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State AGs

FRIDAY, AUGUST 28, 2009 3:56:00 PM

Conn. AG to appeal public campaign financing ruling

BY JOHN O'BRIEN

HARTFORD, Conn. (Legal Newsline) - Connecticut Attorney General Richard Blumenthal is planning to appeal a Thursday decision that says a public campaign financing system violates the rights of minor political parties.

U.S. District Judge Stefan Underhill's ruling said major party candidates for statewide offices benefit from the voluntary public financing system, which was created as part of the state's campaign finance reform efforts in 2005.

The plaintiffs in the case are the Green and Libertarian parties.

"Spurred on by a regrettable legacy of corruption that has pervaded all levels of elected office in recent decades, Connecticut is now commendably at the forefront of a nationwide movement to increase transparency in the political process," Underhill wrote.

"In pursuing its campaign finance reforms efforts, however, the state must remain mindful that it is operating in the arena of core, fundamental constitutional rights that demand narrow and carefully tailored regulations."

Blumenthal is asking for a stay of Underhill's decision and is appealing to the U.S. Court of Appeals for the Second Circuit.

"This decision is only one ruling by one lower-court judge, but it could create significant legal obstacles to campaign finance reform efforts here and around the country," Blumenthal said. "It deserves and needs review by an appellate court."

"Our campaign finance reform is eminently important and constitutionally defensible. The ruling conflicts substantially with U.S. Supreme Court precedent and principles."

The Citizens' Election Program requires minor party candidates to obtain signatures of 10 percent of registered voters or have had received 10 percent in the previous general election if they want partial public financing.

The Campaign Finance Reform Act, of which the CEP is a part, was passed in response to several political scandals, like the resignation of former Gov. John Rowland after he was found to have accepted gifts for state contracts.

"(T)he CEP's additional qualifying criteria for minor party candidates are so difficult to achieve that the vast majority of minor party candidates will never become eligible to receive public funding at even reduced levels," Underhill wrote.

"For instance, the Legislature chose to set the necessary thresholds for the prior success requirement at vote levels that very few minor party candidates have historically attained, thus ensuring most minor party candidates would need to qualify for the CEP under the petitioning requirement."

From Legal Newsline: Reach John O'Brien by e-mail at jobrienwv@gmail.com.

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