

# Individual Contributor Certification Form

## Middletown Democratic Town Committee

### Christine Bourne – Treasurer

17 Red Orange Road Middletown CT, 06457

<b>NAME OF INDIVIDUAL CONTRIBUTOR (Last Name, First Name, Middle Initial)</b>		
<b>STREET ADDRESS (P.O. Boxes are not permitted)</b>		<b>PHONE / EMAIL ADDRESS</b>
<b>CITY</b>	<b>STATE</b>	<b>ZIP CODE</b>
<b>NAME OF EMPLOYER</b> <small>If multiple employers and one is a state contractor, list the state contractor. If self-employed, provide Name of Business. Example: Dave's Painting; Other Examples: Retired, Unemployed, Student, Homemaker</small>		<b>PRINCIPAL OCCUPATION</b> <small>If self-employed, provide Job Description. Example: Painter; Other Examples: Retired, Unemployed, Student, Homemaker</small>
<b>CONTRIBUTION AMOUNT</b>	<b>METHOD OF CONTRIBUTION</b>	
\$	<input type="checkbox"/> Cash <input type="checkbox"/> Personal Check # _____ <input type="checkbox"/> Credit/Debit Card <input type="checkbox"/> Money Order	
<input type="checkbox"/> <b>In-Kind Contribution (Provide the value in the Contribution Amount field and a description in the space below):</b>		
<b>Please review the definitions on the reverse of this form and answer each of the following:</b>		
<input type="checkbox"/> Yes <input type="checkbox"/> No	1. Are you a communicator lobbyist?	
<input type="checkbox"/> Yes <input type="checkbox"/> No	2. Are you the spouse or dependent child of a communicator lobbyist?	
<input type="checkbox"/> Yes <input type="checkbox"/> No	3. Are you a principal of a state contractor or prospective state contractor? branch or branches of government the contract(s) is with: <input type="checkbox"/> Legislative <input type="checkbox"/> Executive If yes, please indicate which	
<input type="checkbox"/> Yes <input type="checkbox"/> No	4. Are you a principal of a holder of a valid prequalification issued by the Commissioner of Administrative Services?	
<input type="checkbox"/> Yes <input type="checkbox"/> No	5. <i>If you answered YES to question 2, 3, or 4:</i> Are you an elected public official?	
<b>CERTIFICATION</b>		
I hereby certify and state that all of the information disclosed by me and set forth above on this contributor card is true and accurate to the best of my knowledge and belief. I certify that I am either a United States citizen or a foreign national with permanent resident status in the United States, and that I am either 18 years of age or older, or if I am less than 18 years of age I have not contributed more than \$30 to the committee. I certify that this contribution is being made from my personal funds or my personal credit card for which I have a legal obligation to pay and intend to pay from my own personal funds, is not being reimbursed in any manner, is not an otherwise prohibited contribution, and that payment on this card is not made from the funds of a corporation, labor organization or any other entity.		
SIGNATURE OF CONTRIBUTOR _____		DATE (mm/dd/yyyy) _____

The committee should obtain a certification from each contributor for each contribution and maintain the certification, as well as copies of any checks, money orders, bank statements, etc., as part of the committee's internal records. Upon receiving a contribution, the committee treasurer should review the information on the form to make sure it is complete. Where an individual is executing a contribution on behalf of a person (i.e. a corporation or non-profit group), the individual signing the certification at the end of the form may provide the person's business address and phone number, rather than his or her own residential contact information, if the individual may be contacted at that address and phone number. Post office boxes are not permitted.

If the contributor is an individual human being making a contribution from personal funds, the name of the individual's employer and the principal occupation should be recorded for contributions over \$100 (in the aggregate), and absolutely must be recorded for contributions over \$1,000 (aggregate). If a contributor who is required to record the name of employer and principal occupation on the certification form fails to do so, or if a contributor fails to disclose status as lobbyist or a member of the immediate family of a lobbyist, the committee treasurer should (1) not later than three days after receiving the contribution, send the contributor a request for the certification by certified mail, return receipt requested; (2) not deposit the contribution until the certification is received; and (3) return the contribution to the contributor if the contributor does not submit the certification not later than fourteen days after the treasurer's written request or at the end of the reporting period in which the contribution was received, whichever is later. See General Statutes § 9-608 (c) (1) – (2).

“**Person**”: individual, committee, firm, partnership, organization, association, syndicate, company trust, corporation, limited liability company or any other legal entity of any kind but does not mean the state or any political or administrative subdivision of the state. General Statutes § 9-601 (10).

#### **Nesting Doll Provision: Twelve Months Before the Date of a Primary or General Election**

Generally, if an independent expenditure only political committee makes or obligates to make an independent expenditure in the form of a communication on or after the date that is ninety days immediately prior to the applicable primary or election, the communication's disclaimer must contain the names of the persons who made the top five largest aggregate contributions (exceeding \$5,000) during the twelve month period prior to the applicable primary or election. If any of those top five contributors required to be disclosed in the attribution of the relevant communication itself received a covered transfer, the committee must disclose the five largest covered transfers (if any) received by that contributor during the twelve month period prior to the applicable primary or election. For purposes of calculating when this twelve month period begins, for example, if the date of a primary is August 12, the twelve-month period prior begins on August 12 of the previous year. See General Statutes § 9-621, SEEC Advisory Opinion 2014-02 (Disclosure of Expenditures in Campaign Finance Statements Pursuant to Public Act 13-180). Also, note that there are several broad exceptions to the requirement for a contributor to disclose the top five covered transfers; please pay careful attention to the questions on the contributor form in the section for Disclosure of Top Five Covered Transfers (Nesting Dolls) to see if these exceptions apply.

“**Covered transfer**”: any donation, transfer or payment of funds by a person to another person if the person receiving the donation, transfer or payment makes independent expenditures or transfers funds to another person who makes independent expenditures. The term “covered transfer” does not include: (i) A donation, transfer or payment made by a person in the ordinary course of any trade or business; (ii) A donation, transfer or payment made by a person, if the person making the donation, transfer or payment prohibited the use of such donation, transfer or payment for an independent expenditure or a covered transfer and the recipient of the donation, transfer or payment agreed to follow the prohibition and deposited the donation, transfer or payment in an account which is segregated from any account used to make independent expenditures or covered transfers; (iii) Dues, fees or assessments that are transferred between affiliated entities and paid by individuals on a regular, periodic basis in accordance with a per-individual calculation that is made on a regular basis; (iv) For purposes of this subdivision, “affiliated” means (I) the governing instrument of the entity requires it to be bound by decisions of the other entity; (II) the governing board of the entity includes persons who are specifically designated representatives of the other entity or who are members of the governing board, officers, or paid executive staff members of the other entity, or whose service on the governing board is contingent upon the approval of the other entity; or (III) the entity is chartered by the other entity. “Affiliated” includes entities that are an affiliate of the other entity or where both of the entities are an affiliate of the same entity. See General Statutes § 9-601 (29).

#### **State Contractor Contribution Limitations**

Connecticut General Statutes § 9-612 (f) (2) (A), provides in part that *no state contractor, prospective state contractor, principal of a state contractor or principal of a prospective state contractor*, with regard to a *state contract or state contract solicitation* with or from a *state agency in the executive branch or quasi-public agency* or a holder, or principal of a holder of a valid prequalification certificate, shall make a contribution . . . to a *political committee authorized to make expenditures to or for the benefit of candidates for the offices of Governor, Lieutenant Governor, Attorney General, State Comptroller, Secretary of the State or State Treasurer*. Connecticut General Statutes § 9-612 (f) (2) (B), provides in part that *no state contractor, prospective state contractor, principal of a state contractor or principal of a prospective state contractor*, with regard to a *state contract or state contract solicitation* with or from the *General Assembly* or a holder, or principal of a holder of a valid prequalification certificate, shall make a contribution . . . to a *political committee authorized to make expenditures to or for the benefit of candidates for the offices of state senator and state representative*. This means that:

- If an independent expenditure only political committee is authorized to make independent expenditures for the benefit of both statewide and General Assembly candidates, it cannot receive contributions from a state contractor, prospective state contractor, principal of a state contractor or principal of a prospective state contractor with respect to a contract with a state agency in the executive branch, a quasi-public agency, or the General Assembly, or a holder or principal of a holder of a valid prequalification certification issued by the Commissioner of Administrative services.
- If an independent expenditure only political committee is authorized to make independent expenditures for the benefit of only General Assembly candidates, it cannot receive contributions from a state contractor, prospective state contractor, principal of a state contractor or principal of a prospective state contractor with respect to a contract with the General Assembly, or a holder or principal of a holder of a valid prequalification certification issued by the Commissioner of Administrative services.
- If an independent expenditure only political committee is authorized to make independent expenditures for the benefit of only statewide candidates, it cannot receive contributions from a state contractor, prospective state contractor, principal of a state contractor or principal of a prospective state contractor with respect to a state agency in the executive branch or a quasi-public agency, or a holder or principal of a holder of a valid prequalification certification issued by the Commissioner of Administrative services.

There is a statutory “right to cure” period of at least thirty days which provides that no legal consequences arise if an improper state contractor contribution is returned by the recipient committee treasurer within thirty days of receipt of the contribution or by the campaign report filing date corresponding with the reporting period in which the contribution was made, whichever is later. See General Statutes § 9-612 (f) (2) (C).

**Please Note:** The state contractor contribution ban does not apply to an individual who is a *principal of a state contractor* or *prospective state contractor* who is an **elected public official**. See General Statutes § 9-612 (f) (4).

**“State contract”**: an agreement or contract with the state or any state agency or any quasi-public agency, let through a procurement process or otherwise, having a value of \$50,000 or more, or a combination or series of such agreements or contracts having a value of \$100,000 or more in a calendar year, for (i) the rendition of services, (ii) the furnishing of any goods, material, supplies, equipment or any items of any kind, (iii) the construction, alteration or repair of any public building or public work, (iv) the acquisition, sale or lease of any land or building, (v) a licensing arrangement, or (vi) a grant, loan or loan guarantee. “State contract” does not include any agreement or contract with the state, any state agency or any quasi-public agency that is exclusively federally funded, an education loan, a loan to an individual for other than commercial purposes or any agreement or contract between the state or any state agency and the United States Department of the Navy or the United States Department of Defense. *See* General Statutes § 9-612 (f) (1) (C).

**“State contractor”**: a person, business entity or nonprofit organization that enters into a state contract. Such person, business entity or nonprofit organization shall be deemed to be a state contractor until December 31 of the year in which such contract terminates. “State contractor” does not include a municipality or any other political subdivision of the state, including any entities or associations duly created by the municipality or political subdivision exclusively amongst themselves to further any purpose authorized by statute or charter, or an employee in the executive or legislative branch of state government or a quasi-public agency, whether in the classified or unclassified service and full or part-time, and only in such person’s capacity as a state or quasi-public agency employee. *See* General Statutes § 9-612 (f) (1) (D).

**“Prospective state contractor”**: a person, business entity or nonprofit organization that (i) submits a response to a state contract solicitation by the state, a state agency or a quasi-public agency, or a proposal in response to a request for proposals by the state, a state agency or a quasi-public agency, until the contract has been entered into, or (ii) holds a valid prequalification certificate issued by the Commissioner of Administrative Services under section 4a-100. “Prospective state contractor” does not include a municipality or any other political subdivision of the state, including any entities or associations duly created by the municipality or political subdivision exclusively amongst themselves to further any purpose authorized by statute or charter, or an employee in the executive or legislative branch of state government or a quasi-public agency, whether in the classified or unclassified service and full or part-time, and only in such person’s capacity as a state or quasi-public agency employee. *See* General Statutes § 9-612 (f) (1) (E).

**“Principal of a state contractor or prospective state contractor”**: (i) an individual who is a member of the board of directors of, or has an ownership interest of five per cent or more in a state contractor or prospective state contractor, which is a business entity, except for an individual who is a member of the board of directors of a nonprofit organization, (ii) an individual who is employed by a state contractor or prospective state contractor, which is a business entity, as president, treasurer or executive vice president, (iii) an individual who is the chief executive officer of a state contractor or prospective state contractor, which is not a business entity, or if a state contractor or prospective state contractor has no such officer, then the officer who duly possesses comparable powers and duties, (iv) an officer or an employee of any state contractor or prospective state contractor who has managerial or discretionary responsibilities with respect to a state contract, (v) the spouse or a dependent child who is eighteen years of age or older of an individual described in (i), (ii), (iii), or (iv), or (vi) a political committee established or controlled by an individual described in (i), (ii), (iii), (iv), or (v) or the business entity or nonprofit organization that is the state contractor or prospective state contractor. *See* General Statutes § 9-612 (f) (1) (F).

#### **Lobbyist Disclosure and Sessional Limitations**

The law requires disclosure of the contributor’s status as a lobbyist, the spouse of a lobbyist or any dependent child of a lobbyist who resides in the lobbyist’s household, General Statutes § 9-608 (c). In addition, during the legislative session, a political committee that failed to certify on its registration statement that it was “not established (a) for an assembly or senatorial district, (b) by an elected statewide official, a member of the General Assembly or their agent, or (c) in consultation with or at the request or suggestion of any such official, member or their agent, or controlled by such official, member or agent,” is prohibited from receiving lobbyist contributions or benefiting from lobbyist solicitations during the session. *See* General Statute § 9-610 (e).

#### **\$100 Lobbyist Contribution Limit to a Political Committee if it is Established or Controlled by a Candidate for Statewide or General Assembly Office**

Connecticut General Statutes § 9-610 (g) provides in part that no communicator lobbyist or member of the immediate family of a communicator lobbyist and that no political committee established or controlled by a communicator lobbyist or member of the immediate family of a communicator lobbyist shall make a contribution or contributions to, or for the benefit of a political committee established or controlled by a candidate for statewide or General Assembly office **in excess of one hundred dollars**.

**“Lobbyist”**: a person who in lobbying and in furtherance of lobbying makes or agrees to make expenditures, or receives or agrees to receive compensation, reimbursement, or both, and such compensation, reimbursement or expenditures are \$3,000 or more in any calendar year or the combined amount thereof is \$3,000 or more in any such calendar year. *See* General Statutes § 1-91 (12) (as amended by Public Act 15-15).

**“Communicator lobbyist”**: a lobbyist who communicates directly or solicits others to communicate with an official or his staff in the legislative or executive branch of government or in a quasi-public agency for the purpose of influencing legislative or administrative action. *See* General Statutes § 1-91 (22).

**“Client lobbyist”**: a lobbyist on behalf of whom lobbying takes place and who makes expenditures for lobbying and in furtherance of lobbying. *See* General Statutes § 1-91 (21).

**“Immediate family”**: the spouse or a dependent child of an individual. *See* General Statutes § 9-601 (24).

**“Dependent child”**: a child residing in an individual’s household who may legally be claimed as a dependent on the federal income tax return of such individual. *See* General Statutes § 9-612 (f) (1) (G).