Haven, Preston, Shelton, Stratford, and Trumbull.

SEEC closed a total of 123 cases during the fiscal year. Of these, 22 were newly docketed cases and 101 were from prior years. Of the closures, 38 resulted in monetary penal sanctions (late filing fees, civil penalties or forfeitures), 6 resulted in reprimands or orders to comply, 44 were dismissed with a finding of no violation, 11 resulted in compliance with no further action taken, 0 were withdrawn by the complainant, and 0 were administratively closed for lack of sufficient evidence to investigate.