

[courant.com/news/nationworld/nation/wire/sns-ap-us-campaign-finance,0,2111370.story](http://courant.com/news/nationworld/nation/wire/sns-ap-us-campaign-finance,0,2111370.story)

## Courant.com

### **Conn. campaign finance law ruled unconstitutional, discriminatory against minor parties**

JOHN CHRISTOFFERSEN

Associated Press Writer

3:40 PM EDT, August 28, 2009

NEW HAVEN, Conn. (AP) — A federal judge has ruled that Connecticut's public campaign finance law, seen by some as a possible national model, is unconstitutional because it discriminates against minor party political candidates.

Judge Stefan Underhill ruled late Thursday that a part of the law that provides a voluntary public financing scheme for candidates for statewide offices and state lawmakers puts an unconstitutional burden on minor party candidates' First Amendment right to political opportunity.

He says the program, known as the Citizens Election Program, enhances major party candidates' strength beyond their past ability to raise contributions, providing them public financing "at windfall levels."

The Green and Libertarian parties and others sued the state, arguing the law makes it difficult for minor party candidates to meet the criteria for getting public funds for their campaigns.

Attorney General Richard Blumenthal said the state will appeal the ruling to the 2nd Circuit U.S. Court of Appeals and will seek a stay of the ruling so that the program can continue operating.

"We believe it deserves review by the court of appeals because it conflicts substantially with decisions of the United States Supreme Court on some issues," Blumenthal said Friday. "Certainly this decision raises significant legal obstacles to the campaign finance reform movement here and around the country but it's only one ruling very early in an ongoing court battle," Blumenthal said.

Mark Lopez, attorney for the Green and Libertarian parties, said he was "absolutely delighted" with the ruling.

"We hope the legislature is called into session and quickly fixes this in time for the 2010 elections," Lopez said.

Andrew Schneider, executive director of the ACLU of Connecticut, which represented the Green and Libertarian parties, called the ruling "a victory for free speech and equal protection for all candidates."

"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," Schneider said.

But Gov. M. Jodi Rell insisted Connecticut's law is a national model and that she supports appealing the decision. She did say the law could be changed to address the concerns of minor parties.

"It was, and will remain, the means to keep special interest and lobbyist dollars out of our election process," Rell said.

Connecticut lawmakers adopted the campaign reforms in 2005 response to corruption scandals involving former Gov. John Rowland and other officials.

Under the law candidates can receive \$25,000 for a state House race and \$85,000 for a state Senate race if they raise a certain number of contributions in \$100 or less increments from individuals. But minor party and petitioning candidates must satisfy additional requirements, including having to obtain signatures or having had received a certain percentage of votes in the last general election.

Underhill said the qualifying criteria for minor party candidates to get public funding are so difficult to achieve that most never become eligible for public funding at even reduced levels.

To qualify for partial public funding, candidates from minor political parties had to win at least 10 percent of the vote in the previous election or collect at least 10 percent of the signatures of registered voters. Full funding required 20 percent.

Underhill wrote that the legislature "essentially set the threshold criteria at the level guaranteed to ensure extremely minimal minor party participation" and said the decision "raises the specter of major party entrenchment."

He contrasted Connecticut's public financing system with Maine and Arizona, where minor party candidates are not subject to additional qualifying criteria.

The law also discourages minor party candidates from participating in the program because once they raise a minimum level of fundraising the program releases significant additional funding to the major party opponent, the judge said.

Underhill also said the law uses a statewide formula that permits any major party candidate to become eligible for full public financing even though in many legislative districts one of the major parties abandoned the race or the candidate lost in a landslide.

Blumenthal said the law does provide funding to minor party candidates on a sliding scale. He said officials were concerned about providing "windfalls to candidates who have very small support."

Underhill acknowledged that "good motives" underlie the law.

"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 nationwide movement to increase transparency in the political process," Underhill wrote.

But he said the effort involves fundamental constitutional rights that demand narrow and carefully tailored regulations.

Underhill ordered state officials from operating the Citizens Election Program.

---

Associated Press writer Susan Haigh in Hartford, Conn., contributed to this report.

Copyright 2009 Associated Press. All rights reserved. This material may not be published, broadcast, rewritten, or redistributed.