



STATE ELECTIONS ENFORCEMENT COMMISSION

TERMINATION INFORMATION FOR CANDIDATES 2021 MUNICIPAL ELECTION

This fact sheet is intended to assist CANDIDATE COMMITTEES and POLITICAL SLATE COMMITTEES in the November 2, 2021 general election with the termination process. It does not provide legal advice.

It is not intended as a definitive interpretation of either Connecticut campaign finance laws concerning termination as found in Chapter 155 of the Connecticut General Statutes or the SEEC regulations.

Please contact Commission staff at (860) 256-2985 if you have any questions or concerns regarding committee termination or any of the topics discussed.

Post-Election Expenditures

Committees are subject to statutory requirements concerning surplus distribution. Committees are permitted to make nominal expenditures for winding up the campaign, including:

- utility bills, rent and other unpaid campaign liabilities;
- costs for photocopying campaign financial records;
- reasonable moving expenses related to closing campaign office space;
- staffing for a short time after the election for reasonable costs related to winding up the committee;
- “thank you” notes and advertising or a reasonable thank you party for committee workers; and
- inaugural activities if the candidate was elected to office.

Obtaining and Keeping Copies of all Records

- Prior to termination, the treasurer should obtain copies of **all** checks written by the committee as well as all checks received as contributions and keep those copies in the committee records. It is best to start this process as early as possible, as banks do not always maintain copies of checks indefinitely.
- Committees whose advertising appeared on any online platform must obtain and retain copies of invoices or bills directly from the online platform or provider. These invoices or receipts from the provider, along with a copy of the communication for all such expenditures, including the actual advertisement, the dates that the ad ran, and any metrics provided (e.g. the number of impressions, per day frequency, distribution range etc.) will establish that the advertisement was actually placed and a permissible expenditure made. By online platform, it should be understood to mean any public-facing website, web application, or digital application, including a social network, ad network, or search engine.

- Be sure to obtain, if you haven't already, documentation of any **secondary payees** your consultants or primary payees have paid on your committee's behalf so you may properly report these payments.
- The cost to obtain copies from the campaign's depository or another source is a permissible campaign expenditure.
- The treasurer must keep copies of all committee records, including internal records and documents to substantiate receipts and expenditures made or incurred, for **four years** after the date the committee files its final disclosure statement. If the candidate prefers to keep these records instead of the treasurer, she may obtain them from him and assume this recordkeeping responsibility. Committee funds may not be used to pay for storage. Contact Commission staff with any questions about recordkeeping.

Treasurer's Best Practices

- **Review all expenditures incurred or obligated to be made, and follow up with the vendors or service providers to make sure the committee pays all outstanding payments before terminating and closing down the bank account.**
- Keep contact information for all election day workers and make sure they promptly deposit compensation checks.
- Track all outstanding committee checks and urge vendors to cash these promptly.
- Report all expenditures, including the surplus distribution check, in Section P of SEEC Form 20.

Post-Election Filing Schedule – see [candidate committee calendar](#) or [durational political committee calendar](#) for periods covered

- | | |
|--|-------------------------|
| • January 10 th Filing*: | January 10, 2022 |
| • Final Deadline for Deficit Filing (if applicable): | February 7, 2022 |
| • Final Deadline for Termination Filing (if applicable): | April 7, 2022 |

*Any committee that has eliminated any deficit or distributed any surplus may terminate at or before this time by filing a Termination Report in lieu of this report. Once terminated, no further reports are required.

Timing of Termination

A committee **cannot** terminate until it has:

1. paid all expenses previously incurred but not yet paid;
2. sold equipment purchased by the committee (or distributed, if applicable);
3. distributed surplus funds (if any) according to the law; and
4. eliminated deficit (if any) according to the law.

Once a committee has distributed its surplus, it has seven days to file its termination statement. A committee may file a termination statement on any date. A committee with surplus must distribute its surplus no later than **March 31, 2022**.

CAUTION: If it appears that any committee check may not clear before the final distribution deadline, call the Commission to discuss options.

Sale of Committee Equipment

After the election, the law requires candidate committees and political slate committees of candidates to sell their surplus equipment (e.g. furniture, computers, cameras, fax machines, printers, cell phones) prior to termination. These items must be sold at fair market value and the campaigns should use their best efforts to reasonably estimate this value. Committees can look to the marketplace (by contacting vendors and/or looking to the Internet) to determine the current average cost of the item. The law permits sale of these items to any person, which includes sale to individuals (including the candidate), committees, corporations, partnerships, organizations, or associations.

Please note: *As a general rule, a committee does not need to sell items that have a fair market value of less than \$50.*

The committee should keep an internal record of how fair market value was determined as well as a receipt for the sale. Where the transaction is not at arms-length, careful documentation about how the treasurer determined fair market value becomes even more important in the event a complaint is filed and/or a post-election review is performed. The proceeds from the sale of these items are reported in **Section K** (Miscellaneous Monetary Receipts not Considered Contributions) of **SEEC Form 20**. In the “Description” field, the treasurer should provide a brief description of each item sold as well as the original purchase date.

Prior campaign assets such as lawn signs and campaign paraphernalia are not considered equipment and may be stored by the candidate or a volunteer for use in future elections. See [Advisory Opinion 2008-02: Treatment of Prior Assets Used by Candidate Committee in Current Election Cycle](#). The committee may not pay to store lawn signs or campaign paraphernalia after the election. For instructions on how to treat domain names after the election is over, see [Advisory Opinion 2010-03: Treatment of Domain Names](#).

Please note: Committees may also distribute their equipment directly to any permissible surplus recipient, as outlined in the next section. The committee treasurer should keep internal records to document all surplus distribution, including surplus money and surplus equipment. Once the committee distributes the proceeds of the sale as surplus, this would be reported in **Section P** (Expenses Paid by Committee) of **SEEC Form 20**, using “SRPLS” as the purpose of expenditure code.

Distribution of Surplus Funds

Prior to termination, committees must pay all outstanding debts, distribute equipment (as described above) and **distribute all surplus funds** remaining in their bank accounts to either:

1. an **ongoing political committee** which has not been established to finance future political campaigns of the candidate;
2. a **party committee**;
3. all **contributors** on a **pro rata** basis by contribution;
4. a **charitable organization under Section 501(c)(3) of the Internal Revenue Code**;
5. a **veterans’ organization under Section 501(c)(19) of the Internal Revenue Code**; or
6. the **Citizens’ Election Fund**.

Please note: A committee is responsible for determining whether an organization is a 501(c)(3) or a 501(c)(19) organization prior to distributing any surplus funds to said organization.

As noted above: Once a committee has distributed its surplus it has **seven days** to terminate by filing a termination statement using **SEEC Form 20**. This statement must report the distribution of surplus in **Section P (Expenses Paid by Committee)** using the code **SRPLS**. The treasurer should keep the campaign depository account open until all checks, including the final surplus distribution check(s), have cleared.

The deadline for a committee to distribute its surplus is **March 31, 2022** and the deadline to file the termination statement with the town clerk is **April 7, 2022**.

Deficits

In the event of a deficit, the committee must remain in existence until it eliminates the deficit and may continue to raise funds after the election solely for that purpose. In addition to the “paid for by” and “approved by” attributions, any solicitation by written communication for contributions to pay down a deficit must include a statement that the funds sought are to eliminate a deficit.

Please note: Any deficit contributions count towards a contributor’s contribution limits and are not subject to a separate limitation. Accordingly, a contributor who has already reached his or her contribution limit cannot contribute to eliminate your deficit.

The treasurer of a committee with a deficit must file with the town clerk a deficit statement using the SEEC Form 20 by **February 7, 2022** indicating the amount of the deficit and including an itemized accounting of all receipts and expenditures since the committee’s last financial statement. After this initial deficit statement, the treasurer is required to file an additional statement on the 7th day of any succeeding month when there is an increase or decrease in the deficit that is **greater than \$500** from the last filed disclosure statement. The filing deadline for such a supplemental deficit statement is on the 7th day of the next succeeding month. The treasurer must file a final termination statement using SEEC Form 20 on the **7th day of the next succeeding month** following elimination of the deficit.

For questions about post-election or termination issues, contact Commission staff at (860) 256-2985.