

# **Judge Rules Connecticut Campaign Finance Law Unconstitutional**

## **Law Unfairly Discriminated Against Minor Party Candidates**

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BRIDGEPORT, CT – A federal judge today struck down unconstitutional portions of Connecticut's campaign finance law because they unfairly discriminated against third party candidates. The American Civil Liberties Union and the ACLU of Connecticut filed a lawsuit challenging the law on behalf of the Green and Libertarian Parties of Connecticut and several individuals in July 2006.

"We are all for laws that increase the ability of more people to participate in the democratic process, but Connecticut's law did the opposite by creating a different set of rules for unaffiliated and minor party candidates that made participating even more difficult," said Andrew Schneider, Executive Director of the ACLU of Connecticut. "All we're asking is for minor parties to have a seat at the table. Today's ruling is a victory for free speech and equal protection for all candidates."

The ACLU's lawsuit challenged the constitutionality of Connecticut's 2005 campaign finance law, which established a "Citizens' Election Program" to provide for public financing of campaigns for state legislative and executive offices beginning in 2008 for some offices and 2010 for other offices. The lawsuit charged that the system created unduly burdensome eligibility requirements that effectively excluded participation by minor party candidates.

"Connecticut's campaign finance law explicitly discriminates against minor party and independent candidates by providing direct governmental subsidies to major party candidates on terms that deny the same benefits to minor party and petitioning candidates," said Mark Lopez, a cooperating attorney with the ACLU. "The state might decline to fund candidates altogether, but once it has decided to fund some candidates it must do so on terms that are non-discriminatory."

The ACLU charged that, instead of leveling the playing field as it was meant to accomplish, the public financing law unfairly increased the opportunities for major party candidates to run for office in previously uncontested and nominally contested elections by arbitrarily providing them with the incentive and resources to run full throttle campaigns, while at the same time making it more difficult for minor party candidates to obtain the same resources.

In today's ruling, U.S. District Court Judge Stefan R. Underhill of the District of Connecticut found that "the CEP imposes an unconstitutional, discriminatory burden on minor party candidates' First Amendment-protected right to political opportunity by enhancing participating major party candidates' relative strength beyond their past ability to raise contributions and campaign, without imposing any countervailing disadvantage to participating in the public funding scheme."

"We're very pleased the court ruled that real campaign finance reform requires a level playing field," said Michael DeRosa, Co-Chair of the Green Party of Connecticut.

Attorneys on the case are Lopez of the New York law firm Lewis, Clifton & Nikolaidis, P.C., Ben Sahl of the national ACLU and David McGuire of the ACLU of Connecticut. The lawsuit was filed against Jeffrey Garfield, Executive Director and General Counsel of the Connecticut Elections Enforcement Commission, and Connecticut Attorney General Richard Blumenthal, on behalf of DeRosa, the Green Party of Connecticut, the Libertarian Party of Connecticut, Elizabeth Gallo and Joanne Phillips.

Judge Underhill's decision is available online (.pdf) at:  
[www.acluct.org/downloads/GreenPartyDecisionAug27.pdf](http://www.acluct.org/downloads/GreenPartyDecisionAug27.pdf)