

State Elections Enforcement Commission



The Digest of Administrative Reports to the Governor

Fiscal Year 2018-2019

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 - \$3,165,522

Citizens' Election Fund – Grant Payments - - \$23,331,113.86

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 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. We have also designed and are implementing a new on-line training option for both eCRIS and CEP compliance training which involves a series of webinars now available at our website.

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 multiple federal agencies or commissions, answered numerous media requests for information from both state and national outlets, given talks at conferences and interviews for several conferences, radio and television programs.

Improvements/Achievements FY 2018-2019

Public Campaign Financing

Connecticut's landmark public campaign financing program, the Citizens' Election Program was successfully administered for the 2018-2019 time-frame, both in special elections during that time period and the end of the 2018 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 2018-2019, staff reviewed 350 grant applications and issued grants in the amount of \$23,331,989, which includes 13 grants in 5 special elections. Staff also administered the return to the Citizens' Election Fund of approximately \$704,345.51 in surplus funds.

In addition, Audit staff completed 41 post-election reviews of statewide committees and the randomly selected General Assembly 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 four opinions of counsel, and three Declaratory Rulings 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 3058 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 173 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 ran a telephone hot-line in conjunction with the Secretary of the State so that anyone with knowledge of election fraud or voting rights abuses could report them. The SEEC worked with the United States Attorney for the District of Connecticut, Special Agent in Charge of the New Haven Division of the Federal Bureau of Investigation, the Connecticut Secretary of the State, and the Connecticut Chief State's Attorney. SEEC staff handled 154 calls on primary day and 355 on the day of the general election.

SEEC staff coordinates the Commission's legislative activities as well as acting as liaison with legislators and other executive administrative branch agencies. This fiscal year, SEEC proposed legislation which would increase disclosure for independent spenders in Connecticut elections, including the adoption of coordinated spender language to strengthen the ability to enforce contribution limits. 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, Bradley brought suit against SEEC, seeking a payment of general election grant funds previously denied by the Commission due to an expenditure violation in the candidates primary race. Staff is currently working with the Attorney General's office to defend another challenge to the clean elections program. *See Joe Markley v. State of Connecticut State Elections Enforcement Commission*, HHB-CV-18-6044479-S regarding improper use of public campaign funds for negative ads against a candidate not a direct competitor in the respondent's Senate/Representative district and, *Caitlin Pereira v. State of Connecticut State Elections Enforcement Commission*, HHB-CV-19-6054160-S, challenging the Commission's Declaratory Ruling regarding use of campaign funds by a candidate for childcare expenses.

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 established a test program providing assistance to the town clerks of up to twenty municipalities with the completion of some or all of their filing repository duties. SEEC 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.

Information Technology Systems and Services

The SEEC IT Staff successfully implemented new changes to the eCRIS On Line Filing System Member update. The new enhancements and changes resulted in an update and redesign of impacted forms, screens and reports. The date upload templates continued to be revised to accommodate new changes and improvements to the upload process at the request of our customers. The eCRIS application continues to show ever growing support and confidence of the user community as the number of filers using the eCRIS application increased for the third consecutive year. 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, the eCRIS training program continued a very successful program to include new officers representing candidate, town and political committees. eCRIS Helpdesk IT staff continues to provide technical support and successfully handled over 1,600 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 successfully implemented LaserFiche Workflow in an effort to streamline processes for the Enforcement Unit. The IT Development staff continues 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. Ongoing reporting enhancements to The Audit Tracking functionality offers streamlined work flow and provides productivity gains in Audit Review process.

The IT Unit successfully migrated to the State's new web portal using Site Core as well as making improvements to the Commission's website in an effort to enhance login security and functionality. The IT Unit utilized Federal Funding to replace all of the Agency network switches connected to the internet in an effort to harden and enhance the perimeter security of the critical election infrastructure hosted at SEEC. IT continued to explore new ways to reduce costs associated with both hardware and software components as well as resource sharing with our sister watchdog agencies.

SEEC IT staff continues to provide support for State Contractors Contribution Ban, eCRIS and SEEC Support applications. The IT Staff continued its partnership with BEST on upgrading the network infrastructure at 20 Trinity Street to provide enhanced failover protection. Disaster Recovery operations at the Springfield Massachusetts Data Center have been completed to provide maximum redundancy to our customers in the event of an outage. As part of the overall technology infrastructure refresh program the IT unit completed the transition to the Avaya Enterprise VOIP as well as the migration to the new State of Connecticut Web portal.

Investigations and Enforcement

The Commission positively NID'd 163 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 \$67,873.60 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 163 new complaints docketed during this fiscal year, the following municipalities had more than one complaint:

Bethel, Bridgeport, Colchester, Farmington, Groton, Hartford, Killingworth, Middletown, Meriden, New Britain, New Haven, North Branford, Norwalk, Simsbury, Stamford, Stratford, Wallingford and West Hartford.

SEEC closed a total of 118 cases during the fiscal year. Of these, 81 were newly docketed cases and 37 were from prior years. Of the closures, 57 resulted in monetary penal sanctions (late filing fees, civil penalties or forfeitures), 14 resulted in reprimands or orders to comply, 44 were dismissed with a finding of no violation, 7 resulted in compliance with no further action taken, 2 were withdrawn by the complainant and 0 were administratively closed for lack of sufficient evidence to investigate.