



LEAGUE OF WOMEN VOTERS OF CONNECTICUT, INC.[®]

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State Elections Enforcement Commission
20 Trinity Street
Hartford, CT 06106
Attn: Jennifer Montgomery

Comments on the Proposed Declaratory Ruling 2014-01

The League of Women Voters of Connecticut is a nonpartisan, statewide organization committed to effective public policy and the active involvement of citizens in their government. The League believes that democratic government depends upon the informed and active participation of its citizens and that the right to vote with confidence in the election process, *with adequate information with which to make informed decisions*, must be guaranteed to all.

LWVCT has strongly supported campaign finance reform efforts with the goals of ensuring the public's right to know, combating corruption and undue influence, encouraging candidates to run for public office and re-connecting with citizens. We actively worked for passage of the historic 2005 Campaign Finance Reform law and subsequent amendments in response to court rulings. We also were strong proponents of the 2010 law *AAC Independent Expenditures* that included "stand by your ad" provisions and expanded language on what constitutes "coordination." We believe that more can be done in the public interest to ensure that Connecticut citizens have adequate information to make informed decisions at the ballot box.

The League of Women Voters of Connecticut appreciates the opportunity to submit comments with respect to Proposed Declaratory Ruling 2014-01 by the State Elections Enforcement Commission, regarding administration of the independent expenditure disclosure requirements of Public Act 13-180, *AAC Disclosure of Independent Expenditures and Changes to Other Campaign Finance Laws and Election Laws* (the "Act").

As explained below, the League agrees with the SEEC's points in the proposed declaratory ruling.

The purpose of the ruling is to remove uncertainty surrounding the phrase "makes or obligates to make" an independent expenditure for persons intending to make independent expenditures, beginning with the 2014 state elections, and to effectuate the legislative intent of the Act to increase disclosure of independent expenditure activity and enable the electorate to make informed decisions regarding candidates for state level offices.

The League supports the SEEC's common sense interpretation of the phrase "makes or obligates to make" an independent expenditure as requiring disclosure of an independent expenditure when a person takes affirmative action, such as creating an advertisement or contracting with a media consultant to produce advertisements, and promises to make a payment in excess of \$1000 related to an independent expenditure. It is clear that by including the words "obligates to make" in addition to the word "makes" in the relevant section of the Act that the legislature intended to capture scenarios separate and apart from the actual expenditure of funds. It did not intend to limit disclosure to situations in which a person has

actually spent money on an independent expenditure, but rather to require disclosure at an earlier point in time.

We agree with the SEEC that “a person has obligated to make an independent expenditure when the facts evidence that the person has taken affirmative action and promised to make a payment of funds related to an independent expenditure.” This interpretation is in keeping not only with common understanding of the term “obligates” and the rules of statutory construction, which require the use of common sense and assume that the legislature intended a reasonable and rationale result, but also with the avowed legislative intent. It is clear from the legislative history that a primary purpose of the Act was to increase disclosure of independent expenditures following the Citizens United Ruling and to do so in a timely manner. The proposed declaratory ruling quotes Senator Musto as saying at the time of introduction of the bill in the Senate, “We need to make sure people understand what’s going on in the State of Connecticut. We need to make sure that people can respond to those kind of out-of-state attacks in the State of Connecticut. And we need to ensure that by doing this our democracy is kept public and open and that the free and fair exchange of information and ideas is maintained here in the State of Connecticut.” It is apparent from Senator Musto’s remarks that the intent of the bill was to allow the public and candidates to process and respond to independent expenditures by requiring increased, timely disclosure.

The League agrees with the SEEC that “disclosure of independent expenditures is only meaningful to the extent that there is enough time to evaluate both the message and the messenger” and that the relevant statutory section (General Statutes §9-601d) must be read “broadly to provide the public with the most timely, and thus meaningful, disclosure of the source of independent expenditures.” Accordingly, we support the SEEC’s interpretation that the statute requires “disclosure of an independent expenditure when the facts evidence that a person has taken affirmative action and promised to make a payment of funds in excess of one thousand dollars related to an independent expenditure” even if the person may later substitute an advertisement that does not qualify as an independent expenditure or renege on that promise by cancelling the contract. We believe that such a reading is in the public interest and necessary to prevent makers of independent expenditures from “gaming the system” in order to avoid timely, meaningful disclosure.

In recent election cycles, nonprofit organizations have been utilized to influence election outcomes through media spots and other advertisements intended to qualify as “independent expenditures.” The League of Women Voters believes that Connecticut citizens have the right to know the sources of this money spent to influence their votes. This ruling is consistent with the legislative intent of PA 13-180 to promote robust disclosure in the context of 501(c) and 527 organizations that may now engage in unlimited campaign speech to influence election outcomes in our state.

Thank you again for the opportunity to comment on the proposed ruling.

Very truly yours,



Alison Rivard
Vice President, Public Issues



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