



February 5, 2014

By Electronic Mail (seec.compliance@ct.gov)

State Elections Enforcement
Commission Attn: Marianne Sadowski
20 Trinity Street
Hartford, CT 06106

Dear Commissioners:

These comments have been submitted on behalf of Common Cause/CT. Common Cause fully supports PROPOSED DECLARATORY RULING 2013-02: Contributions to Political Committees, Independent Expenditures and State Contractor Contribution Limitations as written and we urge you to adopt and issue this Declaratory ruling. We believe that the requirements set forth in the declaratory ruling are reasonable and practical and necessary to help the State Elections Enforcement Commission administer election activities of groups engaged in outside spending and independent expenditures under General Statutes §§ 9-602 and 9-612, as amended by sections 8 and 33 of Public Act No. 13-180, An Act Concerning Disclosure of Independent Expenditures and Changes to the Campaign Finance Laws and Election Laws.

Common Cause fully supports and appreciates the work of the State Elections Enforcement Commission as it wades into extremely complicated territory of numerous court rulings and the many laws we have passed in Connecticut since passage of our strong campaign finance laws which included pay-to-play limits on state contractors in 2005, along with the Citizens Election program. We believe that it is important that SEEC provides guidance to candidates, state contractors, political committees and the public about what is permissible and impermissible under state election laws as we head into the 2014 elections. Without this guidance, our elections would be chaotic.

The petition outlines three different cases involving tax-exempt organizations under section 527 of the Internal Revenue code and seeks guidance on whether the groups are required to register a political committee and comply with Connecticut statutes around contribution, expenditure and reporting activity. In the case of an organization that

does not solicit nor receive contributions that would be used to make expenditures to influence Connecticut elections, those entities would not be required to register or report as political committees. In the case of organizations that will solicit and receive contributions that will be used to influence Connecticut elections, the proposed ruling requires those committees to register and report as political committees. Most importantly, the proposed ruling recognizes that state contractor restrictions remain in place and must be enforced. Unfortunately, the ruling also finds that given recent court rulings, it will not enforce contribution limits to independent expenditure only committees. We agree with the Commission's analysis.

It is critically important that the state contractor restrictions remain in force, given the level of corruption and pay-to-play problems we saw prior to the enactment of reform in 2005. Connecticut's contractor restrictions have been upheld as constitutional by the Second Circuit in the *Green Party of Connecticut* case in which Common Cause was an intervenor and it has not been invalidated in any court decision since the Second Circuit decision in 2010. The disclosure laws passed since 2010 have not touched our landmark pay to play law, nor has any legislator in the General Assembly or the Governor ever discussed undermining or removing these important anti-corruption restrictions.

Despite the fact that we believe that the Supreme Court is wrong in its finding that independent expenditures are not corrupting, we understand the legal landscape that the Commission must operate under. We believe that Declaratory Ruling 2013-02 correctly analyzes the disclosure law passed in 2013, the legal landscape, and legislative intent with regard to strengthening disclosure. The Legislature and the Governor went on the record last year that their goal was to provide disclosure that makes "Connecticut a national leader in requiring disclosure and transparency." (Governor Malloy).

We urge the Commission to adopt Proposed Declaratory Ruling 2013-02. Thank you for the opportunity to submit these comments.

Sincerely,

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