

June 5, 2017

The Honorable Senators of the Connecticut Senate

Dear Senators,

I am writing to you regarding Senate Calendar No. 549, Substitute for House Bill No. 5589, “An Act Concerning Campaign Finance Reform.” I had the honor of testifying before the Government Administration and Elections Committee regarding this bill, and now wish to provide some additional information relevant for your consideration.

Background

I am the Co-Founder and President of Free Speech For People, a national non-partisan, non-profit organization which engages in legal advocacy, public education, and organizing across the country to challenge big money in politics and reclaim our democracy. Since our launching on the day of the US Supreme Court’s ruling in *Citizens United v. FEC* more than seven years ago, we have served as a leading force in advancing a new jurisprudence on money in politics and American self-government. Prior to co-founding Free Speech For People, I served as the Founder and Executive Director of the National Voting Rights Institute and as the Legal Director of Voter Action.

Super PACs generally

“Super PACs” are political committees or similar entities that make independent expenditures with unlimited contributions. In March 2010, the U.S. Court of Appeals for the D.C. Circuit, in the case of *SpeechNow.org v. FEC*,¹ unleashed super PACs into our political process. The Supreme Court has yet to review the *SpeechNow* ruling, and the ruling has led to the current explosion of super PAC spending in our elections, including state elections, and including in Connecticut. Super PACs have become vehicles for wealthy donors to evade longstanding limits on campaign contributions to candidates, presenting a new threat of corruption of the political process. Yet leading scholars of constitutional law and of political corruption, including Prof. Laurence Tribe of Harvard Law School and Prof. Albert Alschuler of the University of Chicago Law School, argue that the *SpeechNow* ruling was wrongly decided.

Super PACs in Connecticut

Under current Connecticut law, any super PAC may receive unlimited “covered transfers,” which are defined in Section 9-601(29)(A) as payments to a person or entity that uses these funds to make independent expenditures.

The super PAC phenomenon has already reached Connecticut, where super PACs have been pouring millions into Connecticut’s local and statewide races. The first super PAC in Connecticut races appeared in the 2012 election, when “Voters for Good Government Inc.,” a Delaware-based corporation founded by billionaire Thomas Peterffy (chairman and CEO of the Greenwich-based Interactive Brokers Group Inc.) spent \$278,526 to “primarily target

¹ 599 F.3d 686 (D.C. Cir. 2010).

just a single State Senate race.”² The top five donors to “Voters for Good Government” were four out-of-state political committees and Mr. Peterffy; the candidate opposed by the super PAC, who was participating in the state Citizens’ Elections Program, was ultimately outspent 3:1 because of this super PAC.³

The 2014 Governor’s race smashed previous records for outside spending, with totals exceeding \$17 million.⁴ The biggest spenders were super PAC affiliates of the Democratic Governors Association (“Connecticut Forward”) and Republican Governors Association (“Grow Connecticut”), which spent over \$3.4 million and \$4 million, respectively.⁵ Super PAC activity in the race raised serious questions about super PACs’ ability to undermine contribution limits, gave rise to the appearance and reality of quid pro quo corruption, and reduced the efficacy of the state’s Citizens’ Elections Program.⁶ In the 2016 election, without a gubernatorial race, state super PAC activity declined from 2014—but, ominously, was well above the 2012 numbers, with more than \$1.4 million spent on elections for the Connecticut legislature.⁷

Super PACs have also spent big on Connecticut’s congressional elections. In 2012, for example, outside spending groups spent over \$16 million in Connecticut congressional elections—including \$5,646,593 on a single congressional race (District 5).⁸ Committees registered outside Connecticut accounted for 97% of that spending.⁹

Size of contributions to Connecticut state super PACs

Despite the eye-popping spending figures, the principal concern with super PACs is not the size of the super PACs’ expenditures, but rather the unlimited amounts of their incoming contributions. No one evinces serious concern with organizations, no matter how structured, that amass large total funds through a very large number of small donations. That is not the concern here. Rather, the concern stems from unlimited contributions to super PACs. Many of these super PACs raise funds through extremely large contributions from a small handful

² Jennifer Swift, *Super PACs Take Advantage of Connecticut’s New Campaign Finance Laws*, Connecticut Magazine, Dec. 1, 2013, http://www.connecticutmag.com/the-connecticut-story/super-pacs-take-advantage-of-connecticut-s-new-campaign-finance/article_a4b836c2-c17c-51a9-ae64-7a8f6373d02e.html; Kim Hynes, Common Cause in Connecticut, *Outside Spending and Influence in the Connecticut 2012 Election*, Apr. 14, 2014, <http://www.commoncause.org/states/connecticut/issues/money-in-politics/citizens-united/outside-spending-2012.pdf>.

³ *Outside Spending and Influence in the Connecticut 2012 Election*, *supra*.

⁴ Gregory B. Hladky & Daniela Altimari, *Flood of Outside Money Prompts Calls for Campaign Finance Reforms*, Hartford Courant, Jan. 11, 2015, <http://www.courant.com/politics/hc-citizen-election-program-proposals-20150111-story.html>.

⁵ Mark Pazniokas, *Super PAC Spending on CT Governor’s Race Exceeds \$7 Million*, Connecticut Mirror, Oct. 11, 2014, <https://ctmirror.org/2014/10/11/super-pac-spending-on-ct-governors-race-nears-7-million>.

⁶ Hladky & Altimari, *supra*.

⁷ Mark Pazniokas, *CT Senate Leaders Blame Democratic Losses on PACs, Not Policies*, Connecticut Mirror, Nov. 11, 2016, <https://ctmirror.org/2016/11/11/connecticut-democrats-blame-losses-on-pacs-not-policies/>.

⁸ Ctr. for Responsive Politics, *Connecticut District 05 Race Outside Spending*, <https://www.opensecrets.org/races/index.php?cycle=2012&id=CT05>. While some of this money came from 501(c)(4)s and traditional PACs, over two-thirds came from super PACs.

⁹ U.S. PIRG Ed. Fund & People for the American Way, *Outside Spending, Outsized Influence: Big and Secret Money in Connecticut in the 2012 Elections*, http://files.pfaw.org/pfaw_files/outsize_spending_CT.pdf. Figures are based on calculations made immediately after the election and total figures increased after late reporting.

of donors and businesses (often out-of-state). Indeed, in 2012, super PACs across the country raised 86% of their funds from elite donors giving \$100,000 or more.¹⁰

We reviewed records of contributions to independent expenditure groups active in Connecticut elections as downloaded from the web site of the National Institute of Money in State Politics for 2011-16.¹¹ The results are quite striking.

Many local organizations, such as the Orange Republican Town Committee, the Wilton Democratic Town Committee, the Plainville Democratic Town Committee, and the Easton Republican Town Committee, receive large numbers of *very small* contributions (e.g., \$10.00). Often, contribution records to this first category of groups indicate extremely small (e.g., \$2.00) contributions made at regular intervals, suggesting a recurring donation. Almost all of these contributions come from individuals who are Connecticut residents. These contributions do not present any serious concerns. Nor do the many somewhat higher, but still relatively small, contributions in the low hundreds of dollars, to both local and state organizations (party-affiliated and otherwise). Indeed, in many cases, these contributions are below the limits on contributions to candidates that the Connecticut General Assembly has determined are necessary to prevent quid pro quo corruption for money.

Rather, the concern is with a relatively small number of *very large* contributions, nearly all from out of state organizations. The following table lists the top 50 contributions to independent spending groups in Connecticut during this period.

Cycle	Recipient	Contributor	\$ Amount	Date	City	State
2014	CONNECTICUT FORWARD	DEMOCRATIC GOVERNORS ASSOCIATION	1,250,000	8/21/14	WASHINGTON	DC
2014	GROW CONNECTICUT INC	A PUBLIC VOICE INC	1,171,255	10/24/14	WEST CHESTER	OH
2014	GROW CONNECTICUT INC	REPUBLICAN GOVERNORS ASSOCIATION	904,097	10/16/14	WASHINGTON	DC
2014	CONNECTICUT FORWARD	AMERICAN FEDERATION OF STATE COUNTY & MUNICIPAL EMPLOYEES / AFSCME	900,000	9/24/14	WASHINGTON	DC
2014	GROW CONNECTICUT INC	REPUBLICAN GOVERNORS ASSOCIATION	800,000	9/5/14	WASHINGTON	DC
2014	CONNECTICUT FORWARD	DEMOCRATIC GOVERNORS ASSOCIATION	760,000	10/23/14	WASHINGTON	DC
2014	GROW CONNECTICUT INC	REPUBLICAN GOVERNORS ASSOCIATION	636,320	9/25/14	WASHINGTON	DC
2014	GROW CONNECTICUT INC	REPUBLICAN GOVERNORS ASSOCIATION	610,020	9/18/14	WASHINGTON	DC
2014	GROW CONNECTICUT INC	CITIZENS FOR A SOUND GOVERNMENT	600,000	10/3/14	LAKEWOOD	CO
2014	GROW CONNECTICUT INC	REPUBLICAN GOVERNORS ASSOCIATION	600,000	10/27/14	WASHINGTON	DC
2014	GROW CONNECTICUT INC	REPUBLICAN GOVERNORS ASSOCIATION	574,500	10/21/14	WASHINGTON	DC
2014	CONNECTICUT FORWARD	DEMOCRATIC GOVERNORS ASSOCIATION	550,000	10/17/14	WASHINGTON	DC
2014	COMMON SENSE CONNECTICUT	AMERICANS FOR RESPONSIBLE SOLUTIONS	501,000	10/16/14	WASHINGTON	DC
2014	GROW CONNECTICUT INC	REPUBLICAN GOVERNORS ASSOCIATION	439,405	10/9/14	WASHINGTON	DC
2014	CONNECTICUT FORWARD	DEMOCRATIC GOVERNORS ASSOCIATION	330,000	10/28/14	WASHINGTON	DC

¹⁰ *Id.* While outside spending declined somewhat in the 2014 and 2016 elections, it is likely that outside spending figures will revert to the long-term secular trend and continue to grow.

¹¹ www.followthemoney.org. Unfortunately, the Connecticut State Elections Enforcement Commission's web site is not as usable for producing data sets of this nature.

Cycle	Recipient	Contributor	\$ Amount	Date	City	State
2014	CONNECTICUT FORWARD	DEMOCRATIC GOVERNORS ASSOCIATION	300,000	10/10/14	WASHINGTON	DC
2014	CONNECTICUT FORWARD	AMERICAN FEDERATION OF TEACHERS / AFT	250,000	9/5/14	WASHINGTON	DC
2014	CONNECTICUT FORWARD	AMERICAN FEDERATION OF TEACHERS / AFT	250,000	10/7/14	WASHINGTON	DC
2014	CONNECTICUT FORWARD	AMERICAN FEDERATION OF STATE COUNTY & MUNICIPAL EMPLOYEES / AFSCME	250,000	10/9/14	WASHINGTON	DC
2014	GROW CONNECTICUT INC	REPUBLICAN GOVERNORS ASSOCIATION	250,000	8/19/14	WASHINGTON	DC
2014	GROW CONNECTICUT INC	REPUBLICAN GOVERNORS ASSOCIATION	250,000	8/14/14	WASHINGTON	DC
2014	GROW CONNECTICUT INC	REPUBLICAN GOVERNORS ASSOCIATION	218,125	8/28/14	WASHINGTON	DC
2014	COMMON SENSE CONNECTICUT	AMERICANS FOR RESPONSIBLE SOLUTIONS	201,000	10/17/14	WASHINGTON	DC
2014	CONNECTICUT FORWARD	DEMOCRATIC GOVERNORS ASSOCIATION	200,000	10/21/14	WASHINGTON	DC
2014	CONNECTICUT FORWARD	DEMOCRATIC GOVERNORS ASSOCIATION	200,000	11/12/14	WASHINGTON	DC
2014	GROW CONNECTICUT INC	A PUBLIC VOICE INC	200,000	10/30/14	WEST CHESTER	OH
2014	GROW CONNECTICUT INC	REPUBLICAN GOVERNORS ASSOCIATION	200,000	10/10/14	WASHINGTON	DC
2014	WORKING FAMILIES FOR CONNECTICUT	SERVICE EMPLOYEES INTERNATIONAL UNION / SEIU	160,000	9/25/14	WASHINGTON	DC
2014	WORKING FAMILIES FOR CONNECTICUT	SERVICE EMPLOYEES INTERNATIONAL UNION / SEIU	160,000	9/11/14	WASHINGTON	DC
2014	CONNECTICUT FORWARD	DEMOCRATIC GOVERNORS ASSOCIATION	150,000	10/15/14	WASHINGTON	DC
2014	WORKING FAMILIES FOR CONNECTICUT	AMERICAN FEDERATION OF STATE COUNTY & MUNICIPAL EMPLOYEES / AFSCME	140,000	9/17/14	WASHINGTON	DC
2014	CONNECTICUT FORWARD	SERVICE EMPLOYEES INTERNATIONAL UNION / SEIU	125,000	9/12/14	WASHINGTON	DC
2014	CONNECTICUT FORWARD	SERVICE EMPLOYEES INTERNATIONAL UNION / SEIU	125,000	9/25/14	WASHINGTON	DC
2014	CONNECTICUT FORWARD	DEMOCRATIC GOVERNORS ASSOCIATION	120,000	12/4/14	WASHINGTON	DC
2014	VOTE YES CONNECTICUT	AFSCME COUNCIL 4	100,000	10/16/14	NEW BRITAIN	CT
2014	CONNECTICUT FORWARD	AMERICAN FEDERATION OF TEACHERS / AFT	100,000	10/28/14	WASHINGTON	DC
2014	GROW CONNECTICUT INC	CITIZENS FOR A SOUND GOVERNMENT	60,000	8/19/14	LAKEWOOD	CO
2014	SERVICE EMPLOYEES LOCAL 32BJ	SERVICE EMPLOYEES LOCAL 32BJ	50,000	5/13/14		
2014	CONNECTICUT FORWARD	AMERICAN FEDERATION OF STATE COUNTY & MUNICIPAL EMPLOYEES / AFSCME	50,000	10/28/14	WASHINGTON	DC
2014	CONNECTICUT FORWARD	SERVICE EMPLOYEES INTERNATIONAL UNION / SEIU	50,000	10/30/14	WASHINGTON	DC
2014	WORKING FAMILIES FOR CONNECTICUT	COMMUNICATIONS WORKERS OF AMERICA / CWA	50,000	9/16/14	WASHINGTON	DC
2014	COMMON SENSE CONNECTICUT	AMERICANS FOR RESPONSIBLE SOLUTIONS	49,100	9/17/14	WASHINGTON	DC
2016	SEIU HEALTHCARE 1199NE	UNITEMIZED DONATIONS	41,619	1/1/16		
2014	WORKING FAMILIES FOR CONNECTICUT	SEIU HEALTHCARE 1199NE	40,000	10/22/14	HARTFORD	CT
2016	CHANGE COURSE CT IEC	EDUCATION REFORM NOW	40,000	8/5/16	BROOKLYN	NY
2014	WORKING FAMILIES FOR CONNECTICUT	SERVICE EMPLOYEES CONNECTICUT STATE COUNCIL	35,000	9/15/14	HARTFORD	CT
2016	PLANNED PARENTHOOD VOTES CONNECTICUT PAC	PLANNED PARENTHOOD VOTES! CONNECTICUT	35,000	10/14/16	NEW HAVEN	CT
2014	CONNECTICUT UNITE HERE!	UNITE HERE! UNIDENTIFIED	34,000	10/14/14		

Cycle	Recipient	Contributor	\$ Amount	Date	City	State
2014	CONNECTICUT UNITE HERE!	AMOUNT TRANSFERRED FROM AFFILIATED LABOR UNION & OTHER ORGANIZATION TREASURY (ORGANIZATION COMMITTEES ONLY)	34,000	10/14/14		

These are virtually all out-of-state organizations which themselves funnel money from donors into Connecticut elections. Some, such as the Democratic Governors Association and Republican Governors Association, publicly disclose their top donors; others, such as A Public Voice Inc. (a 501(c)(4) based in Ohio), do not.¹²

Super PACs undermine Connecticut’s democracy

Very large contributions to super PACs circumvent Connecticut’s democratically enacted clean election laws, and present the risk of actual and apparent quid pro corruption. The point here is not to focus on the conduct of particular candidates for office. Rather, the point is that the integrity of Connecticut’s democratically enacted campaign financing laws are undermined by super PACs.

A. Unlimited Contributions to Super PACs Present Unacceptable Opportunities for Quid Pro Quo Corruption and its Appearance

In some cases, quid pro quo corruption through contributions to a super PAC—thought by the D.C. Circuit in *SpeechNow* to be literally impossible—is fairly simple in nature. A few hours south, Senator Robert Menendez of New Jersey has been criminally charged with bribery stemming from, among other things, a very large contribution to a super PAC supporting the senator’s re-election.¹³

The layered nature of contributions to super PACs operating in Connecticut belie simplistic assumptions about super PACs and quid pro quo corruption. By far, the largest donors to Connecticut super PACs are 527 organizations themselves—principally, the Democratic Governors Association and the Republican Governors Association. These, in turn, receive extremely large contributions from entities with very specific interests before state governments. In 2016, for example, the largest contributor by far to the Democratic Governors Association was Blue Cross/Blue Shield (\$1,871,829);¹⁴ it was also the second-largest contributor to the Republican Governors Association (\$1,990,450).¹⁵

Under existing Connecticut law, designed to protect against quid pro quo corruption, business entities are prohibited from contributing to candidates altogether.¹⁶ Individuals may contribute only up to \$3,500 to a candidate for governor,¹⁷ or \$10,000 to a state political party;¹⁸ a *political party* may only contribute \$50,000 to a candidate for governor.¹⁹ Yet Blue

¹² See Mark Pazniokas, ‘Dark money’ group puts up \$1 million to attack Malloy, Conn. Mirror, Oct. 26, 2014, <https://ctmirror.org/2014/10/26/dark-money-group-puts-up-1-million-to-attack-malloy/>.

¹³ See *United States v. Menendez*, 137 F. Supp. 3d 709 (D.N.J. 2015).

¹⁴ Ctr. for Responsive Politics, *Democratic Governors Assn, Contributors*, https://www.opensecrets.org/527s/527cmtedetail_contribs.php?ein=521304889&cycle=2016.

¹⁵ Ctr. for Responsive Politics, *Republican Governors Assn, Contributors*, https://www.opensecrets.org/527s/527cmtedetail_contribs.php?ein=113655877&cycle=2016.

¹⁶ Conn. Gen. Stat. § 9-613(a).

¹⁷ *Id.* § 9-611(a)(1).

¹⁸ *Id.* § 9-612(a).

Cross/Blue Shield, or any other would-be-megadonor, can effectively bypass these anti-quid pro quo corruption limits by giving nearly two million dollars to one organization (a “governors association”) that then funnels the money into party-linked Connecticut super PACs (“Grow Connecticut” or “Connecticut Forward”) at levels far beyond what has been deemed potentially corrupting by the Connecticut legislature.

Furthermore, as recent research on federal party-linked super PACs reveals, top donors to official party committees overlap quite significantly with top donors to party-linked super PACs. Donors can multiply their legal direct party contributions by giving to party-linked super PACs at levels far beyond what the General Assembly has determined is necessary (and the Supreme Court has so far upheld) to protect against corruption. This pattern of giving completely undermines the limits on contributions to parties.²⁰

A contribution limit of \$70,000 to independent expenditure committees would mitigate these risks substantially, with minimal impact on ordinary Connecticut citizens’ abilities to make contributions and support favored candidates. Contributions above this level are 20 times higher than the highest individual contribution limit for Connecticut candidates (\$3,500 to governor), and 40% higher than the highest party contribution limit to Connecticut candidates (\$50,000 from a party to a candidate for governor). Even allowing that contributions to independent expenditure committees are somewhat less valuable to candidates than direct contributions, contributions to independent expenditure committees at this level raise many of the same risks of quid pro quo corruption or its appearance as do direct contributions at much lower levels already determined by the General Assembly to present an unacceptable risk of quid pro quo corruption or its appearance. Furthermore, based on analysis of 2011-16 data, it appears that only 37 contributions by nine donors (all organizations, and only one based in Connecticut) ever exceeded this level.

The bill limits covered transfers made to independent expenditure political committees (super PACs) to \$70,000 per donor per recipient per year, thus limiting *contributions to* independent expenditure committees, but without placing any limits on *spending by* those committees.

B. Unlimited Contributions to Super PACs Undermine the Citizens’ Election Program

Additionally, super PACs undermine Connecticut’s contribution limits and its public financing system. Connecticut’s Citizens’ Election Program provides clean money to candidates that pledge to abide by a low contribution limit: \$100. Both major party gubernatorial candidates voluntarily participated in the system during the 2014 race, yet both benefited from massive contributions to super PACs well beyond the limits of the clean elections program. These contributions were funneled through their respective party’s governors associations and into super PACs supporting the candidates.²¹

¹⁹ *Id.* § 9-617(b)(1).

²⁰ See Stephen R. Weissman, *The SpeechNow Case and the Real World of Campaign Finance, Part II: Undermining Federal Limits on Contributions to Political Parties*, Free Speech For People Issue Report No. 2017-01 (May 2017), https://freespeechforpeople.org/wp-content/uploads/2017/05/Research-Report-2017_01.pdf.

²¹ For example, Greenwich hedge-fund founder Paul Tudor Jones gave a single \$250,000 contribution to the Democratic Governors Association in September 2013. *Id.*

Thus, despite the nominal reliance of both candidates on low-corruption-risk “clean money,” in fact both candidates were far more reliant on wealthy corporate donations that entered through the parallel super PAC system.

C. Unlimited Contributions to Super PACs Enable Circumvention of Disclosure Rules

Under current law, any person making an “independent” expenditure of more than \$1,000 in the aggregate must disclose that independent expenditure to the State Elections Enforcement Commission, which makes it public.²² Connecticut law thus promotes transparency by informing voters of who is spending how much money to influence the election. But super PACs enable circumvention of this rule.

As the Connecticut super PAC data illustrates, money is passed through and around multiple layers of organizations. Some may be required to disclose their donors, which may turn out to be *other* organizations; and others are not required to disclose their donors at all. Wealthy individuals or corporations, rather than spend money directly and disclose it, with their own names attached, may donate money to super PACs, which donate to other super PACs, and so on, facilitation evasion of disclosure requirements.

D. Unlimited Contributions to Super PACs Enable Circumvention of the Prohibitions on Pay-to-Play Donations

In 2005, Connecticut passed legislation to prevent companies that do business with the state from contributing to campaigns.²³ This was a crucial attempt to prevent pay-to-play politics in which taxpayer-funded contracts for vital public services go not to the best bidders but to the biggest political donors.

But after the emergence of super PACs, prohibited donors have been able to get around the ban by giving millions to super PACs. In 2014, twelve state contractors gave nearly \$1 million to the Democratic Governors Association, which in turn gave \$3.9 million to the super PAC “Connecticut Forward.”²⁴ Aetna, which does business with the state, contributed \$506,000 to the effort, along with Eversource, which gave \$135,000, Webster Bank, \$55,000, Frontier Communications, \$50,000, United Illuminating Co., \$25,000, and UIL Holdings, \$25,000.²⁵ Similarly, twenty-one state contractors funneled \$5.8 million in would be-prohibited donations through the Republican Governors Association, which gave \$5.5 million to a pro-Foley super PAC, Grow Connecticut.²⁶

This cannot effectively be addressed by a narrow prohibition preventing only prohibited donors from giving to super PACs. As the Connecticut super PAC data illustrates, money is

²² See Conn. Gen. Stat. § 9-601d.

²³ Conn. State Elections Enforcement Comm’n, *Citizens Election Program*, <http://www.ct.gov/seec/cwp/view.asp?a=3548&Q=489606> (accessed May 16, 2017 at 6:26 PM); see also Cris DeBlaise, *Campaign Finance Woes in Connecticut: State Democratic Party, Governor Again Accused of Misusing Funds in 2014 Elections*, State of Elections (Mar. 22, 2017), <http://electls.blogs.wm.edu/2017/03/22/campaign-finance-woes-in-connecticut-state-democratic-party-governor-again-accused-of-misusing-funds-in-2014-elections/>.

²⁴ Ken Dixon et al., *Inside the Political Fundraising Game*, Connecticut Post, Aug. 28, 2016, <http://www.ctpost.com/local/article/Inside-the-political-fundraising-game-9186979.php>.

²⁵ *Id.*

²⁶ *Id.*

passed through and around multiple layers of organizations, many of which do not operate solely in Connecticut. Some may be required to disclose their donors, which may turn out to be *other* organizations; and others are not required to disclose their donors at all. A prohibition on contributions *from* Connecticut-prohibited donors to Connecticut-active super PACs might be considerably difficult to implement without the prophylaxis of limits on contributions *to* Connecticut-active super PACs.

E. This Problem Cannot Be Solved By Coordination Rules Alone

Finally, Connecticut's experience shows that rules prohibiting "coordination" between super PACs and campaigns cannot fully address these problems. Despite the General Assembly's multiple law revisions in recent years to create rules against such "coordination," super PACs have continued to push the limits of these "coordination" rules.²⁷ In 2014, both gubernatorial Democratic candidate Malloy and Republican candidate Foley were backed by super PACs that walked the line on coordination.

Foley was supported by a super PAC called Grow Connecticut, Inc., which had many direct ties to Foley and his campaign. Grow Connecticut was formed by the same law firm that represented Foley and advised his campaign.²⁸ The group was funded in large part by the Republican Governors Association (RGA).²⁹ At the time, New Jersey governor Chris Christie was chairman of the RGA.³⁰ Christie was simultaneously campaigning with Foley across Connecticut and headlined a fundraiser with him in Greenwich.³¹ The super PAC was also run by the former head of a different pro-Foley super PAC which had broken coordination laws the previous year by paying for Foley's campaign pollster, as well as his press spokesman and media consultant.³² That super PAC, Voters for Good Government, was funded by another PAC chaired by the treasurer of Foley's campaign.³³

Malloy was backed by Connecticut Forward, a super PAC funded by the Democratic Governors Association (DGA). Malloy's official campaign often used the hashtag "ConnecticutForward."³⁴ The DGA challenged the validity of Connecticut's anti-coordination rules in court in 2014.³⁵ Governor Malloy is now chairman of the DGA.³⁶

Indeed, the original Connecticut super PAC, Voters for Good Government, was found in 2013 to have violated anti-coordination rules in the 2012 election.³⁷

²⁷ Mark Pazniokas, *Independent Super PAC Opposing Malloy Has Ties to Foley*, Connecticut Mirror, Aug. 18, 2014, <https://ctmirror.org/2014/08/18/independent-super-pac-opposing-malloy-has-ties-to-foley/>; Hugh McQuaid, *Publicly Financed Candidates Buoyed by PAC Spending*, CT News Junkie (Aug. 18, 2014) http://www.ctnewsjunkie.com/archives/entry/publicly_financed_candidates_buoyed_by_pac_spending/.

²⁸ Pazniokas, *supra*.

²⁹ *Id.*

³⁰ *Id.*

³¹ *Id.*

³² *Id.*

³³ *Id.*

³⁴ Neil Vigdor, *Super PAC Seen As Supporting Malloy*, Connecticut Post (Aug. 4, 2014), <http://www.ctpost.com/local/article/Super-PAC-seen-as-supporting-Malloy-5665781.php>.

³⁵ *Id.*

³⁶ Democratic Governors Association, <https://democraticgovernors.org/>.

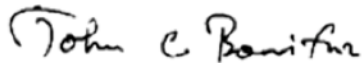
³⁷ Pazniokas, *supra*; Conn. State Elections Enforcement Comm'n, *In re Complaint by Anthony Santino*, Settlement Agreement, File No. 2013-42 (Oct. 15, 2013), http://seec.ct.gov/e2casebase/data/fd/FD_2013_042.pdf.

Conclusion

The Connecticut Constitution provides that “laws shall be made to support the privilege of free suffrage . . . and prohibiting, under adequate penalties, all undue influence therein, from power, bribery, tumult and other improper conduct.”³⁸ Unlimited contributions to super PACs facilitate the very problems that this provision commands the General Assembly to address. Limiting those contributions would help mitigate those risks.

Thank you for your consideration of this important bill.

Sincerely,

A handwritten signature in black ink that reads "John C. Bonifaz". The signature is written in a cursive style with a large initial 'J' and 'B'.

John Bonifaz
President, Free Speech For People

³⁸ Conn. Const. art. VI, §4.