

Please Support Amendments To The Campaign Finance Law

On August 27, 2009, Federal District Court Judge Underhill declared that the Citizens' Election Program ("CEP") violates the First and Fourteenth amendment rights of minor political party candidates in Connecticut.

ACLU-CT urges the legislature to fix the constitutional defects in CEP to save publicly financed elections and the unnecessary public expense of an appeal.

A constitutional CEP law requires these changes:

- All ballot-qualified candidates who meet relatively modest qualifying criteria must be allowed to fully participate in public financing
- The additional grants to candidates triggered by either independent expenditures to defeat them or a big-spending opponent who opts out of public financing must be eliminated.

To meet the first goal, the new law must have the same threshold fundraising requirement for both minor and major party candidates. In the current CEP, the minor or independent party candidates have to satisfy at least one of two additional requirements: (a) the so called "prior success" requirement that the minor party candidate attained a specified level of success in vote-getting in the prior election and (b) the petitioning requirement that ties public financing to the minor candidate's ability to obtain relatively large percentages of signatures based on the number of votes cast in the previous election. Any additional requirements for minor party candidates in the CEP are unconstitutional and must be eliminated in the new version of campaign finance reform.

The other unconstitutional component of CEP is the excess expenditure and independent expenditure trigger provisions, which release additional grant money to participating candidates under certain circumstances. Circumstances triggering extra public grants to major party candidates include campaign spending by minor party candidates who have not qualified for public funds. The trigger provisions create a disincentive for minor party candidates to spend money in political races because any money they independently spend will trigger more public resources for the major party candidates.

Another part of the Campaign Finance Reform Act that should also be amended is the **ban on campaign contributions by lobbyists, state contractors and their immediate families.** Although this ban withstood Judge Underhill's constitutional scrutiny, there is a strong likelihood that a pending appeal will result in a finding that the ban is also unconstitutional on First Amendment grounds. For this reason, the ban on contributions should be removed from any new campaign reform scheme enacted by the legislature to ensure that the entire package survives to achieve the compelling state interest in election integrity.

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