

New Haven Democracy Fund Ordinance

As Amended in 2009

Chapter 2 Article XI of the New Haven Code of General Ordinances

Sec. 2-821 Purpose

The purpose of this ordinance is to ensure that all the citizens of New Haven have a fair and meaningful opportunity to participate in the election of their Mayor. Specifically, the ordinance aims to:

1. Counter the perception that New Haven's public policy is influenced by campaign contributions;
2. Ensure that meritorious Mayoral candidates are able to raise and spend sufficient campaign funds through public financing of elections to convey their messages to the voters;
3. Reduce the need for ongoing fundraising and to encourage Mayoral candidates to spend more time communicating with citizens;
4. Give all citizens an opportunity for a reasonable supporting role in the selection of Mayor by making even small contributions meaningful.

Sec. 2-822 Definitions

Unless otherwise defined in this section, or the contrary is stated or clearly appears from the context, the definitions in this section shall govern the interpretation of this ordinance.

1. "Mayoral Committee" means a committee designated by a single candidate, or established with the consent, authorization, or cooperation of a single candidate, for the purpose of a single primary or election and to aid or promote such candidate's candidacy alone for the office of Mayor. "Mayoral Committee" as used in this article shall not include any "Exploratory committee", "Political committee" or "Party committee" as those terms are defined in Connecticut General Statutes, Section 9-601.
2. "Candidate" means an individual who seeks election or nomination for election to the office of Mayor, whether or not such individual is elected. For purposes of this ordinance, an individual shall be deemed to seek election or nomination for election if such individual has (1) been endorsed by a party or become eligible for a position on the ballot at an election or primary, or (2) solicited or received

contributions, made expenditures, or given his or her consent to any other person to solicit or receive contributions or make expenditures with the intent to bring about his or her election or nomination for election to the office of Mayor.

3. “Campaign treasurer” means the individual appointed by a candidate to receive and disburse funds on behalf of the candidate or mayoral committee.
4. “Election” means any primary or general election for Mayor of the City of New Haven.
5. “Contested Election” means any election in which more than one candidate seeking a party nomination or election to the office of Mayor has raised or spent \$5,000. The Administrator will declare an election a contested election. A qualifying primary candidate who wins the primary is deemed to have raised \$5,000 for the general election.
6. “Qualified Committee” means a mayoral committee determined by the Administrator, pursuant to 2-245(h), as eligible to receive public matching funds. A candidate for election or nomination for election to the office of Mayor shall only have a single “Qualified Committee” at any given time.
7. “Contribution” means any gift, payment, subscription, advance, deposit of money, or anything of value made for the purpose of influencing the election or nomination for election of a candidate, and shall also include but not be limited to:
 - (1) the payment by any person other than a candidate or a mayoral committee of compensation for the personal services of any other person which are rendered without charge to a candidate or his or her mayoral committee for any purpose;
 - (2) A loan made to a mayoral committee, whether or not made in the regular course of the lender’s business, to the extent the loan is not repaid by the date of the first election following the date of the loan;

The term "contribution" shall not include:

- (1) the value of services provided without compensation by individuals who volunteer a portion or all of their time on behalf of a candidate; or
- (2) the use of real or personal property, or the cost of invitations, food or beverages, voluntarily provided by an individual to a candidate at the individual’s residential premises for candidate-related activities, to the extent the aggregate value, per election, of such property, invitations, food or beverages do not exceed two hundred dollars (\$200) in value; or
- (3) the travel expenses of any individual who on his or her own behalf volunteers his or her personal services to any candidate, to the extent such expenses are not reimbursed and to the extent the aggregate value, per election, does not exceed two hundred dollars (\$200) in value.

8. “Matchable contribution” means a contribution, not in violation of the contribution limits set forth in 2-249(a) of this ordinance, made by a registered voter of the City of New Haven to a participating candidate’s mayoral committee , which contribution may be matched by public matching funds as provided in this ordinance.

The following contributions are not matchable:

- (1) in-kind contributions of property, goods or services;
- (2) contributions in the form of a purchase price paid for an item with significant intrinsic or enduring value
- (3) contributions in the form of the purchase price for or otherwise induced by a chance to participate in a raffle, lottery, or similar drawing for valuable prizes; and
- (4) contributions from individual vendors to whom the participating candidate or his or her mayoral committee makes an expenditure.

9. “Expenditure” means any purchase, payment, distribution, gift of money, or anything else of value made by a mayoral committee. The timing of expenditures is when they are incurred, not when they are actually paid.

10. “Qualified campaign expenditure” means an expenditure of a participating mayoral committee that shall be counted toward its expenditure ceiling. Participating mayoral committees may not make any expenditures that are not qualified campaign expenditures. “Qualified campaign expenditures” include all expenditures for campaign-related purposes, taking into account the public nature of matching public funds and the public financing grant, the purposes of the Democracy Fund as stated above, the reasonableness of the expenditures under the circumstances, and the fair market value of the goods or services purchased with the expenditure.

Examples of typical “qualified campaign expenditures” include but are not limited to: reasonable and appropriate expenditures for printing and mailing costs; political advertising expenses; campaign communications such as signs, bumper stickers, T-shirts or caps with campaign slogans, etc.; office supplies; campaign events (e.g. food, rent of hall or tent, etc.); food for volunteers while they are working (limited to no more than \$10 per person for breakfast or \$20 per person for lunch or dinner); campaign staff salaries and expenses; campaign travel expenses, such as fuel and tolls; and post-election parties, thank you notes or advertising to thank supporters or voters (such post-election expenditures, are limited to a cumulative maximum of \$250 per election).

“Qualified campaign expenditures” shall also include but not be limited to:

- a. The actual expense paid or incurred by a mayoral committee for its pro rata share of the cost of operating a campaign headquarters and of preparing, printing and disseminating any political communication on behalf of the candidate and any other candidate or candidates for other municipal offices; and

- b. A non-monetary contribution provided to the mayoral committee, other than volunteer personal services and non-reimbursed payments for the travel expenses of an individual who volunteers his or her personal services to a single candidate, if the expenses are incurred voluntarily and without any understanding or agreement that they will be reimbursed; and
- c. A “coordinated expenditure” as that term is defined in Conn. Gen. Statutes §9-601(19) (see Appendix).

“Qualified campaign expenditures” shall not include:

- (i) Expenditures for personal goods and services of the candidate which would otherwise be purchased independently of the campaign, including but not limited to day-to-day household food items and supplies; vehicle and transportation expenses unrelated to the campaign; mortgage, rent or utility expenses for the candidate’s personal residence, even if part of the residence is being used by the campaign; and clothing, including attire for political functions such as business suits, dresses or shoes; or
- (ii) Expenditures to support or oppose any ballot measure, political committee, or the campaign of any candidate other than the candidate for whom the funds were originally designated; or
- (iii) Compensation to the candidate for services provided by the candidate; or
- (iv) Payment of civil penalties, fines or forfeitures to the Board or any other governmental or regulatory authority, or the cost of defending the candidate in enforcement proceedings brought by the Board or any other governmental or regulatory authority; or
- (v) The expenses involved in contesting an enforcement decision, civil penalty, fine, forfeiture imposed by the Board or any other governmental or regulatory authority, or the expenses involved in seeking a recount of an election; or
- (vi) Expenditures made without the consent, knowing participation, or consultation with a candidate or a mayoral committee.

- 11. “Individual” means a single human being.
- 12. “Person” means an individual, proprietorship, firm, partnership, joint venture, syndicate, business trust, company, corporation, limited liability company, association, committee, and any other organization or group of persons acting in concert.
- 13. “Board” means the Democracy Fund Board established in Section 2-245.
- 14. “Fund” means the Democracy Fund established in Section 2-245.
- 15. “Administrator” means the Democracy Fund Administrator.
- 16. “Investigator” means the Democracy Fund Investigator.

Sec 2-823 Democracy Fund Administration

- (a) There is hereby established within the City's general fund a separate non-lapsing reserve account to be known as the Democracy Fund. For Fiscal year 2008-2009 and subsequent Fiscal Years, the Board shall issue in January a report to the Mayor and the Board of Aldermen of its expenditures and the current balance of its account, and shall include a specific recommendation for funding for the following Fiscal Year. In 2007 and in subsequent years, the Board of Aldermen will consider the recommendation of the Democracy Fund Board and the on-going funding needs of the Fund in its budget deliberations and again in its post-budget approval amendment process. The Board of Aldermen will exercise its best efforts to make sufficient appropriations to the Fund to allow it to carry out its operations effectively. The Board of Aldermen will also consider in a prompt manner any interim requests made by the Board for supplemental appropriations needed during the Fiscal Year. The Fund can also accept any voluntary individual contributions made to it.

Once City general funds or individual contributions are appropriated and deposited into the Fund, they cannot be transferred for other purposes, canceled, or rescinded. The City's Finance Department shall be responsible for the prudent investment of the Fund's assets, balancing the need for investment growth with the need for liquidity at certain time periods. Investment earnings credited to the assets of the Fund shall become part of the assets of the Fund. All monies deposited in the Fund shall be used only for the purposes of this ordinance, including for the administration of the Fund. Any unused funds shall carry over from year-to-year in the Fund.

- (b) The Fund shall be overseen by the Democracy Fund Board. The Board's membership will consist of seven members. No more than three members can belong to the same political party. Members will be nominated by the Mayor and confirmed by the New Haven Board of Aldermen. Of the first seven members appointed, four will be nominated to four-year terms, and three members to two-year terms. The Mayor will indicate the length of the initial term of the first seven members when nominating them. After each original term has expired, all appointments will be for terms of four years. In the event that a member is no longer able to serve due to illness, death, or resignation, the Mayor may nominate a replacement to serve out the remainder of the term. Replacement nominees must also be confirmed by the New Haven Board of Aldermen. If a member's term has expired and his or her successor has not been appointed and confirmed, the member shall continue to serve until his or her successor has been appointed and confirmed. A member may be removed only for just cause, which may include excessive absenteeism from Board meetings or failure to carry out the duties of a Board member, as determined by the Mayor and approved by the Board of Aldermen.

- (c) Said Board's duties shall include the: (1) selection of the Democracy Fund Administrator and Democracy Fund Investigator, (2) review of the performance of the Administrator and the Investigator, (3) selection and engaging of an independent attorney to advise the Board on legal matters, when necessary; (4) establishment of rules of procedure for Board meetings, hearings and general operation not inconsistent with this ordinance; (5) approval of forms and materials required for the administration of the program set forth within this ordinance, (6) approval of the matching funds disbursement calendar drafted by the Administrator, (7) direction of the Investigator to confidentially investigate and report to the Board concerning any alleged violations or complaints made about participating candidates, and (8) any other general administrative duties required to ensure compliance with this ordinance, as well as the approval of expenditures from the Fund therefore.
- (d) The Board shall be empowered to audit and examine all matters relating to the performance of its functions and any other matter relating to the proper administration of this ordinance. These audit and examination powers extend to all participating candidates and their mayoral committees.
- (e) The Board shall be empowered to adopt and publish regulations to carry out the provisions of this ordinance.
- (f) The Administrator's responsibilities shall include the administration of the public matching funds system, the public financing grant, contribution limitations, voluntary expenditure ceilings, the auditing of candidate financial reports and statements to ensure compliance with this ordinance, and the proposing of recommendations for the determination and resolution of complaints and disputes brought before the Board. The Investigator's responsibilities shall include the confidential investigation of, and the preparation of reports concerning, alleged violations and complaints made against participating candidates at the direction of the Administrator or the Board.
- (g) The Administrator shall draft any and all forms necessary to carry out the provisions of this ordinance, including the forms for the standardized candidate contract and for candidate requests for public matching funds. Said forms must be approved by the Board. The Administrator shall also draft a schedule for the issuing of matching contributions to participating candidates. Said schedule must be approved by the Board.
- (h) The Administrator shall review candidate contracts and declarations, participation and non-participation affidavits, nomination papers, requests for public matching funds, and campaign financial disclosure reports in a timely fashion to certify a candidate's eligibility to receive public matching funds. After review, and in accordance with the approved schedule for matching the contributions of participating candidates, and if the Administrator determines that the candidate is eligible, the Administrator shall issue a request to the Treasurer of the City for

checks or electric fund transfers to be issued to the candidate's qualified committee.

- (i) The Administrator shall have 5 calendar days to process requests for public matching funds and disburse the public funds to the qualified committee.
- (j) The Administrator shall issue a press release in a timely fashion identifying those candidates who have signed a candidate contract. In addition, the Administrator should, in collaboration with the Board, undertake public education and outreach efforts to explain the rationale and operation of the Fund.
- (k) The Board shall establish a procedure for the investigation and hearing of alleged violations and disputes, consistent with basic due process principles, including notice and the opportunity to be heard and to have the alleged violation or dispute fairly and impartially adjudicated. The Board shall establish procedures designed to attempt to secure voluntary mediation of disputes and voluntary compliance with the provisions of this ordinance by informal methods of conference, conciliation and persuasion.

Sec. 2-824 Candidate Contract

- (a) Each candidate for election or nomination for election to the office of Mayor shall file an affidavit with the Administrator not later than four o'clock p.m. on the sixtieth day before the date set for the primary or general election. The affidavit shall include a written certification that the candidate either intends to abide by the rules and limitations of this ordinance or does not intend to abide by these rules and limitations. The certification shall be made by both the candidate and the campaign treasurer of the candidate's mayoral committee.
- (b) A candidate who so certifies the candidate's intent to abide by the rules and limitations of this ordinance shall be referred to as a "participating candidate". A candidate who so certifies the candidate's intent to not abide by the rules and limitations of this ordinance shall be referred to as a "nonparticipating candidate". A candidate who fails to file such affidavit in a timely manner shall be deemed to be a "nonparticipating candidate". The Administrator shall prepare a list of the participating candidates and a list of the nonparticipating candidates and shall make such lists available for public inspection.
- (c) By the same date as stated in subsection (a) above, the participating candidate shall also file a candidate contract in a form approved by the Board. In order for the candidate to qualify for the public matching funds program, the Administrator must approve the candidate contract.
- (d) The candidate contract shall include, without limitation, written certifications by the candidate and his or her campaign treasurer that (1) the campaign treasurer shall expend any funds received from the Fund in accordance with the provisions

of this ordinance and any regulations adopted by the Board pursuant to Section 2-245(e); (2) the candidate and the campaign treasurer shall be personally and jointly and severally liable and shall repay to the Fund any such monies that are not expended in accordance with this ordinance and the Board's duly adopted regulations; (3) the candidate and the campaign treasurer shall abide by all the provisions of this ordinance, and accept the penalties, including personal liability, associated with noncompliance with this ordinance, (4) the candidate and the campaign treasurer shall file with the Board, on the same dates required by the state, copies of the reporting statements required under Conn. Gen. Statutes Sect. 9-608; (5) the candidate and the campaign treasurer shall report to the Administrator as soon as the campaign has either raised or spent \$5,000 (the contested election limit); (6) the candidate and the campaign treasurer shall report to the Administrator as soon as the candidate obtains a party nomination or successfully or unsuccessfully petitions to be on a ballot, and when the candidate withdraws from an election; (7) upon signing a candidate contract, the candidate and the campaign treasurer shall immediately report to the Administrator amounts raised or spent prior to filing for participation, including any contributions received from improper sources or in improper amounts, (8) primary candidates and their campaign treasurers shall file a full campaign finance report with the Administrator on August 10 for the month of July, and general election candidates and their campaign treasurer shall file a full campaign finance report with the Administrator on September 10 for the months of July and August; and (9) shall be subject to the record-keeping and reporting requirements of this ordinance, and to audit and examination as provided in this ordinance. The candidate contract may include any other items or requirements applicable to all participating candidates as determined by the Board.

- (e) Before making an initial application for public matching funds, a participating candidate may withdraw from participation by filing an affidavit with the Board, which shall include a written certification of such withdrawal. A candidate who files such an affidavit shall be deemed to be a nonparticipating candidate for the purposes of this ordinance, and shall not be penalized for such withdrawal. No participating candidate may withdraw from participation after making an initial application for public matching funds.
- (f) The Administrator must accept or reject a signed candidate contract within five calendar days of its receipt. In determining whether to accept or reject a candidate contract, the Administrator shall be governed by the requirements for such a contract specified in this ordinance and any other requirements applicable to all participating candidates established by the Board.

Sec. 2-825 Voluntary Expenditure Ceiling and Contribution Limits

- (a) No participating candidate, nor the mayoral committee of such candidate, shall accept contributions in excess of \$300, in the aggregate for a particular election,

from any individual or party town committee. Subject to the contribution limits of this ordinance and those imposed by Chapter 155 of the Connecticut General Statutes, a participating candidate and his or her mayoral committee may only accept contributions from individuals and from a New Haven party town committee, and may not accept contributions from “political committees” or “business entities” as those terms are defined in Connecticut General Statutes, Section 9-601(a). The contribution limits of this ordinance take precedence over state-imposed limits. Only contributions from registered voters of the City of New Haven shall be considered matchable contributions under this ordinance.

- (b) No participating candidate, nor the mayoral committee of such candidate, shall make qualified campaign expenditures in excess of \$300,000 in a primary election, or in excess of \$300,000 in a general election, except as otherwise provided in this section.
- (c) If a nonparticipating candidate, or the mayoral committee of such candidate, makes expenditures of \$300,000 for either a primary or a general election, participating candidates who have reached 85% of the expenditure ceiling can either choose to (1) apply for and spend an additional \$25,000 public financing grant from the Fund or (2) have the expenditure ceiling lifted. A participating candidate who has not reached 85% of the expenditure ceiling of \$300,000 shall not be eligible to receive this \$25,000 grant.
- (d) Any participating candidate who chooses to have the voluntary expenditure ceiling lifted will not have further contributions matched.
- (e) Any participating candidate whose mayoral committee receives, before or after he or she agrees to participate, a contribution in excess of the amount allowed under this ordinance, or a kind of contribution not allowed under this ordinance, must return promptly (or, if received prior to participation, promptly after agreeing to participate) the excess portion of the contribution or the entire contribution, as the case may be, and if returning such contribution or portion thereof is not possible or feasible, it shall be paid to the Fund.
- (f) For purposes of the voluntary expenditure ceilings, qualified campaign expenditures to a candidate who wins a primary made at any time up to and including the date of the primary election shall be considered expenditures for that primary election, and qualified campaign expenditures made after the date of the primary election shall be considered expenditures for the general election. However, in the event that payments are made but the goods or services are not used during the primary period, the payments shall be considered qualified campaign expenditures for the general election period. Payments for goods or services used during both periods shall be prorated.
- (g) Any monies raised by a participating primary candidate, who will also be a general election candidate, in the primary election period (which ends on 11:59 p.m. of either the day of the primary or the day it is determined that there will not

be a primary), including matching funds and a public financing grant, that are unexpended, as defined in (f) above, will become part of the general election candidate committee's funds and, to the extent expended, will be counted toward the general election expenditure ceiling.

Sec 2-826 Eligibility for Matching Funds

In order for a candidate for the office of Mayor to be eligible for public matching funds, the candidate must satisfy all of the following requirements:

- (1) Sign and file with the Board, through the Administrator, an affidavit and candidate contract, as provided in Section 2-247 above. This contract must be approved by the Administrator.
- (2) Agree to participate and actually participate in at least one public forum per primary or general election, to be designated by the Administrator, at which all candidates qualified for the relevant ballot are invited to participate.
- (3) Agree to limit and actually limit the use of personal funds for campaign purposes to no more than \$15,000 per primary or general election.
- (4) Agree to furnish to the Administrator, and actually furnish, on the same dates required by the state and in the same format, electronic or paper, copies of the reporting statements made to the state under Conn. Gen. Statutes, Section 9-608, to maintain such records of contributions and expenditures as are required by the Board, to furnish to the Administrator or the Investigator any information he or she may request relating to campaign contributions and expenditures, and to furnish such documentation and such other proof of compliance with this ordinance as may be requested by the Administrator or the Investigator.
- (5) Raise the threshold of qualifying contributions specified in Sections 2-253.
- (6) Not have lost a primary election for Mayor in the same year as the general election for which the Mayoral candidate is requesting public matching funds.
- (7) Not be in default to the City, or not have agreed to a payment arrangement with the City, regarding outstanding tax payments or contractual obligations.

Sec. 2-827 Qualifying Contributions Threshold

Public matching funds shall be allocated to participating Mayoral candidates beginning on April 1st of the election year upon satisfying the requirements of Section 2-251 of this ordinance. A candidate shall satisfy the qualifying threshold for a primary election and for a general election separately. The qualifying threshold for disbursement of matching funds shall be according to the following formula:

- (1) A participating candidate must raise 200 contributions from distinct registered voters of the City of New Haven of no less than \$10 and no more than \$300 to receive matching funds. A qualified primary candidate who wins the primary is deemed to be qualified for the general election.
- (2) Once the Administrator determines that a participating candidate has met the contributions threshold, the candidate shall receive a match of \$50 per distinct individual contributor who is a registered voter of the City of New Haven of \$25 or more dollars until the candidate raises enough funds to meet the voluntary expenditure ceiling. The participating candidate shall receive a 2 to 1 match for any such contributions under \$25.
- (3) All contributions received by a participating candidate must include the name and address of the contributor on the check or on a separate card or sheet with the name and address of the contributor and signed by the contributor and stating the amount of the contribution. Only individual contributions of \$25 or less shall be accepted in cash. All contributions made by cash, credit card, Pay Pal or similar payment program, or money order, and in-kind contributions, must be accompanied by the signed card or sheet referred to above. The form of the card or sheet used with contributions shall be approved by the Board.
- (4) The Administrator must regularly make disbursements to participating candidates as specified by the disbursement schedule approved by the Board.
- (5) The request for public matching funds shall be made on a form and in a manner determined by the Administrator, and shall include copies of each check, money order or other written legal tender, as well as copies of all signed contribution cards, relating to contributions eligible to be matched by public funds.
- (6) For purposes of this section, a loan, pledge or non-monetary contribution shall not be considered a matchable contribution.
- (7) No more than \$125,000 in public matching funds shall be disbursed to each participating candidate per primary or general election.
- (8) During the final 60 days before an election, a participating mayoral committee may only submit a request for public matching funds to the Administrator when the matching funds requested amount to \$3,000 or more.
- (9) A payment of public matching funds does not constitute the Board's final determination of the amount for which a participating candidate may qualify, and such payment is subject to post-payment audit and readjustment by the Board.

Sec. 2-828 Public Financing Grants

Once a participating candidate meets the qualifying contributions threshold, meets all requirements to appear on the primary or general election ballot, whether as a nominated or petitioning, but not as a write-in, candidate, and the election has been declared contested pursuant to Section 2-243(e), the candidate shall be eligible to receive a \$15,000 public financing grant from the Fund. Such a candidate may receive the \$15,000 public financing grant once before a primary election and once before a general election, with disbursement of the grant by the Board to be timed as follows:

- (a) For a primary election such a candidate who has received a party nomination may receive a grant when another candidate has successfully petitioned to appear on the primary ballot, and such a candidate who has successfully petitioned to appear on the primary ballot may receive a grant as soon as he or she has been qualified to appear on the ballot.
- (b) For a general election, such a candidate who receives a party nomination shall receive a grant either: (1) after the time for petitioning to appear on a primary ballot has expired and no one has successfully petitioned to appear on a primary ballot; or (2) after the completion of the primary election or elections for all parties having such elections.

Sec. 2-829 Insufficient Public Funds

If there are insufficient public matching funds available for all participating candidates, whatever funds are available in the Fund shall be distributed on a pro rata basis to participating candidates in such allocations as determined by the Administrator and approved by a majority vote of the Board.

Sec. 2-830 Use of Public Matching Funds

- (a) Public matching funds shall be used exclusively for qualified campaign expenditures to promote the candidacies of the participating candidates.
- (b) All surplus public matching funds, or matching funds used in violation of the requirements of this ordinance, shall be returned or reimbursed to the Fund.
- (c) If the candidate withdraws from a primary or general election, becomes ineligible or dies during the campaign, or if a candidate is eligible for a primary election, but the primary election is canceled, the candidate's qualified committee will return to the Fund, for deposit in the Fund, all monies received from the Fund which it has not spent, or has not become legally obligated to expend, on qualified campaign expenditures as of the date of such occurrence.

- (d) When determining whether these are surplus matching funds that must be returned to the Fund, the Board will consider the first funds spent to be public funds.

Sec. 2-831 Cost of Living Adjustment

Beginning in 2008 and every four years thereafter, the amounts of the voluntary contribution size limit, the public financing grants, the use of personal funds limit, the contribution and expenditure ceiling per election cycle, the contested election limit, the civil penalty, shall be adjusted according to four-year aggregate cost of living changes in the New Haven MSA, as shown in the Consumer Price Index for all items in the New Haven MSA. The adjustment shall be rounded to the nearest five dollar size variation (i.e. \$25, 30, 35, 310, 315, 320) for the minimum qualifying contribution and the voluntary contribution size limit. The adjustment shall be rounded to the nearest thousand for the public financing grant, the personal funds limitation, and the contribution and expenditure ceilings (i.e. \$16,000, \$17,000, \$18,000, \$301,000, 302,000, 303,000).

Sec. 2-832 Enforcement

- (a) Any person who violates any provision of this ordinance shall be personally and jointly and severally liable for the re-payment of any funds thereby obtained or expended.
- (b) Alleged violations of this Ordinance and other complaints brought against the participating candidates, their agents and/or their mayoral committees shall be investigated promptly and confidentially by the Investigator, who shall report his findings to the Board. The Board shall have the power to issue subpoenas to compel the attendance of witnesses and to compel the production of documents in connection with an investigation or a hearing. The Board shall grant an administrative hearing regarding any alleged violation or dispute, at which all interested parties may present testimony and evidence. The Board shall render its decision as soon as practicable after the hearing is concluded. The Board shall notify the parties of its decision by certified or registered mail.
- (c) The Board is authorized to levy a civil penalty not to exceed two thousand dollars (\$2000.) per violation, or twice the amount of any improper expenditure or contribution, whichever is greater, against any person the Board finds to be in violation of any provision of this ordinance. In the case of failure to pay any such penalty within thirty days of written notice thereof sent by certified or registered mail to such person, the Board may apply to the Connecticut Superior Court for an order requiring such a person to pay the penalty imposed and such court costs, state marshal's fees and reasonable attorney's fees incurred by the Board as the court may determine.

- (d) The Administrator may further seek the application of any and all criminal and civil actions, penalties, sanctions, orders (including cease and desist orders) and remedies available under the laws of the State of Connecticut, including but not limited to prosecution for misappropriation of funds of the City. The Administrator is authorized to refer any violation to the State Election Enforcement Commission, the District Attorney's Office, the Chief State's Attorney's Office, the Attorney General's Office or any other appropriate authority.
- (e) The remedies provided in subdivision (a), (c) and (d) above shall also apply to any person who causes any other person to violate any provision of this ordinance or who aids and abets any other person in a violation.

Sec. 2-833. Applicability of Other Laws

Nothing in this ordinance shall exempt any person from applicable provisions of any other laws of the city, state, federal or other appropriate jurisdiction.

Sec. 2-834. Severability

If any provision of this ordinance, or the application of such provision to any person or circumstance, shall be held invalid for any reason, the remainder of this ordinance, to the extent it can be given effect, or the application of such provision to persons or circumstances other than those as to which it is held invalid, shall not be affected thereby, and to this extent the provisions of this ordinance are severable.

Sec. 2-835 Effective Date

This ordinance shall become effective upon passage.

Appendix of Connecticut General Statutes Definitions Referenced in Democracy Fund Ordinance

CGS §9-601(19) (referenced above in §2-244(o)): "Coordinated expenditure" means an expenditure made by a person:

(A) In cooperation, consultation, in concert with, at the request, suggestion or direction of, or pursuant to a general or particular understanding with (i) a candidate, candidate committee, political committee or party committee, or (ii) a consultant or other agent acting on behalf of a candidate, candidate committee, political committee or party committee;

(B) For the production, dissemination, distribution or publication, in whole or in substantial part, of any broadcast or any written, graphic or other form of political advertising or campaign communication prepared by (i) a candidate, candidate committee, political committee or party committee, or (ii) a consultant or other agent acting on behalf of a candidate, candidate committee, political committee or party committee;

(C) Based on information about a candidate's plans, projects or needs, provided by (i) a candidate, candidate committee, political committee or party committee, or (ii) a consultant or other agent acting on behalf of a candidate, candidate committee, political committee or party committee, with the intent that such expenditure be made;

(D) Who, in the same election cycle, is serving or has served as the campaign chairperson, campaign treasurer or deputy treasurer of a candidate committee, political committee or party committee benefiting from such expenditure, or in any other executive or policymaking position as a member, employee, fundraiser, consultant or other agent of a candidate, candidate committee, political committee or party committee;

(E) For fundraising activities (i) with or for a candidate, candidate committee, political committee or party committee, or a consultant or other agent acting on behalf of a candidate, candidate committee, political committee or party committee, or (ii) for the solicitation or receipt of contributions on behalf of a candidate, candidate committee, political committee or party committee, or a consultant or other agent acting on behalf of a candidate, candidate committee, political committee or party committee;

(F) Based on information about a candidate's campaign plans, projects or needs, that is directly or indirectly provided by said candidate, the candidate's candidate committee, a political committee or a party committee, or a consultant or other agent acting on behalf of said candidate, candidate committee, political committee or party committee, to the person making the expenditure or said person's agent, with an express or tacit understanding that said person is considering making the expenditure; or

(G) For a communication that clearly identifies a candidate during an election campaign, if the person making the expenditure, or said person's agent, has informed said candidate, the candidate's candidate committee, a political committee or a party committee, or a consultant or

other agent acting on behalf of said candidate, candidate committee, political committee or party committee, concerning the communication's contents, intended audience, timing, location or mode or frequency of dissemination.

CGS §9-601(3) (referenced above in §2-249(a)): "Political committee" means

- (A) a committee organized by a business entity or organization,
- (B) persons other than individuals, or two or more individuals organized or acting jointly conducting their activities in or outside the state,
- (C) an exploratory committee,
- (D) a committee established by or on behalf of a slate of candidates in a primary for the office of justice of the peace, but does not mean a candidate committee or a party committee,
- (E) a legislative caucus committee, or
- (F) a legislative leadership committee.

CGS §9-601(8) (referenced above in §2-149(a)): "Business entity" means the following, whether organized in or outside of this state: Stock corporations, banks, insurance companies, business associations, bankers associations, insurance associations, trade or professional associations which receive funds from membership dues and other sources, partnerships, joint ventures, private foundations, as defined in Section 509 of the Internal Revenue Code of 1986, or any subsequent corresponding internal revenue code of the United States, as from time to time amended; trusts or estates; corporations organized under sections 38a-175 to 38a-192, inclusive, 38a-199 to 38a-209, inclusive, and 38a-214 to 38a-225, inclusive, and chapters 594 to 597, inclusive; cooperatives, and any other association, organization or entity which is engaged in the operation of a business or profit-making activity; but does not include professional service corporations organized under chapter 594a and owned by a single individual, nonstock corporations which are not engaged in business or profit-making activity, organizations, as defined in subdivision (6) of this section, candidate committees, party committees and political committees as defined in this section. For purposes of this chapter, corporations which are component members of a controlled group of corporations, as those terms are defined in Section 1563 of the Internal Revenue Code of 1986, or any subsequent corresponding internal revenue code of the United States, as from time to time amended, shall be deemed to be one corporation.