

Judge's ruling could derail campaign financing system

State officials speak up for 'model' law; others fault built-in bias for incumbents

By Ted Mann

Hartford - A federal judge's order to freeze Connecticut's public financing system for political campaigns could throw the electoral system into chaos, state officials said Friday, announcing they would seek to keep the system functioning while they appeal the ruling.

Gov. M. Jodi Rell, Attorney General Richard Blumenthal, Secretary of the State Susan Bysiewicz and Jeffrey Garfield, the executive director of the State Elections Enforcement Commission, all decried the ruling by U.S. District Judge Stefan R. Underhill, which held that provisions of the 2005 campaign finance reform law imposing higher qualification requirements for minor party candidates are unconstitutional.

THIRD-PARTY THRESHOLDS

Under the Citizens Election Program, candidates of the two "major parties," a category that includes only the Democratic and Republican parties, must raise a threshold amount of qualifying contributions from in-state supporters in order to qualify for public grants.

But candidates from "minor parties," including the state's Green Party and Libertarian Party, must meet a higher standard under the law.

A minor party candidate must raise the same amount in contributions of less than \$100 as a major party candidate - at least \$15,000 for a state Senate race, and \$5,000 for the House of Representatives - but must also pass one of two additional tests.

A minor party must be able to show "prior success," measured by the percentage of the vote won by that party's candidate for that office in the previous election. A minor party candidate whose party won at least 10 percent of the vote in the previous year's election would receive one-third of the standard grant amount. That award would rise to two-thirds if the party received at least 15 percent of the vote in the preceding election, and would rise to a full, equal grant amount if the party had reached the threshold of 20 percent

or more.

Alternatively, a minor party candidate whose party failed to meet those prior success thresholds could obtain partial or full grants by compiling petition signatures from registered voters. The percentage thresholds would be the same: gathering signatures of 10 percent of the number of votes cast in the previous election would entitle minor party candidates to an award of one-third of the full grant amount and so on.

In a general election, the base public grant is \$85,000 to a qualified candidate in a state Senate race, and \$25,000 in a race for the House. Public financing would extend to statewide offices for the first time in the 2010 election cycle, with \$3 million grants for fully qualified gubernatorial candidates, and \$750,000 for all other statewide offices.

"What's at stake here is really the integrity and viability of the entire campaign finance reform system," said Blumenthal, who held a press conference with Bysiewicz and Garfield to announce that he would seek a stay of Underhill's ruling while his office appeals to the U.S. Court of Appeals in New York.

"This law, in my view, is defensible, permissible, Constitutional, as-is," Blumenthal said.

In a written statement released by her press office, Rell called the law "a model in the nation."

"It was, and will remain, the means to keep special interest and lobbyist dollars out of our election process," the governor said. "I will do everything possible to keep this program intact and will support an immediate appeal of the decision."

And Bysiewicz, whose office oversees most state election procedures, warned of chaos if current or potential candidates for office under the voluntary public finance system - including, in her current exploratory consideration of a run for governor, Bysiewicz herself - see the rules changed mid-race.

Underhill's decision as issued would "permanently enjoin" Blumenthal and Garfield from operating the Citizens Election Fund, which administers grants to participating candidates to fund their campaigns, in exchange for abiding by spending limits and restrictions on contributions from state-connected individuals and industries.

"This puts resources into the hands of people who don't normally have it," said Karen Hobert Flynn, vice president of Common Cause Connecticut, which lobbied for years to pass the public financing law. "Incumbents have easy access to those resources. So the reason political scientists have been so excited about this program is it puts more money into the hands of challengers. I just think the judge was wrong on that."

But other groups rejoiced at the ruling, including some of Rell's Republican allies. Many in the minority party, along with some legislative Democrats, have long opposed using public financing of campaigns and limits on contributors to eliminate

corruption and illicit influence on electoral politics.

"The Connecticut Citizen's Election Program has been a taxpayer-financed incumbency protection program from the start," said Chris Healy, the chairman of the Connecticut Republican Party. "It unfairly excluded third-party efforts and punished those candidates who would choose to not burden the taxpayers by subsidizing those who did and were unable to match private sector support."

"The ruling today is a great victory for people disenfranchised by the system," said Heath W. Fahle, the public policy director of the Yankee Institute think tank. "The Citizens' Election Program unfairly burdened minor party and petitioning candidates while giving significant advantages to Republicans and Democrats."

"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, the executive director of the ACLU of Connecticut, in a written statement. "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."

Campaign finance reform advocates, meanwhile, said they were confident that either Underhill himself or the appeals court would grant a stay of the decision, and said they believed the Connecticut system would be vindicated in the higher court.

"I think it's very important to get that stay," said Hobert Flynn.

"We're hopeful that legislative leaders, while we're in this state of flux, will stay committed to the program and make sure that its funding is intact as we go through this," she said, alluding to repeated efforts in recent months to help close budget deficits by sweeping money from the Citizens Election Fund into the state's General Fund.

Blumenthal said his office would file its request for a stay in District Court in Hartford either Friday afternoon or Monday morning.