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## **ARTICLE XI. DEMOCRACY FUND<sup>1</sup>**

### **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.

(Ord. No. 1589, 5-4-09)

### **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 the Mayor, whether 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 their consent to any other person to solicit or receive contributions or make expenditures with the intent to bring about their election or nomination for election to the Office of the Mayor.

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<sup>1</sup>Editor's note(s)—Ord. No. 1589, adopted May 4, 2009, repealed former Art. XI, §§ 2-821—2-834 in its entirety and enacted new provisions as herein set out. Former Art. XI pertained to similar subject matter and derived from Ord. No. 1442, adopted March 5, 2007.

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- (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 five thousand dollars (\$5,000.00). The Democracy Fund Board shall determine and authorize the administrator to declare an election a contested 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:
    - a. 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 their mayoral committee for any purpose;
    - b. Monetary gifts given before, during, or after the election with the intent that it be used for a candidate's election to public office; and
    - c. A loan made to a mayoral committee, whether 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:

- (i) The value of services provided without compensation by individuals who volunteer a portion or all their time on behalf of a candidate; or
  - (ii) 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 (\$200.00) in value; or
  - (iii) The travel expenses of any individual who on their own behalf volunteers 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 (\$200.00) in value.
- (8) *Matchable contribution* means a contribution, not in violation of the contribution limits set forth in subsection 2-825(a) of this article, 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 article.

The following contributions are not matchable:

- (i) In-kind contributions of property, goods or services;

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- (ii) Contributions in the form of a purchase price paid for an item with significant intrinsic or enduring value;
  - (iii) 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
  - (iv) Contributions from individual vendors to whom the participating candidate or their mayoral committee makes an expenditure.
    - (i) Contributions from a person that donated an amount equal to, or more than, the contribution limit contained in 2-825, to the same candidate's exploratory committee. In no circumstances may a person's combined contribution to a candidate's exploratory and *mayoral committee* be matched if the aggregate amount exceeds the contribution limit contained in Sec. 2-185.
    - (ii) Contributions of less than five dollars (\$5.00).
- (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, considering 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 ten dollars (\$10.00) per person for breakfast or twenty dollars (\$20.00) 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 (\$250.00) 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 personal services to a single candidate, if the

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expenses are incurred voluntarily and without any understanding or agreement that they will be reimbursed; and

- c. A coordinated expenditure 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 2-823.
- (15) *Administrator* means the Democracy Fund administrator.
- (16) *Investigator* means the Democracy Fund investigator.
- (17) *NHDF Grant* or *the grant* means the public matching funds grant provided to a qualifying candidate following the declaration of a contested election.

(Ord. No. 1589, 5-4-09)

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**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 Democracy Fund Board shall issue in January a report to the mayor and the Board of Alders 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 Alders will consider the recommendation of the Democracy Fund Board and the on-going funding needs of the Democracy Fund in its budget deliberations and again in its post-budget approval amendment process. The Board of Alders will exercise its best efforts to make sufficient appropriations to the Democracy Fund to allow it to carry out its operations effectively. The Board of Alders will also consider in a prompt manner any interim requests made by the board for supplemental appropriations needed during the fiscal year. Also, the Democracy Fund can accept any voluntary individual contributions made to it.

Once city general funds or individual contributions are appropriated and deposited into the Democracy Fund, they cannot be transferred for other purposes, canceled, or rescinded. The city's Finance Department, in consultation with the Democracy Fund Board, must place Democracy Fund assets into interest-bearing financial instruments for the purpose of balancing the need for investment growth with the need for liquidity at certain time periods. Investment earnings credited to the assets of the Democracy Fund shall become part of the assets of the Democracy Fund. All monies deposited in the Democracy Fund shall be used only for the purposes of this article, including for the administration of the Democracy Fund. Any unused funds shall carry over from year-to-year in the Democracy Fund.

- (b) The Democracy Fund shall be overseen by the Democracy Fund Board. The board's membership will consist of seven (7) members. No more than three (3) members can belong to the same political party. Members will be nominated by the mayor and confirmed by the New Haven Board of Alders. Of the first seven (7) members appointed, four (4) will be nominated to four-year terms, and three (3) members to two-year terms. The mayor will indicate the length of the initial term of the first seven (7) members when nominating them. After each original term has expired, all appointments will be for terms of four (4) years. If 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 Alders. If a member's term has expired and a successor has not been appointed and confirmed, the member shall continue to serve until a 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 Alders.
- (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;

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- (i) Attorneys may be deemed necessary when the board is faced with a complaint that needs a legal response or appraisal, a question is raised that would benefit from a legal opinion or advisory paper, or to protect the Democracy Fund, board members, or administrator from any claim of wrongdoing, or else any reasonable time as voted on by the board.
  - (ii) Independent attorneys means an individual who has not contributed to any mayoral candidate or committee for whom their advice would affect within the past 5 years.
- (4) Establishment of rules of procedure for board meetings, hearings and general operation not inconsistent with this article;
  - (5) Approval of forms and materials required for the administration of the program set forth within this article;
  - (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 as required to ensure compliance with this article, as well as the approval of expenditures from the Democracy 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 article. These audit and examination powers extend to all participating candidates and their mayoral committees.
  - (e) The board shall be empowered to resolve disputes over interpretation of the ordinance and to adopt and publish regulations to carry out the provisions of this article.
  - (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 article, 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 all forms necessary to carry out the provisions of this article, 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. Approved documents must be available to the public on the Democracy Fund website, which shall be hosted by the City of New Haven.
  - (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

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contributions of participating candidates, and if the administrator determines that the candidate is eligible in consultation with the board, the administrator shall issue a request to the treasurer of the city for checks or electronic fund transfers to be issued to the candidate's qualified committee.

- (i) The administrator shall have five (5) calendar days to process requests for public matching funds and disburse the public funds to the qualified committee. The City of New Haven will process payments to be available the Friday following the week the request is made to the administrator.
- (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 Democracy 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 article by informal methods of conference, conciliation, and persuasion.

(Ord. No. 1589, 5-4-09)

**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 fiftieth (50th) 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 article 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 certifies the candidate's intent to abide by the rules and limitations of this article 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 an 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. For the candidate to qualify for the public matching funds program, the administrator must have received the candidate contract.
- (d) The candidate contract shall include, without limitation, written certifications by the candidate and their campaign treasurer that:

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- (1) The campaign treasurer shall expend any funds received from the Democracy Fund in accordance with the provisions of this article and any regulations adopted by the board pursuant to subsection 2-823(e);
  - (2) The candidate and the campaign treasurer shall be personally and jointly and severally liable and shall repay to the Democracy 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 article, and accept the penalties, including personal liability, associated with noncompliance with this article;
  - (4) The candidate and the campaign treasurer shall file with the board, on the same dates required by the state, reporting statements required under Conn. Gen. Statutes Section 9-608 by filing directly to the state's eCRIS system;
  - (5) The candidate and the campaign treasurer shall report to the administrator as soon as the campaign has either raised or spent five thousand dollars (\$5,000.00) (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:
    - (i) Any candidate who does not obtain ballot access must return any money previously given to them by the Democracy Fund for that cycle that has not yet been obligated or expended within 14 calendar days. Failing to obtain ballot access in the primary does not impact participation in the general election, as long as ballot access is obtained; and
    - (ii) If a qualifying candidate has received a partial grant and their opponent drops out of the election, their committee must return any money previously given to them by the Democracy Fund for that cycle that has not yet been obligated or expended.
  - (7) Upon signing a candidate contract, the candidate and the campaign treasurer shall immediately report to the administrator amounts raised and spent prior to filing for participation, including any contributions received from improper sources or in improper amounts during an exploratory phase; any money raised from improper sources must be returned to contributors or groups within 10 calendar days from signing and submitting the candidate pledge.
  - (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 a 7-day preceding filing as required by the state, 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 a 7-day preceding filing as required by the state; campaigns shall



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be subject to the record-keeping and reporting requirements of this article, and to audit and examination as provided in this article. 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 article and shall not be penalized for such withdrawal. No participating candidate may withdraw from participation after making an initial application for public matching funds. A candidate who fails to respond to written communication from the board or administrator within 14 days shall also be considered to be nonparticipating.
- (f) The administrator must accept or reject a signed candidate contract within five (5) 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 article and any other requirements applicable to all participating candidates established by the board.

(Ord. No. 1589, 5-4-09)

**Sec. 2-825. Voluntary expenditure ceiling and contribution limits.**

- (a) No participating candidate, nor the *mayoral committee* of such candidate, shall accept contributions more than three hundred dollars (\$300.00), 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 their *mayoral committee* may only accept contributions from individuals and from a New Haven party town committee, and may not accept contributions from political committees (including exploratory 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 more than three hundred thousand dollars (\$300,000.00) in a primary election, or in excess of three hundred thousand dollars (\$300,000.00) in a general election, except as otherwise provided in this section. These ceilings shall be adjusted for inflation starting in 2007.
- (c) Any participating candidate who chooses to have the voluntary expenditure ceiling lifted will not have further contributions matched.
- (d) 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 article, or a kind of contribution not allowed under this article, must return promptly (or, if received prior to participation, promptly after agreeing to participate) the excess portion of the contribution

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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 Democracy Fund.

- (e) 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, if 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.
- (f) 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.
- (e) Any money left over from a campaign following the completion of the election must be repaid to the Democracy Fund or else returned to contributors on a pro-rata basis.

(Ord. No. 1589, 5-4-09)

### **Sec. 2-826. Eligibility for matching funds.**

For a candidate for the office of mayor to be eligible for public matching funds, the candidate must satisfy all the following requirements:

- (1) Sign and file with the board, through the administrator, an affidavit and candidate contract, as provided in section 2-824 above. This contract must be approved by the administrator for completeness and ethical compliance.
- (2) Agree to participate and actually participate in at least one (1) 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. A candidate receiving funds in the primary must also participate in at least one (1) general election debate or forum, regardless of whether the candidate receives a Democracy Fund Grant or matching funds in the general election unless they have withdrawn from the race.
- (3) Agree to limit and limit the use of personal funds for campaign purposes to no more than fifteen hundred dollars (\$1,500.00) 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

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by the board, to furnish to the administrator or the investigator any information they may request relating to campaign contributions and expenditures, and to furnish such documentation and such other proof of compliance with this article as may be requested by the administrator or the investigator.

- (5) Raise the threshold of qualifying contributions specified in section 2-827.
- (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.

(Ord. No. 1589, 5-4-09)

### **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 2-826. 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 two hundred (200) contributions from distinct registered voters of the City of New Haven of no less than five dollars (\$5.00) and no more than four hundred dollars (\$400.00) 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 seventy dollars (\$70.00) per distinct individual contributor who is a registered voter of the City of New Haven of thirty-five or more dollars (\$35.00) until the candidate raises enough funds to meet the voluntary expenditure ceiling. The participating candidate shall receive a two (2) to one (1) match for any such contributions under thirty-five dollars (\$35.00).
- (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 one hundred dollars (\$100.00) or less shall be accepted in cash. All contributions made by cash, credit card, PayPal 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

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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 one hundred twenty-five thousand dollars (\$125,000.00) in public matching funds shall be disbursed to each participating candidate per primary or general election.
- (8) During the final sixty (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 one thousand dollars (\$1,000.00) 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.

(Ord. No. 1589, 5-4-09)

### **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 subsection 2-822(5), the candidate shall be eligible to receive a twenty-five thousand-dollar (\$25,000.00) public financing grant from the Democracy Fund. Such a candidate may receive the twenty-five thousand-dollar (\$25,000.00) 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:

- (1) Once an election is deemed contested under Sec. 2-822 (5), qualifying candidates may request up to half of the grant to be disbursed to their *mayoral committee*. This request can be made no earlier than the 60th day before the election.
- (2) 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.
- (3) For a general election, such a candidate who receives a party nomination shall receive a grant either:
  - (a) 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
  - (b) After the completion of the primary election or elections for all parties having such elections.

(Ord. No. 1589, 5-4-09)

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**Sec. 2-829. Insufficient public funds.**

If there are insufficient public matching funds available for all participating candidates, whatever funds are available in the Democracy 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. The administrator, following approval by the board, shall make an emergency request for replenishment of the Democracy Fund to the Board of Alders and Office of the Mayor as soon as it is discerned that funds may fall short for the election cycle.

(Ord. No. 1589, 5-4-09)

**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 article, shall be returned or reimbursed to the Democracy Fund in a timely fashion.
- (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 Democracy Fund, for deposit in the Democracy Fund, all monies received from the Democracy 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) If, during the course of a primary election, a candidate's opponents withdraw from the race, leaving the candidate without a primary opponent, the candidate's qualified committee will return to the Democracy Fund, for deposit in the Democracy Fund, all monies received from the Democracy Fund which it has not spent, or has not become legally obligated to expend, on qualified campaign expenditures as of the date of such withdrawal at 11:59pm. Money will be returned to the Democracy Fund within 14 calendar days.
- (e) When determining whether these are surplus matching funds that must be returned to the Democracy Fund, the board will consider the first funds spent to be public funds. All excess funds left in the campaign account shall either:
  - (i) be returned to the Democracy Fund; or
  - (ii) be returned to contributors in a prorated amount.

(Ord. No. 1589, 5-4-09)

**Sec. 2-831. Cost of living adjustment.**

Beginning in 2008 and every four (4) 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 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

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for all items in the New Haven MSA. The adjustment shall be rounded up 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).

The following amounts may be adjusted for inflation:

- (1) Maximum match amount;
- (2) Maximum allowed voluntary contribution limit;
- (3) Grant amount;
- (4) Expenditure ceiling amount;
- (5) Personal funds limitation; and
- (6) The civil penalty.

The following amounts shall not be adjusted for inflation:

- (1) Minimum qualifying voluntary contribution;
- (2) Maximum matching funds limit; or
- (3) Contested election trigger amount.

(Ord. No. 1589, 5-4-09)

**Sec. 2-832. Enforcement.**

- (a) Any person who violates any provision of this article shall be personally and jointly and severally liable for the repayment of any funds thereby obtained or expended.
- (b) Alleged violations of this article and other complaints brought against the participating candidates, agents and/or their *mayoral committees* shall be investigated promptly and confidentially by the investigator, who shall report their findings to the board. The board shall create a method for reporting such violations and make complaint forms publicly available. 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 (\$2,000.00) 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 (30) 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 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 subsections (a), (c) and (d) above shall also apply to any person who causes any other person to violate any provision of this section or who aids and abets any other person in a violation.

(Ord. No. 1589, 5-4-09)

**Sec. 2-833. Applicability of other laws.**

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

(Ord. No. 1589, 5-4-09)

**Sec. 2-834. Severability.**

If any provision of this article, or the application of such provision to any person or circumstance, shall be held invalid for any reason, the remainder of this article, 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 article are severable.

**Sec. 2-835. Effective date.**

The ordinance from which this article derives shall become effective upon passage.

(Ord. No. 1589, 5-4-09)

**Secs. 2-836—2-850. Reserved**