



# New Haven Democracy Fund

"To ensure that all the citizens of New Haven have a fair and meaningful opportunity to participate in the election of mayor."  
New Haven Code of General Ordinances, Chapter 2, Article XI, §2-821 • Established in 2007 • democracyfund@newhavenct.net



## Proposed changes to the Democracy Fund Ordinance:

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 elected officials (LIST OF PARTICIPATING OFFICES TO GO HERE, AS DETERMINED BY THE BOARD OF ALDERS) ~~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 ~~municipal~~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 elected officials~~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.

~~Mayoral committee~~Campaign Committee (or Candidate 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 ~~political office~~the office of mayor. "~~Campaign~~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.

- (1) Candidate means an individual who seeks election or nomination for election to political office~~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 ~~office~~the office of mayor.

- (2) Campaign treasurer means the individual appointed by a candidate to receive and disburse funds on behalf of the candidate or ~~campaign mayoral~~ committee.
- (3) Election means any primary or general election for ~~municipal office in mayor of~~ the City of New Haven.
- (4) Contested election means any election in which more than one candidate seeking a party nomination or election to ~~political office the office of mayor~~ has raised or spent five thousand dollars (\$5,000.00). The administrator will declare an election a contested election.
- (5) Qualified committee means a ~~campaign 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 ~~political office the office of mayor~~ shall only have a single "qualified committee" at any given time.
- (6) 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 ~~campaign mayoral~~ committee of compensation for the personal services of any other person which are rendered without charge to a candidate or his or her ~~campaign mayoral~~ committee for any purpose;
  - b. A loan made to a ~~campaign 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;
- (7) 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 ~~campaign 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;
  - (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 his or her ~~campaign mayoral~~ committee makes an expenditure.
- (8) Expenditure means any purchase, payment, distribution, gift of money, or anything else of value made by a ~~campaign mayoral~~ committee. The timing of expenditures is when they are incurred, not when they are actually paid.
- (9) Qualified campaign expenditure means an expenditure of a participating ~~candidate's mayoral~~ committee that shall be counted toward its expenditure ceiling. Participating ~~campaign 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 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 campaign 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 campaign 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 campaign mayoral committee.

- (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 ~~campaign mayoral~~ committees.

Sec. 2-824. - Candidate contract.

- (a) Each candidate for election or nomination for election to ~~political office 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 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.

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

- (a) No participating candidate, nor the ~~campaign mayoral~~ committee of such candidate, shall accept contributions in excess of 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 his or her ~~campaign 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 ~~campaign mayoral~~ committee of such candidate, shall make qualified campaign expenditures in excess of 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.

- (c) If a nonparticipating candidate, or the ~~mayoral-campaign~~ committee of such candidate, makes expenditures of three hundred thousand dollars (\$300,000.00) for either a primary or a general election, participating candidates who have reached eighty-five (85) percent of the expenditure ceiling can either choose to (1) apply for and spend an additional twenty-five thousand-dollar (\$25,000) public financing grant from the fund or (2) have the expenditure ceiling lifted. A participating candidate who has not reached eighty-five percent (85) of the expenditure ceiling of three hundred thousand dollars (\$300,000.00) shall not be eligible to receive this twenty-five thousand-dollar (\$25,000.00) grant.

- (e) Any participating candidate whose ~~campaign 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 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.

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

In order for a candidate for ~~political office~~ ~~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 2-824 above. This contract must be approved by the administrator.
- (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.
- (3) Agree to limit and actually limit the use of personal funds for campaign purposes to no more than fifteen thousand dollars (\$15,000.00) 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 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 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 ~~the same political office~~ ~~mayor~~ in the same year as the general election for which the ~~mayoral~~ candidate is requesting ~~a grant or~~ public matching funds.

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...

- (8) During the final sixty (60) days before an election, a participating ~~mayoral~~ ~~campaign~~ committee may only submit a request for public matching funds to the administrator when the matching funds requested amount to three thousand dollars (\$3,000.00) or more.

Sec. 2-832. - Enforcement.

(b) Alleged violations of this article and other complaints brought against the participating candidates, their agents and/or their ~~campaign~~ ~~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.