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SB551

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| House  | 5687-5778, 5786-5852 | 159 |
| Senate | 4275-4421, 4431-4450 | 167 |
|        |                      | 326 |

**H – 1091**

**CONNECTICUT  
GENERAL ASSEMBLY  
HOUSE**

**PROCEEDINGS  
2010**

**VETO  
SESSION**

**JUNE  
JULY  
SPECIAL  
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rb/mb/gbr  
HOUSE OF REPRESENTATIVES

16  
July 30, 2010

(The House reconvened at 8: 19 o'clock p. m.,  
Speaker Donovan in the Chair.)

SPEAKER DONOVAN:

The House will please come back to order.

Will the Clerk please call Emergency Certified  
Bill Number 551.

THE CLERK:

Emergency Certified Bill 551, AN ACT CONCERNING  
CLEAN ELECTIONS.

SPEAKER DONOVAN:

The Chair of the GAE committee, Representative  
James Spallone, you have the floor, sir.

REP. SPALLONE (36th):

Thank you, Mr. Speaker, and good evening.

Mr. Speaker, I move for passage of the emergency  
certified bill.

SPEAKER DONOVAN:

Question is on passage of the bill.

Will you remark?

REP. SPALLONE (36th):

Thank you, Mr. Speaker.

Mr. Speaker, the bill before us, Senate Bill 551,

rb/mb/gbr  
HOUSE OF REPRESENTATIVES

17  
July 30, 2010

is designed to react to a ruling by the Second Circuit Court of Appeals in the matter of Green Party versus Garfield, a case concerning the Citizen Election Program.

And members will recall that in 2005, in a special session in December of that year, the Legislature passed a campaign finance reform act that was sweeping in scope. And that instituted, for the first time in the State of Connecticut, a public financing program for state elections, that of course is voluntary for candidates -- in which candidates may participate voluntarily -- excuse me -- and it covers the races for governor, constitutional offices and the State Legislature. And in 2006, it was -- in 2008, it was employed for the first time for -- in 2008, it was employed for the first time for election to members of this body, and by all accounts it was successful.

Under the voluntary public financing system, a candidate can collect small contributions and receive a grant from the Citizen Election Program. The candidate agrees to the spending limits that are set by the program, can't accept other public funds, private funds, can't accept PAC contributions. In addition to enacted public financing, this body also

rb/mb/gbr  
HOUSE OF REPRESENTATIVES

18  
July 30, 2010

enacted a ban on lobbyist contributions and contractor contributions, and the contractor ban was enacted, and the record shows -- the legislative record and now the court record shows that it was enacted in reaction to certain scandals in our state concerning state contractors and their influence on government officials through their contributions to campaigns and their solicitation of contributions to campaigns.

And as everyone knows, there were scandals involving both branches -- two, at least two of the branches of our state government, municipal officials and the most famous one involved our then sitting governor, Governor Rowland, who resigned office.

There was also included a lobbyist ban, and the lobbyist ban really followed in the wake of over 100 years of concern about the influence of lobbyists in the capitol dating back to the late 19th century and moving through the 20th century, news reports dating from as early as 1894, with concern about the passage of a bill and the improper influence of lobbyists then. In the Waterbury scandals of 1938 and then in the latter half of the 20th century, there were statistical studies and surveys done concerning the influence of lobbyists on government activity and

campaigns and polls showing that both lobbyists and legislators were concerned about this influence. And so in 1990, this body passed a sessional ban so that lobbyists would not be able to make contributions while the Legislature was in session in order to avoid undue influence or the appearance of undue influence, which our courts have said is also an important factor for a legislative body to consider when passing any kind of restrictions.

Mr. Speaker, shortly after this Legislature passed and Governor Rell signed the Citizen Election Program bill, litigation was begun in the federal district court here in Connecticut and that was started shortly, really shortly after passage of the bill and worked its way through the system.

During that litigation, Judge Stefan Underhill found that the lobbyist ban and the contractor ban and the solicitation bans were constitutional, struck down another part of the law concerning third -- minor party provisions, and so-called "trigger provisions" regarding supplemental grants to candidates. That was appealed to the Second Circuit and the Second Circuit finally ruled in the midst of this election season on July 13th of 2010. And in the Second Circuit's

opinion, our lobbyist ban was struck down as unconstitutional infringement on First Amendment rights.

The contractor and lobbyist solicitation bans were also struck down. The contractor ban, the contractor contribution ban, was upheld, and the trigger provisions regarding supplemental grants to candidates who face high spending, privately-funded opponents, or certain independent expenditures were also struck down.

The good news is that the court upheld the core principles of the Citizen Election Program. The Citizen Election Program and public financing are constitutional, and that has been law for over 30 years dating back to the case of Buckley versus Valeo, and the court followed that and our system remains substantially intact. However, we do have these issues which we need to address. And Mr. Speaker, this bill does meaningfully address the Second Circuit opinion.

And with that, I would like to summarize the sections of the bill before us this evening, a bill that will allow us to move forward in this election season with the Citizen Election Program, with our

election laws intact.

Section 1 repeals the first three sections of Section 9-717. And this is now what's known infamously as the "time bomb provision" or the "reverter clause," and this was the section that would provide that if the Citizen Election Program was enjoined from giving out grants to qualified candidates for a certain period of time, that the entire system would be automatically repealed and we would return to 2005 election law.

It would effectively automatically repeal the Citizen Election Program. That time bomb provision, that reverter clause, has been repealed in this bill in favor of a traditional severability clause, and a traditional severability clause says that if a part of this law is found to be unconstitutional, then the other parts may stand and the program may continue as designed.

Several sections of the bill are -- repeal the supplemental grant provisions, and the supplemental grants were designed in the original system to make publicly financed candidates competitive in certain situations. And those situations were if a candidate was facing a high-spending, nonparticipating opponent

or was the subject of independent expenditures that went beyond the Citizen Election Program grant.

And the court held, following a recent Supreme Court decision, a case of, I believe, Davis versus FEC, that trigger provisions chill the speech unconstitutionally of those who would spend beyond the participating candidate's limits.

So those are all repealed in certain sections. Some sections are conforming to make sure that the entire trigger provisions are repealed. So Section 2 is part of that. I should add that Section 1 clarifies that Citizen Election Program participants may retain their funds if the program is affected by court decision and spend those.

Now, in Section 3, the bill increases the participating gubernatorial candidate grant, adjusts that grant from 3 million to 6 million dollars for the general election. That is done in order to make in the -- in order to fulfill the intent of the original Citizen Election Program law and to provide a participating candidate with a competitive grant during the general election season. It's important to note that this grant, this adjustment conforms to historical trends in spending by winning candidates in

general elections for governor. And I think it's important, for the record, to point out some of the amounts that were spent in recent general elections.

In 1998, the winning ticket of John Rowland and Jodi Rell spent \$6,940,342. In 2002, the winning ticket spent 6,000 -- thank you, Mr. Minority Leader -- spent \$6,582,070. And in 2008, the winning ticket spent \$4,086,418. So your average winning amount is just over \$6 million, and the average amount spent by winners or losers is approximately \$4.5 million.

So the concept here is to make sure that, in the absence of the system that was changed by the Second Circuit Court of Appeals, a candidate can be competitive as intended by the original law. And in light of adjustments being made and in light of the law finally going through two election cycles, including a statewide one, the bill at the end includes a comprehensive report that will be done every two years by the SEC regarding spending amounts, amounts returned, independent expenditures, and so forth, and recommendations regarding any adjustments that are needed to the grants.

Sections 4 -- Section 3 also contains an

important provision defining when a candidate, who is a participating candidate in the program is an opposed candidate. It draws a bright line saying, if you're -- if a person is nominated by petition or gets -- or endorsement, et cetera, of another major party, you are -- and you're a participating candidate, you are opposed throughout the election season.

Now, Section 7 contains something new. Section 7 defines "bundling" in Subdivision 27 and "slate committee" in Subdivision 28. And bundling is the gathering together and forwarding by a lobbyist, a communicator lobbyist of contributions of five or more that are forwarded to a candidate committee or other committee. And that is defined because it is going to be banned in this bill.

Section 8 adds client lobbyist to existing law in order to clarify that. Section 9 restores the sessional lobbyist ban that was in place for nearly 20 years prior to the enactment of this law in order to make sure since under the federal court's decision lobbyists can make contributions to make sure they're not made during the session and unduly influencing candidates and members of this body.

And also lobbyists who are contributing to either participating or nonparticipating candidates are limited to a hundred-dollar contribution. And the court made it quite clear that there's a big distinction between an outright ban and a limitation. And the court welcomed limitations but applied very strict scrutiny to bans because they affect fundamental First Amendment rights. Whereas, the court has held that you have a right to at least express your support for a candidate and the nominal -- the limitation will accomplish that balance between being able to show that support and being able to -- to limit the possible corrosive influence of high contributions.

The next section prohibits state contractor, Section 10, from making solicitations from their employees or their subcontractor's principals after January 1, 2011. Again, the court was not pleased with our general ban on contractor solicitations, but noted that limitations narrowly tailored to carry out compelling state interests are appropriate.

Section 11 allows contributions from communicator lobbyists and their families to be deemed qualifying contributions to Citizen Election Program candidates.

Section 12 deletes the reference to communicator lobbyists to comply with the qualifying contribution's language. And then Section 13 contains some technical adjustments and changes to election law to, frankly, make things a little bit more simple for our treasurers and employ a little bit of common sense in some of these issues in order to -- for, first, food or beverages brought for consumption at a committee meeting that's not a fund-raiser. If they don't exceed \$50, they're not a contribution, and de minimis actions like e-mails, messages from computers, cell phones and so forth -- excuse me -- and so forth are not contributions. Display of a lawn sign is not a contribution.

This bill also contains language to clarify the value of lawn signs for participating candidates and a reduction of grants accordingly.

Section 15 is another repealer regarding the supplemental grants for independent expenditures, and Section 14, backing up one, is the report I referred to.

So, Madam Speaker, this bill on balance provides, as I said at the beginning, a meaningful response to the Second Circuit in that it, one, prevents the time

bomb in our law from going off; two, it more narrowly tailors our regulation of contractor and lobbyist participation in elections so that the court will not be concerned that the rights of those individuals are unduly curtailed, but at the same time we're recognizing the corrosive influence of those contributions or solicitations and making sure that we are trying -- we are removing, effectively, the undue influence of special-interest monies in our campaigns. And it also provides an element of fairness in raising those base grants for the gubernatorial candidates, adjusting those grants appropriately.

And so on balance, Madam Speaker, this is the bill that needs to be passed by this General Assembly, signed by this Governor who so effectively stood up for this underlying law five short years ago. And I urge passage in concurrence with the Senate.

Deputy Speaker Kirkley-Bey in the Chair.

DEPUTY SPEAKER KIRKLEY-BEY:

Thank you, Representative Spallone.

Will you remark further?

Representative McCluskey, you have the floor,

rb/mb/gbr  
HOUSE OF REPRESENTATIVES

28  
July 30, 2010

sir.

REP. McCLUSKEY (20th):

Thank you, Madam Speaker.

A few questions, through you, to the proponent of the emergency certified bill.

DEPUTY SPEAKER KIRKLEY-BEY:

Representative Spallone, prepare yourself.

Representative McCluskey, please proceed.

REP. McCLUSKEY (20th):

Thank you, Madam Speaker.

Madam Speaker, for purposes of legislative intent. The Second Circuit struck down the outright ban on lobbyist contributions. The emergency certified bill before us limits contributions by lobbyists to \$100 for participating and for nonparticipating candidates.

What is the basis for the \$100 limit amount?

Through you, Madam Speaker.

DEPUTY SPEAKER KIRKLEY-BEY:

Representative Spallone.

REP. SPALLONE (36th):

Through you, Madam Speaker, to Representative McCluskey, when the Citizen Election Program was developed in 2005, the Legislature decided that a

range of \$5 to \$100 was an appropriate range of contributions to qualify for a grant under the Citizen Election Program.

And the General Assembly, at the time, felt that a hundred dollar limit was an appropriate balance. It allowed individuals to show support for a candidate that they would like to see elected as a symbolic speech act, but did not lead to an appearance of undue influence or the threat of corruption.

And the working group members, of which I believe the gentleman was one who worked on the final version of the law, felt that there was a need for both public funding and strict limits on the role of lobbyists and contractors to combat a public perception of undue special-interest influence on policymaking. And the courts have found that combating either actual or perceived corruption is a legitimate state action.

And, you know, the Second Circuit ruled there wasn't enough evidence on the record to ban the lobbyist contributions. The law wasn't closely drawn to our anticorruption interest, but the court did welcome limits on such contributions that were reasonable. And this limit, being in line with our limit on -- our upper limit on qualifying

contributions strikes such a balance, Madam Speaker.

DEPUTY SPEAKER KIRKLEY-BEY:

Representative McCluskey.

REP. McCLUSKEY (20th):

Thank you, Madam Speaker.

Through you, another question to the -- to the proponent of the emergency certified bill. The Second Circuit also struck down as unconstitutional certain parts of the grant program, as you're bringing out the bill, you referred to the so-called "trigger provisions," which entitled the participating candidates to more resources based on a nonparticipating candidate's expenditures, and also the provision had to do with additional resources based on independent expenditures -- expenditures by outside organizations.

This legislation today contemplates raising the initial grant to \$6 million for the governor's race, only up from \$3 million, but down from the \$9 million, which the participating gubernatorial candidate would have been eligible for had all three pools of money maxed out. Does raising the grant amount conform to the court's -- the Second Circuit Court's opinion. And why did we choose the \$6 million figure?

Through you, Madam Speaker.

DEPUTY SPEAKER KIRKLEY-BEY:

Representative Spallone.

REP. SPALLONE (36th):

Thank you, Madam Speaker.

Through you to Representative McCluskey, the \$6 million figure is arrived at through an historical analysis, which I mentioned at the beginning when describing the bill, based on the average figures spent by winning tickets in the last three election cycles.

The Second Circuit was primarily concerned about the method by which the candidate received the extra grant monies. And the Court was quite clear in saying that a Legislature cannot tie the issuance of grant money to the spending of an opponent.

And so we've repealed those trigger provisions, but -- so in that respect, this bill absolutely complies with the Second Circuit's holding and with the Supreme Court precedent on which the court relied.

In setting a base grant, adjusting it to 6 million, we are carrying out the original intent of the Citizen Election Program by coming up with a figure that is competitive, that can make a

participating candidate competitive -- one who's not -- well, at the same time not tying it to the opponent's spending.

And as Representative McCluskey pointed out, a candidate, a participating candidate could actually have accessed up to \$9 million with both triggers in place for independent expenditures and for a high-spending opponent. And here we are settling at \$6 million.

Through you.

DEPUTY SPEAKER KIRKLEY-BEY:

Representative McCluskey.

REP. McCLUSKEY (20th):

Thank you, Madam Speaker.

Through you, for -- also for purposes of legislative intent, the Second Circuit also struck down on the general ban on lobbyist and contractor solicitation. And this bill has a more limited prohibition on lobbyists soliciting their own clients and the state contractor soliciting their employees or subcontractors' principals. Is this more limited prohibition permissible under the Second Circuit's decision?

Through you, Madam Speaker.

rb/mb/gbr  
HOUSE OF REPRESENTATIVES

33  
July 30, 2010

DEPUTY SPEAKER KIRKLEY-BEY:

Representative Spallone.

REP. SPALLONE (36th):

Through you, Madam Speaker, to Representative McCluskey. The Court didn't give direct on what hypothetical laws would or would not pass constitutional muster, but the Court did, in its opinion, write about how an outright ban raises their concern and requires the application of the strict scrutiny standard because of the effect on the person's constitutional rights to free speech and political opportunity.

In fact -- and they wrote that a ban accomplishes what I just said as opposed to a limit which, quote, merely restricts those First Amendment freedoms as opposed to a ban which eliminates their rights to express their support.

So in this case, in this -- excuse me -- in this bill, we've instituted a limit on both lobbyist solicitation and on lobbyist donations, which I believe certainly follows the direction of the court.

DEPUTY SPEAKER KIRKLEY-BEY:

Representative McCluskey.

REP. MCCLUSKEY (20th):

Thank you, Madam Speaker.

Madam Speaker, my last question to the proponent of the emergency certified bill is on bundling. We've defined bundling as a means of forwarding contributions by a communicator lobbyist or an agent of such lobbyist, including but not limited to family members. This bill will allow limited contributions by lobbyists now, but will prohibit the activity of bundling for --

Do you believe that this prohibition is likely to run afoul of the Second Circuit's ruling on free speech as this could be construed as soliciting, which the Court said we could not prohibit? Through you, Madam Speaker.

DEPUTY SPEAKER KIRKLEY-BEY:

Representative Spallone.

REP. SPALLONE (36th):

Through you, Madam Speaker, to Representative McCluskey, the bundling ban which is included in this bill, which would not run afoul the Second Circuit's decision because it is narrowly tailored. It's narrowly tailored to ban solicitation by lobbyists from their own clients.

It's narrowly tailored to ban bundling itself,

rather than simple solicitation of persons other than their clients. And it's narrowly tailored with respect to contractors because it bans solicitation from their employees and subcontractors.

And the court -- while the working group's proposal to ban lobbyists from soliciting or from donating was broad and sweeping and accomplished the goal of removing that influence from our system, the Court found that it went too far.

And in the case of Nixon versus Shrink Missouri Government PAC, the court did state in speaking of improper influence, it spoke of opportunities for abuse as well as quid pro quo arrangements and recognized a concern not confined to bribery only, but to the broader threat from politicians to comply with the wishes of large contributors.

And in its decision, the Court wrote that while the State, in the case, had argued that the ban got to the heart of bundling, the Court, on page 30, wrote here the State has not met its burden to show that the Campaign Finance Reform Act solicitation ban is narrowly tailored to address the problem posed by bundling. For the ban prohibits a wide range of activity unrelated to bundling, and the Court wrote,

and I emphasize, there are several less restrictive alternatives that would more directly address the perceived bundling threat.

And the Court wrote, moving on in page 31, a less restrictive alternative to address the problem of bundling would be to ban only large-scale efforts to solicit contributions. For example, a ban on state contractors organizing fundraising events of a certain size, et cetera. So this is narrowly tailored to fulfill the state interests without running afoul of the First Amendment rights.

Through you, Madam Speaker.

DEPUTY SPEAKER KIRKLEY-BEY:

Representative McCluskey.

REP. McCLUSKEY (20th):

Thank you, Madam Speaker. And I thank the gentleman for his answers to my question.

Madam Speaker, as the -- as the Chair of the GAE committee alluded to, I was on the -- referenced that I was on the campaign-finance working group that Governor Rell convened. And I just wanted to share with the Chamber a couple observations that I have. First of all, Madam Speaker, and being candid to the Chamber, I was assigned to the GAE Committee. I

didn't choose to be on the GAE Committee.

And Madam Speaker, at the time, I was first assigned to the GAE Committee, I was convinced that Speaker Lyons had it in for me. I did not -- that was not one of my choices to be on, but over time I grew to appreciate the work of the GAE committee. When I got elected, the issues that I really was interested in were kind of meat and potatoes issues.

You know, I care about -- in my opinion, I care about issues that affect real working everyday people. And every now and then I play around with trains. So these clean election issues were really not my area of expertise or interest.

I was also volunteered to serve on the Governor's working group. That again was not something that I really wanted to do in the time that we were not in session or campaigning. But I do believe the work of the campaign working group that Governor Rell convened was the reason -- was the impetus behind the historic public financing system that we have here in Connecticut.

And I was proud to stand behind Governor Rell when she signed the bill in the Old State House. I think that's one of the more prouder moments I've had

in my time here at the Chamber.

And I've seen, since we've passed the bill, I believe, and I know it's a subject for debate -- that some bills that I thought would never see the light of day have now seen the light of day because of this legislation of public financing.

And so I'm very proud of this, and I think it has assisted in democracy, that whether or not there is a quid pro quo sometimes has been alleged that the perception of a quid pro quo had been in this Chamber tragically and in the other Chamber and I think this public financing system that we have that Governor Rell championed has improved democracy in the state of Connecticut.

And I also wanted to give you, at least my perspective on the working group of why I think the sick -- changing from the trigger mechanism, which the Second Circuit has ruled as unconstitutional, to now going to a base grant of \$6 million for the governor's race, makes sense.

We're all experts in this chamber on how to get elected. I think even though, you know, it was a new system, we pretty much got it right for the House races and State Senate races because we know how to

win our own seats.

I think in the constitutional officers, and particularly the governor, we were doing something a little different. We actually set the base grant amount lower than we knew that the average races -- as the distinguished chair of the GAE Committee said, the average cost of the winning candidate in previous, you know, four years ago and eight years ago, was around the \$6 million figure that we're setting here in this bill.

What we were trying to do with the -- with the governor's race and in the constitutionals was actually to start restraining the growth of campaigns because, you know, most of us don't do TV and radio. We don't spend an inordinate amount of money on consultants and all the kind of modern, you know, appendages of campaigns. We can still walk our districts. We don't need necessarily to have all the bells and whistles that a governor, even in the small state of Connecticut, needs to have.

So we actually set the base amount, Madam Speaker, at a lower rate than we set our own races. Some people were arguing that the number we chose for the House races was a little too high. Some people in

different parts of the state thought the figure was too low, but in general, I think we got the number right. We set the number high enough that people thought it was a competitive amount so that they would want to participate in the system.

What we did for the governor's race, Madam Speaker -- we knew that private -- private money, you know, wealthy individuals and independent expenditures are much more likely to occur in the governor's race than it is at our level. I mean quite frankly, Madam Speaker, I can't think of a millionaire Democrat or Republican who would want to spend so much money to sit in our chamber. But I do not understand why they would want to be willing to spend their money and that of their friends to get elected governor of the state of Connecticut.

And so what we did is we set a lower amount than the average, as -- as Representative Spallone said, but what we did is we said, look, if we can't compel people to participate in the public financing system so that if a participating person is challenged by one of these people who has access to wealth, that there is a way that he can respond to that. Doesn't mean that there definitely is going to be another

candidate.

If there were two participating candidates, Madam Speaker, we would only have a grant of \$3 million, but because we can't compel people to participate in the public financing system, we said, If you're faced with a candidate that has access to a lot of money, we're going to -- we're going to have this mechanism to supplement the original grant amount.

So, Madam Speaker, the courts didn't find as much wisdom in our solution as I would have liked them to have, but I think this solution of adjusting the base amount so that it reflects the winning amount of the last two gubernatorial campaigns that occurred four years ago and eight years ago makes a lot of sense.

And Madam Speaker, I hope that Governor Rell appreciates that the -- replacing the matching grants with adjusting the base amount is an integral part of having candidates willing to participate in the public financing system at the governor's level, Madam Speaker. I don't believe -- if we do not set a reasonable limit for the base amount, people will not participate in the public financing system for the governor's office, Madam Speaker. And I urge my colleagues to support this emergency certified bill,

rb/mb/gbr  
HOUSE OF REPRESENTATIVES

42  
July 30, 2010

and I hope the Governor listens to my comments.

Thank you, Madam Speaker.

DEPUTY SPEAKER KIRKLEY-BEY:

Thank you. Remember, David, many are called, but few are chosen.

Representative Hetherington, you have the floor, sir.

I take that back. I see you took your name off.

REP. HETHERINGTON (125th):

Madam Speaker --

DEPUTY SPEAKER KIRKLEY-BEY:

Representative Cafero.

REP. HETHERINGTON (125th):

Yes, thank you.

REP. CAFERO (142nd):

Thank you, Madam Speaker.

Ladies and gentlemen of the Chamber, this has always been a controversial issue, the whole world of campaign finance. And certainly of late, being that we are in the heart of campaign season, sometimes the rhetoric has gotten high and loud and the tone, unpleasant.

And I do not want to contribute to that and I would like to tone the tone down, if I may, because I

truly believe that every person here, regardless of what their vote was or position back in 2005 or on other occasions when campaign finance came about had the best of intentions.

We want a good democratic process. We realize that, unfortunately, in order to have one in this 21st century, in order to get elected, in order to have your message heard, money is necessary. And the question really revolved around how can we supply ourselves, as people who are interested in running for public office with the necessary money to get our message, without taking money from sources that might either give the appearance or, God forbid, actually have some undue influence. And that's how this whole thing started.

But we passed the bill that's been referred to back in 2005. We actually were discussing this far earlier for year upon year, campaign finance and public campaign financing was discussed. And I think it's very necessary to remind everybody that when we talked about campaign finance reform, that was a very large umbrella. And the public campaign finance portion of campaign finance reform was only one part thereof.

For instance, many of us believe -- many of us believed that either the perception or, God forbid, that reality was that lobbyists, as many people have alluded to, were having undue influence because of their ability to give to us, as public officials, who were running for office. And it was done in a manner totally legal -- totally legal, where funds were solicited by registered lobbyists, good, decent people who are advocates for their clients and given to us.

Many of us felt that that was not a good thing. No disrespect to the lobbyists; they're good, decent people. They're doing their jobs, and they were certainly acting within the law, but human nature is human nature and many of us, we're very anxious to ban, with all due respect to the lobbyists, lobbyists' contributions.

We were anxious to ban lobbyists' contributions because, one, what I just said: We didn't want to give the perception to anyone that we were being influenced by their dollar, and two, quite personally and selfishly, many of us were for banning lobbyist contributions because we were in the minority party and we were disadvantaged by it.

Let me explain, if I may. For the past 32 out of

34 years -- and before I do, let me preface my remarks with the Democrats happen to be in the majority. I am not suggesting what I am about to explain would have been any different if the Republicans were in the majority. It just so happens that the Republicans were in the majority for two years in the last 36 and the Democrats have been in the majority for 34 years. And I mean that from the bottom of my heart.

I am not saying that this is a Democratic thing, because if the shoe was on the other foot and we were in power for 34 years and you were into the same situation, but the way it works -- used to work was this: It was perfectly legal for sitting members of this General Assembly to have what they call, "solicitor meetings" where various people would call in lobbyists and say, We need to raise money to run our elections for our caucus. We know you, Lobbyist Jones, represent the Acme Company and the Burberry company, and the such-and-such company and the such-and-such company. We expect you to bring back to us 5,000 bucks. And you, Lobbyist Smith, we know you represent the company Z, X and Y. We expect you to bring to us, et cetera.

Now, did the lobbyists have to do that? Of

course not. Did they want to do it? Well, they do business here. Majority party, remember regardless of what side of the aisle, they do control the agenda. They do control the bills that get called. They do control, in many cases, by vote what lives or dies in committee. Don't want to tick them off. Love to curry favor. Love to look good, so maybe I'm going to come through with that five grand, et cetera.

Well, again, that disadvantaged the minority party. Under the old scheme, PACs, controlled by the caucuses, used to raise money before an election season. The reason we did this is because if we had a challenger candidate or a candidate that wasn't doing too well on his or her own in raising money, we would give them the money. We've got a candidate that's raised only 5,000. In order to be competitive, he needed 15. Here's 10,000.

Well, historically the majority party would raise four to ten times the amount of money that the minority party would raise. Well, so from the minority party's perspective this whole lobbyist being able to donate, not a good thing. We're getting the short end of the stick, so we were all for sort of getting rid of that. Then we had things like ad

books, which many people would say were a way around that business donation thing. Frankly, that never worked to the minority party's advantage either because if you ever go to a fund-raiser for the majority party person, their ad book was always this thick and ours was like this thick, but hey, that's life.

So a lot of us thought we should reform campaigns, that it's not good for lobbyists to donate for good reasons and for some selfish reasons, and it's not good to have these ad books for good reasons and for some selfish reasons. But we also believed that we could get rid of those two things without giving public money, because some people truly believe philosophically that to take taxpayer money to pay for our bumper stickers and our buttons just didn't make sense.

It might be going to a candidate you don't want to support or don't believe in and yet, your taxpayer dollars were going to pay their campaigns. So that's where the battle raged. Good, decent people disagreeing on that.

In 2005, history was made because the State of Connecticut did adopt a public campaign financing

scheme. And people worked very, very hard on it, and they didn't intend to pass it and have it be unconstitutional. We never try to do that. We want to make sure what we did was right, but you don't always get it right. It was new ground for a lot of us.

And obviously, as we've learned from the court decisions we're reacting to, at least in the mind of the judicial branch, we didn't get it right. Their opinion is we did some things that are unconstitutional, and that brings us to today. We're trying to fix those things.

And there's a lot of things in the underlying bill that we agree with. Some are a little cleanup things like pesky little things that said, how do you value your leftover signs? And people said, oh my God. I mean, I don't even know how many leftover signs I have and maybe my neighbor has them. You're going to make me go back and figure out what I paid for when and declare them. So we take care of that in here. That's a good thing.

We also have a situation where, if you are going to a campaign meeting and you bring brownies, until we correct that situation, you've got to value how much

rb/mb/gbr  
HOUSE OF REPRESENTATIVES

49  
July 30, 2010

the brownies were and declare them as an in-kind contribution. I mean, come on.

We have another situation where if some fellow or gal has a business and they say, hey, I like you. I want to put a sign in my window. Well, now we have a ruling from the SEEC that says we have to determine the commercial value of what it costs to put a sign in the window and mark that down as an in-kind contribution. Come on. It makes no sense. So we're cleaning that up.

Another good thing that we're doing in this bill is we're putting in that severability clause that says in the future, if some other court finds that parts of what we have done are not constitutional, we don't have to go through this all. My God, we're in the middle of an election season, and the whole world is going to blow up. So that's a good thing we have in this bill.

There's a couple of things that are not insignificant that we, on this side of the aisle, disagree with that are in this bill. We don't assume they were done for anything other than good public policy. We assume that the motives are certainly to correct and answer the court's decisions, but we

disagree with them, and I want to explain what they are.

First of all, we've heard a lot of talk about this trigger clause, because, as Representative McCluskey pointed out and certainly Representative Spallone pointed out, when the bill was originally created, we thought we will allow someone to run for governor and participate, at which point, when they are nominated, we will give them \$3 million.

If they happen to run against someone who's not participating and spends a lot more money -- in fact, at the time ironically we called it the millionaire candidate, we had never had one up to that point, and now they're coming out of the woodwork. But that being said, we said if we have that multimillionaire candidate and they spend more, at least we're giving this participating candidate an opportunity to be matched to be competitive. And for that reason, the court said, not a good thing.

So here we are in the middle of an election season with millionaire candidates and two participating candidates, ironically on both sides of the aisle. We're about ten, eleven days before a primary and we've got to deal with this court

decision, and we are trying to be fair.

The solution in the bill that's before us is, well, instead of giving them \$3 million when and if they win the primary, if they're participating, give them \$6 million. And the justification for that was this: that if you look back over the last few election cycles, you'll find that the average amount spent in a gubernatorial race was in excess of 6 million bucks.

In fact, I believe Representative Spallone indicated that in 1998 the winning team of Rowland/Rell spent 6.9 million bucks. In 19 -- in 2002, the winning team of Rowland/Rell spent 6 and a half million bucks. And in 2006, the winning team of Rell/Fedele spent \$4.8 million.

That averages out, according to Representative Spallone, to \$4.5 million. What has not been said -- I think you said that. Did you say that, or am I wrong with the math -- a little higher than that? Sorry, about 6 million bucks. Forgive me.

What it doesn't say, however, is the total combined amount in the history of the State of Connecticut that has ever been spent on a gubernatorial race has never exceeded \$9 million combined, never.

What we are guaranteeing here is, in the event two participating candidates win the primary, and the combined amount of tax -- taxpayer money, what we referred to in the past was private money -- taxpayer money will be 17 and a half -- \$17 million.

Now, you might say, Cafero, you're way off on that because 6 and 6 is 12, but what we haven't been discussing here is that those participating candidates already received money for the primaries.

Under our law, you get a million and a quarter dollars if you're involved in a primary, and if you happen to be running against a millionaire and that person spends more than a million and a quarter, you get all the excess up to twice the amount.

And guess what? If I'm not mistaken, both of our participating candidates, one a Democrat, one a Republican, are running against people that outspent them to the point where both of our participating candidates, one a Democrat and one a Republican, already -- already received two and a half million dollars each. Upon one or either of them winning the primary, they get an additional \$3 million under current law. Well, 3 million and 2 and a half million is 5:5 million. So when we say we're only giving them

rb/mb/gbr  
HOUSE OF REPRESENTATIVES

53  
July 30, 2010

3 million, but we should be giving them 6, we gave them, under current law, \$5.5 million each.

Now, we could go back to these various other races in 1998 and 2002 and 2006, and when we said that the winning team spent 6.9 million bucks, that's all they spent. That was the total. We're already, under the current law, given two candidates \$5.5 million if, in fact, they both win the primary. So we have to be accurate with what we're saying.

The other thing we have to be accurate for is, yes, it is true that under the current law that was ruled unconstitutional, these candidates were eligible, as I just described, for additional money if and only if the person they were running against spent more than they did.

If the person they were running against did not spend more than they did, then they would stay with the \$3 million. The current fix to this law, that we have before us, does not make that distinction. It gives them \$6 million, no ifs, ands, or buts on top of -- on top of the 2 and half million dollars they already received.

So if this law is passed that's before us today, a winning participant candidate, who wins the primary,

will get \$8.5 million, not six, not three, 8.5 million taxpayer dollars. And if both happen to win the primary, then they will get 8.5 million on the Democratic side and 8.5 million on the Republican side for a total of 17 million taxpayer dollars to run a gubernatorial race that in the history of the State combined has never cost more than \$10 million to run.

Now, why is that important in 2010? Because folks, there's a lot of people hurting. There's a lot of people hurting out there.

We have cut and scraped and sacrificed and gone without and asked other people to go without. In a whole lot of cases -- I don't have to remind you how many times we've sat in this room and discussed these kinds of things. And in the face of that, are we going to say, we need to spend potentially \$17 million of taxpayer money on a gubernatorial race? That's what we've got to think about.

Second issue of contention, going back to the lobbyist contributions, Representative Spallone, himself, said that the Supreme Court said the following: that bans on lobbyist contributions are not good, but limitations are okay because of the unique nature of what a lobbyist does before this body. So

we have built in to our current law, and even to this existing law, limitations on lobbyists.

For instance, we say to them, you cannot give any more than \$100 whether it's a participating candidate, whether it's a nonparticipating candidate. Whether it's a state senator, a state rep, a comptroller, one of the constitutional officers, the governor, you cannot give more than \$100. That's different from everyone else, but we're allowing you to give and exercise your First Amendment right. And I would agree that the chairman says that the court case allows that limitation.

We also say that you can't give us any money, at least those of us in the Legislature, while we are in session. That's always been our rule. You can't do it. Other people can. You can't do it. Another limitation on lobbyists. We also put certain conditions on when they can solicit because before, under the old law, they couldn't solicit at all. They couldn't ask for money on our behalf. The court case was very clear, saying, you could solicit now. We have to allow them to solicit.

So as you see, we've put restrictions on. In my opinion, not enough. In my opinion, what we should do

and in many others' opinion is to say, if you are participating in the Citizen's Election Fund voluntarily, then lobbyists can donate to you. We've got to comply with the court decision, but their donation should not be counted toward the qualifying amount. As you all know, in a state rep race, in order to qualify there's two criteria: You have to raise \$5,000 in between 5 and 100 dollar increments, and at least, of those donations 150 people must be within town -- or towns within your district. Those are the two criteria you have to meet.

What would be wrong if we said, Mr./  
Ms. Lobbyist, you can give what you want up to a hundred dollars, but it can't be counted. So if, under a hypothetical, I receive \$5,000 from individuals and I happen to receive \$5,000 from lobbyists, I would apply for the grant. And instead of getting the 25,000 dollars, I get 20.

What does that solve? Number one, equal playing field. Number two, we've allowed the lobbyist to contribute, but we've also limited or restricted, as is appropriate, and maybe limited the appearance of their influence by not allowing it to be counted towards a qualifying amount.

rb/mb/gbr  
HOUSE OF REPRESENTATIVES

57  
July 30, 2010

Someone might ask, yeah, but what if that lobbyist happens to live within the district of the person that he's giving to state rep or state senator. You know what? Count their body as one of the 150 or 300 in the Senate, but don't count their money.

Now, why do I say that? Because earlier, I gave you a scenario of what I know happened in the past when we had those solicitors' meetings and people were sat down in an office in these buildings here, and said, Mr. Smith, lobbyist, I want you to raise \$5,000.

Well, now we're going to have a different scenario, or at least the danger thereof. And here it is: let's assume an incumbent representative is having difficulty raising their \$5,000. Oh, sure. They could get 150 people who live in their district to give them five bucks. That's pretty easy. So now they have \$750 and the 150 people, but they're shy \$4,250.

Well, it wouldn't be too difficult for leadership to have a solicitor's meeting, which is now legal, and ask those lobbyists with that same client list to take care of Rep Jones who's having a little difficulty. We expect you to raise in hundred dollar increments, 42 -- solicit 4250 bucks. So now Rep Jones qualifies

like that.

So you see how we could be going backwards in time when the whole purpose was to go forward and to have, quote, clean elections.

At this point, I would like to ask a question, if I may, through you, Madam Speaker, of the proponent of the bill.

DEPUTY SPEAKER KIRKLEY-BEY:

Representative Spallone, prepare yourself.

Representative Cafero, please proceed.

REP. CAFERO (142nd):

Thank you, Madam Speaker.

And frankly, it's a relatively simple question. Within the context -- actually I have two. Within the context of the bill that's before us, I believe you indicated that there are some future limitations on solicitation. Is that correct?

Through you, Madam Speaker.

REP. SPALLONE (36th):

Through you, Madam Speaker, to the distinguished Minority Leader, yes.

DEPUTY SPEAKER KIRKLEY-BEY:

Representative Cafero.

REP. CAFERO (142nd):

Thank you, Madam Speaker.

Madam Speaker, when do those limitations on solicitations take effect. Through you, Madam Speaker --

REP. SPALLONE (36th):

Through you, Madam Speaker, January 1, 2011.

REP. CAFERO (142nd):

Thank you, Madam Speaker.

That's the part I don't get. That's the part I don't get. We're doing all this because we are in the middle of an election season. We're in the middle of an election season. We're acting in a hurry. You know, because of the court case we're giving extra money to gubernatorial candidates, et cetera.

Why are we waiting to limit solicitations from lobbyists until January of 2011?

Through you, Madam Speaker.

DEPUTY SPEAKER KIRKLEY-BEY:

Representative Spallone.

REP. SPALLONE (36th):

Through you, Madam Speaker, to Representative Cafero, this law has been subject to litigation since it was passed. And in recent weeks, it's been subject to a further flurry of litigation in our state courts

rb/mb/gbr  
HOUSE OF REPRESENTATIVES

60  
July 30, 2010

as well as the federal courts where this, the case we've been discussing this evening, was filed.

And concern raised -- has been raised that if we enact the solicitation limits and bans immediately, that someone could run to court and seek a preliminary injunction and therefore, affect the election during this election cycle and that we've been through quite a bit of litigation for the last four years, and that it would be preferable to get through this election cycle without inviting further litigation.

We feel very strongly that this bill is constitutional with respect to these solicitation limits. It will stand up in court if it's ever challenged because they are narrowly tailored to fulfill our interests as a state, but that having the solicitation ban take effect immediately could, A, invite litigation.

I think there's also a practical component in that there's a public education component to those affected by the law -- excuse me for that. Something just fell from my makeshift desk here -- and there's a public education component where there'd be a lead time so that people understand what is allowed and what is not allowed with respect to these bans.

rb/mb/gbr  
HOUSE OF REPRESENTATIVES

. 61  
July 30, 2010

Through you, Madam Speaker.

DEPUTY SPEAKER KIRKLEY-BEY:

Representative Cafero.

REP. CAFERO. (142nd):

Thank you, Madam Speaker.

And I respect the answer of Representative Spallone and certainly the thought process behind it. But folks, think how that thing sounds. Think how that sounds to our constituents.

Okay. Let me get this straight. You guys passed a fix-it amendment to the clean elections law last night. Right?

Yeah.

And you're banning solicitations. Right?

Yes. Intolerable. Won't stand for it. Have to restrict it. When does it take place?

January.

Aren't you in the middle of an election?

Yeah.

How come?

Well, we don't want to take a chance.

Doesn't sound too good, folks. Doesn't sound too good. One other question, through you, Madam Speaker, to Representative Spallone.

rb/mb/gbr  
HOUSE OF REPRESENTATIVES

62  
July 30, 2010

Representative Spallone -- through you, Madam Speaker.

DEPUTY SPEAKER KIRKLEY-BEY:

Please proceed, sir.

REP. CAFERO (142nd):

Thank you, Madam Speaker.

Madam Speaker, to Representative Spallone, I referenced one of those cleanup amendments with regard to bringing cookies or whatever. If you could find that within your section and help me understand it.

I think the intent, very honestly, was that if you had a campaign meeting or you were stuffing envelopes with your crew or whatever and somebody brought brownies or cookies, that it wouldn't have to be listed as an in-kind contribution. That was sort of the theory behind it. Is that correct? ]

DEPUTY SPEAKER KIRKLEY-BEY:

Representative Spallone.

REP. SPALLONE (36th):

Through you, Madam Speaker, yes. That's correct.

REP. CAFERO (142nd):

And what is the limit, the de minimis limit that we allow someone to bring to one of these things?

DEPUTY SPEAKER KIRKLEY-BEY:

Representative Spallone.

REP. SPALLONE (36th):

Through you, Madam Speaker, \$50.

DEPUTY SPEAKER KIRKLEY-BEY:

Representative Cafero.

REP. CAFERO (142nd):

Thank you, Madam Speaker.

Is the \$50 restricted to an individual or to an event or an evening?

DEPUTY SPEAKER KIRKLEY-BEY:

Representative Spallone.

REP. SPALLONE (36th):

Through you, Madam Speaker.

The legislation at -- beginning at line 1237 states that the following is not a contribution covered by the law: "The donation of food or beverage by an individual for consumption at a slate candidate legislative caucus, legislative leadership or party committee meeting, event or activity that is not a fund-raising affair to the extent that the cumulative value of the food or beverages donated by an individual for a single meeting". -- sorry, it took me a while to get there, Representative Cafero -- "does not exceed \$50."

REP. CAFERO (142nd):

Thank you, Madam Speaker, and I think here's the technicality -- maybe I'm reading it wrong -- but what it allows is each individual to bring no more than \$50 worth of food or beverage to an event, but it doesn't say that that's the only person that could bring it.

In other words, if a hundred people went to an event, everybody is allowed to bring 50 bucks worth of stuff, you've got a heck of a party going, and I'm what I'm wondering is, was that the intent to limit it to \$50 per event or was it the intent to limit it to \$50 per person, regardless of how many people bring the food to the event?

Through you, Madam Speaker.

DEPUTY SPEAKER KIRKLEY-BEY:

Representative Spallone.

REP. SPALLONE (36th):

Through you, Madam Speaker, to Representative Cafero.

Looking at lines 1241 and 1242, it does appear that the limitation applies to an individual bringing the food or beverage to the event. I think just to add a little bit to that, I think, in practice, an event that's not a fund-raiser would generally be more

like the Minority Leader described, where as set forth in this legislation where it's a meeting of people and the refreshments are brought to give some sustenance to the people who are volunteering at the time, and so forth.

DEPUTY SPEAKER KIRKLEY-BEY:

Representative Cafero.

REP. CAFERO (142nd):

Thank you, Madam Speaker.

And I'm -- and I know that is the intent, and I want to get it out for legislative intent, because it could be read a different way. And, as I said, inadvertently, you could have 25 people bringing \$50 worth of food and goodies for -- you could have a heck of a party.

In any event, ladies and gentlemen, I outlined to you, I think, two major points where this side of the aisle disagrees with your side of the aisle. And in order to rectify that, the Clerk has an amendment, LCO 5965. I ask that he call and I be allowed to summarize.

DEPUTY SPEAKER KIRKLEY-BEY:

Will the Clerk please call LCO 5965, designated House "A."

And the Representative has asked leave to summarize. Is there any objection?

Will you please call it.

THE CLERK:

LCO 5965 House "A," offered by Representatives Cafero, Hamzy and Klarides.

DEPUTY SPEAKER KIRKLEY-BEY:

The Representative has asked leave to summarize. Is there any objection? Is there any objection?

Hearing none, please proceed, sir.

REP. CAFERO (142nd):

Thank you, Madam Speaker.

Madam Speaker, the amendment is relatively simple. It contains many pieces that are in the underlying bill with the following differences: Like the underlying bill, it repeals the time bomb provision. It makes technical and conforming changes to the spending limits for participating candidates.

It -- what else does it do? That's in the bill -- it has the longside valuation fix. It has the new definition of bundling, which is the same as in the underlying bill. It is effective upon passage that communicator lobbyists or their immediate family members may not bundle contributions as in the

underlying bill. It defines subcontractor as in the underlying bill.

It -- let me see. It takes care of these de minimis problems, as in the underlying bill with regard to allowing people to put signs in businesses. It clarifies the little bringing cookies to a meeting thing, and limits it to \$50 per event, as opposed to per individual, which is different than the underlying bill.

But most importantly, here are three big changes: First of all, now that we are allowing lobbyist donations, we think it's only fair that people know who's been solicited by a lobbyist -- the lobbyist -- lobbyist. Excuse me. So what we're doing is we're proposing that we add to the donation certification form another line that says, Was your donation solicited by a lobbyist? Yes or no? Check off yes. If you check off yes -- if so, whom?

So it makes a person -- there's no penalty involved. The treasurer is not going to get fined or whatever, but it makes the world know and sort of in an open manner, hey, this donation was solicited by a lobbyist. So that's one change it makes.

The other changes it makes are similar to what I

talked about. It does allow lobbyists to give and donate money, like the underlying bill, up to a maximum of a hundred dollars. The difference is it does not allow their money to be counted towards a qualifying amount if it's being given to a participatory candidate. Their person would be counted towards the 150 or 300 as -- if they happen to live within the district limits, but their money would not be counted to that.

Second big change is in handling this excess gubernatorial grant. We allow a participating qualified candidate, who wins the primary, to raise an additional \$3 million but to raise it through private funds just for this election cycle because of the unique circumstance. So they could raise that additional 3 million by private funds given the current restrictions, \$2,500 per person, only a hundred dollars from lobbyists, and they could get there, to that \$6 million, by raising it privately as opposed to our Citizen Election Grant giving it to them.

Those are the major changes, Madam Speaker, and I would move adoption.

DEPUTY SPEAKER KIRKLEY-BEY:

The question before us is on adoption of amendment. Let me try your minds.

REP. CAFERO (142nd):

Madam Speaker.

DEPUTY SPEAKER KIRKLEY-BEY:

Yes.

REP. CAFERO (142nd):

I ask that when the roll be taken -- excuse me -- the vote be taken by roll call.

DEPUTY SPEAKER KIRKLEY-BEY:

A roll call vote has been asked for.

All those in favor, please signify by saying, aye.

REPRESENTATIVES:

Aye.

SPEAKER DONOVAN:

All those opposed, nay.

The ayes have it. The vote will be taken by roll call. Will you remark further.

Representative Cafero?

Representative Spallone.

REP. SPALLONE (36th):

Thank you, Madam Speaker.

Madam Speaker, a couple of questions to the

distinguished Minority Leader here at the outset on the amendment.

DEPUTY SPEAKER KIRKLEY-BEY:

Representative Cafero, prepare yourself.

Representative Spallone, please proceed.

REP. SPALLONE (36th):

Yes. Madam Speaker, through you.

With respect to the portion of the event that the gentleman described where a contributor would have to certify whether they were solicited by a lobbyist and who that lobbyist was, does the amendment require that the lobbyist introduce him or herself as a lobbyist to the individual who he or she is soliciting?

DEPUTY SPEAKER KIRKLEY-BEY:

Representative Cafero.

REP. CAFERO (142nd):

Through you, Madam Speaker, no it does not require that.

DEPUTY SPEAKER KIRKLEY-BEY:

Representative Spallone.

REP. SPALLONE (36th):

Through you, Madam Speaker, so how would the contributor know whether they were being solicited by a lobbyist for the funds.

rb/mb/gbr  
HOUSE OF REPRESENTATIVES

71  
July 30, 2010

DEPUTY SPEAKER KIRKLEY-BEY:

Representative Cafero.

REP. CAFERO (142nd):

Well, they would ask: Are you a registered lobbyist of the State of Connecticut? When they were solicited. Through you, Madam Speaker.

DEPUTY SPEAKER KIRKLEY-BEY:

Representative Spallone.

REP. SPALLONE (36th):

Through you, Madam Speaker, how would a contributor know that that's an appropriate question to ask?

DEPUTY SPEAKER KIRKLEY-BEY:

Representative Cafero.

REP. CAFERO (142nd):

Thank you. Through you, Madam Speaker, it's on the very form they sign when they give any donation.

Through you, Madam Speaker.

DEPUTY SPEAKER KIRKLEY-BEY:

Representative Spallone.

REP. SPALLONE (36th):

Through you, Madam Speaker to Representative Cafero.

The section of the amendment concerning an

rb/mb/gbr  
HOUSE OF REPRESENTATIVES

72  
July 30, 2010

adjustment of the system for participating candidates in the gubernatorial race, just to clarify, is that effective upon passage?

DEPUTY SPEAKER KIRKLEY-BEY:

Representative Cafero.

REP. CAFERO (142nd):

Yes, it is.

Through you, Madam Speaker.

DEPUTY SPEAKER KIRKLEY-BEY:

Representative Spallone.

REP. SPALLONE (36th):

Through you, Madam Speaker, are there limitations on the size of the contributions?

DEPUTY SPEAKER KIRKLEY-BEY:

Representative Cafero.

REP. CAFERO (142nd):

Through you, Madam Speaker, yes. It comports with our current law for nonparticipating candidates meeting \$2,500. And with the underlying bill, it would also limit lobbyist contributions to a hundred dollars.

Through you, Madam Speaker.

DEPUTY SPEAKER KIRKLEY-BEY:

Representative Spallone.

rb/mb/gbr  
HOUSE OF REPRESENTATIVES

73  
July 30, 2010

REP. SPALLONE (36th):

Thank you, Madam Speaker.

I thank the gentleman for his answers, and I rise in opposition to the amendment.

The underlying bill, without the changes that have been offered by Representative Cafero, meaningfully responds to the Second Circuit decision. It accomplishes what is needed to preserve our system of campaign finance in light of that decision of several weeks ago.

The amendment adds an additional burden on contributors who already are signing a certification regarding their status and so forth. At this time, they would be asking whether a person is a lobbyist, engaging in an additional conversation, and so forth, during the simple act of giving a contribution.

Secondly, with the issue of whether a lobbyist contribution can be considered a qualifying contribution, well, there are legitimate arguments as to whether their lobbyist contributions should be considered qualifying contributions or not. We are facing a pretty forceful decision from the Second Circuit based on trends in campaign election law that banning -- outright bans or heavy restrictions on a

rb/mb/gbr  
HOUSE OF REPRESENTATIVES

74  
July 30, 2010

person's participation or speech and their support is problematic.

And so we would not want to -- the underlying bill rather tries to comply with the case by treating lobbyists just like everyone else except that they're limited to a hundred dollars.

With respect to the gubernatorial grant changes or the option to raise private money offered by Representative Cafero, one of the underpinnings of the Citizen Election Program is that there's a period of qualifying -- and then you receive a grant. So the candidate is no longer fettered by having to raise money, by having to hold fund-raisers, by having to dial for dollars, but instead can focus on forums, debates, direct voter contact, and so forth.

And so under -- that is one of the key features of our law, and that is a key feature that is maintained by the underlying bill. So for all of those reasons and for the fact that we have a bill before us that we were asking to pass in concurrence with the Senate, which acted earlier today, I would ask that the Chamber oppose this amendment.

Thank you, Madam Speaker.

DEPUTY SPEAKER KIRKLEY-BEY:

rb/mb/gbr  
HOUSE OF REPRESENTATIVES

75  
July 30, 2010

Thank you.

Will staff and guests please come to the well of the House. Members take your seats. The machine will be open.

THE CLERK:

The House of Representatives is voting by roll call. Members to the chamber. The House is voting on House Amendment Schedule "A" by roll call. Members to the chamber, please.

DEPUTY SPEAKER KIRKLEY-BEY:

Has everyone cast a vote? Please check the board to see that your vote has been properly cast. The machine will be locked and the Clerk will prepare the tally. Will the Clerk please announce the tally.

THE CLERK:

House Amendment "A" on Emergency Certified Bill  
551.

|                             |     |
|-----------------------------|-----|
| Total Number voting         | 120 |
| Necessary for adoption      | 61  |
| Those voting Yea            | 29  |
| Those voting Nay            | 91  |
| Those absent and not voting | 31  |

DEPUTY SPEAKER KIRKLEY-BEY:

Ladies and gentlemen, the board on my left is not

rb/mb/gbr  
HOUSE OF REPRESENTATIVES

76  
July 30, 2010

working properly. The board on my right is, so if you want to look at the tally, please look at the board on my right. Thank you.

The amendment, as recorded by the Clerk, the amendment fails. Thank you.

Will you remark further?

Representative O'Brien, you have the floor.

REP. O'BRIEN (24th):

Thank you, Madam Speaker.

A question, through you, to the distinguished chairman of the Government Administration and Elections Committee.

DEPUTY SPEAKER KIRKLEY-BEY:

Representative Spallone, prepare yourself.

Representative O'Brien, please proceed.

REP. O'BRIEN (24th):

Thank you, Madam Speaker.

Through you, in Section 13 of the bill, starting on line 1243, there is an effort in the bill to add to the exemptions from regulation under campaign finance law certain de minimis things including electronic mail and Internet messages. It is increasingly common these days for electronic communication to occur through free services online offered by third parties,

services that are offered free of charge. And this communication takes many forms including e-mails, social networking blogs and other types of networking services.

Through you, Madam Speaker, does the meaning of messages in the exemptions in this section include all types of services offered for free online, including those that I specifically mentioned? Through you.

DEPUTY SPEAKER KIRKLEY-BEY:

Representative Spallone.

REP. SPALLONE (36th):

Through you, Madam Speaker, based on the language of the subsection, the answer would be yes.

REP. O'BRIEN (24th):

Thank you, Madam Speaker.

DEPUTY SPEAKER KIRKLEY-BEY:

Let's keep it down over on this side, please, and get out of the middle aisle, please.

Thank you so very much.

Representative O'Brien, have you concluded your -- thank you.

Representative Hetherington, you have the floor, sir.

REP. HETHERINGTON (125th):

Thank you, Madam Speaker.

If I may just direct a few questions to the proponent, through you, Madam Speaker.

DEPUTY SPEAKER KIRKLEY-BEY:

Prepare yourself, Representative Spallone.

Representative Hetherington, please proceed.

REP. HETHERINGTON (125th):

Thank you.

To Representative Spallone, I appreciate the thorough explanation that he has offered. As usual, he's been fully prepared.

I would just like to confirm that he is the distinguished chair of the committee and I am ranking member of the committee, but -- and ordinarily legislation of this kind would be within the cognizance of this committee, however, we had no meeting or hearing.

This being emergency certified, so there was no opportunity for anyone to comment on this bill. Is that right? Through you, Madam Speaker.

DEPUTY SPEAKER KIRKLEY-BEY:

Representative Spallone.

REP. SPALLONE (36th):

Through you, Madam Speaker to Representative

rb/mb/gbr  
HOUSE OF REPRESENTATIVES

79  
July 30, 2010

Hetherington, there was, unfortunately, due to the urgency of this matter, no public hearing on this particular language, although, there have been public hearings on reacting to the court decision that occurred during regular session.

DEPUTY SPEAKER KIRKLEY-BEY:

Representative Hetherington.

REP. HETHERINGTON (125th):

Thank you, Madam Speaker.

With respect to the severability language, and I do applaud this as a significant improvement over the way we handled it previously, but my question is this. This provision comes into effect to save the balance of the law if any provision of such act is held to be invalid. Now, the original determination holding by the U.S. District Court was stayed pending appeal. Would anything happen under this provision if you had a finding of unconstitutionality such as that and that it was stayed pending a further process? Through you, Madam Speaker.

DEPUTY SPEAKER KIRKLEY-BEY:

Representative Spallone.

REP. SPALLONE (36th):

Through you, Madam Speaker, to Representative

rb/mb/gbr  
HOUSE OF REPRESENTATIVES

80  
July 30, 2010

Hetherington.

The answer is that it depends upon the nature of the relief granted by the Court, and whether the Court constructs -- construes, excuse me -- the new severability provision.

So if the gentleman is saying, suppose a court rules -- enters preliminary relief and that preliminary relief is stayed pending an appeal and after a trial, there's an injunction and it's stayed pending an appeal, well, then you may not even get to the severability provision if there's a blanket stay in effect pending an appeal but the severability provision may be litigated in that process.

So it sort of depends on how the case plays out in court and whether the court reaches severability. Through you.

DEPUTY SPEAKER KIRKLEY-BEY:

Representative Hetherington.

REP. HETHERINGTON (125th):

Thank you.

Through you, Madam Speaker, with respect to Section 3, which increases the grants, is there a reason that the sole beneficiary of the increase of the gubernatorial candidates, not any of the other

rb/mb/gbr  
HOUSE OF REPRESENTATIVES

81  
July 30, 2010

statewide offices, or for that matter, none of this --  
none of the candidates by the Legislature?

Through you, Madam Speaker.

DEPUTY SPEAKER KIRKLEY-BEY:

Representative Spallone.

REP. SPALLONE (36th):

Through you, Madam Speaker, to Representative  
Hetherington, while the -- the original law provided  
supplemental grants through trigger provisions in the  
event of high-spending nonparticipating opponents or  
independent expenditures, it included -- those were  
included for all, and all have been struck down for  
General Assembly, constitutional officers and the  
governor's office.

The governor's general election grant stands out  
as being -- as discussed earlier, lower than  
historical amounts demonstrated to be needed to run a  
statewide campaign for governor in the State of  
Connecticut.

DEPUTY SPEAKER KIRKLEY-BEY:

Representative Hetherington.

REP. HETHERINGTON (125th):

Thank you.

Through you, Madam Speaker, so we would then

conclude that, absent the supplemental grant amount that the historic record of races for lieutenant governor general -- attorney general and so forth as well as the Legislature, they would not be below the historic levels of spending. Is that a fair conclusion? Through you, Madam Speaker.

DEPUTY SPEAKER KIRKLEY-BEY:

Representative Spallone.

REP. SPALLONE (36th):

Through you, Madam Speaker, to Representative Hetherington, the grant -- the general election base grant, under current law, for the constitutional offices and for the General Assembly provide a competitive amount.

Now, the triggers had a valid purpose at the time they were passed and that you can't predict the future, as Representative Cafero's speech, for example, indicated, who would have expected the highest spending levels that had been seen and say, you know, the Senate race in 2006, and so forth. So you can't necessarily predict the future, but the answer to the gentleman's question is, yes, those grants more closely reflect historic spending levels.

DEPUTY SPEAKER KIRKLEY-BEY:

rb/mb/gbr  
HOUSE OF REPRESENTATIVES

83  
July 30, 2010

Representative Hetherington.

REP. HETHERINGTON (125th):

Thank you.

Through you, Madam Speaker, I'd like to address a question on the subject of lobbyists and their solicitations. Currently, the form that the commission sets forth and they set forth a contribution form both for participating and noncontribution -- and nonparticipating candidates and those forms ask whether the contributor is a lobbyist.

Would you anticipate, through you, Madam Speaker, that any modification to that form would be required due to the treatment we now have with respect to -- or under this bill, we would have with respect to the contributions and -- by lobbyists and solicitations by lobbyists? Through you, Madam Speaker.

DEPUTY SPEAKER KIRKLEY-BEY:

Representative Spallone.

REP. SPALLONE (36th):

Through you, Madam Speaker to Representative Hetherington, the form is developed by the SEEC. It is not entirely mandated or entirely -- mandated by language in the statutes.

I think after review of these changes there may

be changes to the form. Certainly, you've always had to state your occupation and employer, so now that a lobbyist can contribute due to the court's ruling if a lobbyist, or to make a contribution, they would indicate -- they would indicate their occupation as a lobbyist and their employer as to self or whatever firm they work for so that that portion of the form would speak for itself in terms of disclosure.

DEPUTY SPEAKER KIRKLEY-BEY:

Representative Hetherington.

REP. HETHERINGTON (125th):

Thank you.

Through you, Madam Speaker, one last question on that point.

We restrict lobbyists from soliciting from their clients, but absent further disclosure, how would the commission know? How would anyone know whether or not the contributor was solicited by a lobbyist with whom that donor was a client? Through you, Madam Speaker.

DEPUTY SPEAKER KIRKLEY-BEY:

Representative Spallone.

REP. SPALLONE (36th):

Through you, Madam Speaker to Representative Hetherington, I hope I answer this effectively for

rb/mb/gbr  
HOUSE OF REPRESENTATIVES

85  
July 30, 2010

him. The ban -- the new law will ban lobbyists from soliciting from their own clients. And the question is, how would anyone know whether they had solicited from a client? The SEEC would act upon complaint if it's received.

For example, to make an analogy it's illegal for a person to give money to another in order to make a contribution to a campaign. That can be hard to track, but it can be found out through appropriate investigation complaint, et cetera.

DEPUTY SPEAKER KIRKLEY-BEY:

Representative Hetherington.

REP. HETHERINGTON (125th):

Thank you, Madam Speaker, and I thank the proponent for his answers.

I would just comment briefly that, to the extent possible, our enforcement of these laws ought to operate from full disclosure. That is the easiest, the most obvious way to see whether or not the laws are being complied with.

And I -- I'm troubled here. I don't think that there is, absent further questions from the donor, an adequate way of determining whether or not a lobbyist has, in fact, violated the ban from soliciting from

clients.

And just finally, Madam Speaker, I'm troubled by the fact that, although we've had some days since the Second Circuit offered its decision, it seems to me there was plenty of time in which this committee, the Government Administration and Elections Committee could have been convened to consider this bill where we could have had testimony from the public, for example, as to how they wanted their taxpayer -- their tax money to be used as applied to campaign financing.

I notice we were here at ten this morning. We could have even had a meeting this morning and we didn't. Instead we had this bill that was sort of -- arose full-blown from the head of leadership or wherever it came from. And I think that's very unfortunate that we're taking such a major step, and we're spending taxpayer money at a time when there isn't a lot of it to spend, when our economy is under stress.

And I think there was no reason to avoid the ordinary procedures for developing legislation, and I regret that we have done that. And I would urge the rejection of this bill. Thank you, Madam Speaker.

DEPUTY SPEAKER KIRKLEY-BEY:

rb/mb/gbr  
HOUSE OF REPRESENTATIVES.

87  
July 30, 2010

Thank you.

Representative Miller, you have the floor, sir.

REP. MILLER (122nd):

Thank you, Madam Speaker.

DEPUTY SPEAKER KIRKLEY-BEY:

You're welcome.

REP. MILLER (122nd):

I have a couple questions, minor questions.

DEPUTY SPEAKER KIRKLEY-BEY:

Representative Spallone, prepare yourself.

Representative Miller, please proceed.

REP. MILLER (122nd):

Thank you, Madam Speaker.

I know that the sign question came up. If I or my opponent purchased 2,000 Swiss Army manicure -- the little knife sets you put on your key ring -- and I bought 2,000 of them and they cost about \$2 a piece wholesale -- I gave away 1,000 during the last campaign. I have a thousand left. Also, can openers, 4,000 can openers were purchased. This is -- for Smith or Miller or whoever -- I had 2,000 can openers left at about 70 cents a piece.

How would this bill impact the fact that I had these things leftover and I'm going to use them again,

rb/mb/gbr  
HOUSE OF REPRESENTATIVES

88  
July 30, 2010

for the next campaign? Through you, Madam Speaker.

DEPUTY SPEAKER KIRKLEY-BEY:

Representative Spallone.

REP. SPALLONE (36th):

Through you, Madam Speaker, to Representative Miller, on line 513 to 514 the bill states, nothing in this subdivision shall be construed to apply to any item other than for lawn signs. So for better or for worse, this legislation does not help Representative Miller with respect to those items that he mentioned in his question.

The bill or the section concerning lawn signs is drafted in response to a declaratory ruling from the Election Enforcement Commission regarding lawn signs.

DEPUTY SPEAKER KIRKLEY-BEY:

Representative Miller.

REP. MILLER (122nd):

Thank you.

I have no knives or can openers, Madam Speaker.

Through you, again, another question regarding food. The food is mentioned, \$50 worth of in-kind cookie donation. I was told just the other night that I'm going to have to spend a hundred dollars in one of my towns to pay for food for the poll workers. Does

that impact it in any way, because of the fact that cookies are now mentioned and a \$50 limit is stated?

Through you, Madam Speaker.

DEPUTY SPEAKER KIRKLEY-BEY:

Representative Spallone.

REP. SPALLONE (36th):

Through you, Madam Speaker, to Representative Miller, the bill specifically addresses meetings, committees or campaigns that are not fund-raisers. So it's drafted to address that issue.

For example, a Democratic town committee meeting or a Republican town committee meeting, at which somebody brings refreshment for the members, the exception applies to that, and this is relief that's been requested by treasurers and those who manage and volunteer on campaigns.

DEPUTY SPEAKER KIRKLEY-BEY:

Representative Miller.

REP. MILLER (122nd):

Thank you, Madam Speaker.

I have another question. Through you, Madam Speaker, communicator lobbyists, is that a registered lobbyist, or could that be some nonprofit individual who comes up here and lobbies directly to -- for a

group?

DEPUTY SPEAKER KIRKLEY-BEY:

Representative Spallone.

REP. SPALLONE (36th):

Through you, Madam Speaker to Representative Miller, communicator lobbyist, there's a reference back to the definition of communicator lobbyist, who is a person who receives compensation of \$2,000 or more in a calendar year to lobby the executive or legislative branch on behalf of a person or organization.

DEPUTY SPEAKER KIRKLEY-BEY:

Representative Miller.

REP. MILLER (122nd):

Thank you, Madam Speaker.

Lastly, as far as bundling goes, if the same person solicited funds from individuals to support her particular nonprofit organization and she solicited friends, maybe from 10 or 15 people, and bundled them and brought them in, would that person be subject to any restrictions or fines, or is that legitimate?

Through you, Madam Speaker.

DEPUTY SPEAKER KIRKLEY-BEY:

Representative Spallone.

rb/mb/gbr  
HOUSE OF REPRESENTATIVES

91  
July 30, 2010

REP. SPALLONE (36th):

Through you, Madam Speaker, the bundling ban applies to lobbyists and contractors as defined in the bill and not to ordinary individuals.

DEPUTY SPEAKER KIRKLEY-BEY:

Representative Miller.

REP. MILLER (122nd):

Thank you, Madam Speaker. I thank you for the answers.

DEPUTY SPEAKER KIRKLEY-BEY:

Representative Rowe, you have the floor, sir.

REP. ROWE (123rd):

Thank you. Good evening, Madam Speaker.

DEPUTY SPEAKER KIRKLEY-BEY:

Good evening.

REP. ROWE (123rd):

Well, briefly, why don't I just call it. The Clerk has an amendment, 5966. I would ask that he call it and I be allowed to briefly summarize.

DEPUTY SPEAKER KIRKLEY-BEY:

Will the Clerk please call LCO 5966, designated House amendment "B."

THE CLERK:

LCO 5966, House "B" offered by Representatives

rb/mb/gbr  
HOUSE OF REPRESENTATIVES

92  
July 30, 2010

Rowe, Hamzy, et al.

DEPUTY SPEAKER KIRKLEY-BEY:

Will you remark further, sir?

REP. ROWE (123rd):

I will. And this is a simple amendment and I will be quite brief.

But one thing that has troubled me about the Citizens' Election Program is the fact that we give unopposed candidates funding, in essence, taxpayer dollars. So unopposed candidates for the General Assembly and for statewide offices receive, in essence, taxpayer money.

I know people try to nuance that and say that's really escheats so it's not taxpayer money, but of course that's -- that's really a legal fiction. Money that's taken from the escheats would have gone into our general fund and is taxpayer money. So the fiscal note -- well, it goes beyond the fiscal note, but the fiscal note says savings can be realized up to about \$300,000 and, in fact, the fiscal note doesn't even contemplate if there was an unopposed statewide candidate, like the comptroller race was unopposed one year.

It would be far -- the potential savings would be

far in excess of the \$300,000 noted, but as I began to say, it always troubles me that we gave taxpayer money to unopposed candidates and particularly in this day and age, when we are facing these structural deficits of billions and billions of dollars. If we can't find some savings here, if we can't save some money, some taxpayer money and not give unopposed candidates, candidates that are going to win as long as they vote for themselves and live until they get sworn in, then forget it. We should just call it a career.

So I would ask -- I think it's a friendly amendment. I had a brief conversation with the chair of the GAE, and I don't know that he thought it was entirely friendly, but that being said, this cycle unopposed Senate candidates, because of the COLA adjustment, are going to get something like \$26,500 and change, and here in the House, we'll be eligible for I think it's about \$7,800.

This is -- and it's not a lot of money, but it is and it's a bit symbolic, I think, that we've got huge, huge fiscal problems to tackle, and it would just be nice if sort of ending this year we're able to say that we made a little bit of progress.

Now, mind you, the amendment itself won't affect

rb/mb/gbr  
HOUSE OF REPRESENTATIVES

94  
July 30, 2010

this cycle. It doesn't go into effect until next year  
so whatever end product we have today --

DEPUTY SPEAKER KIRKLEY-BEY:

Representative Rowe.

REP. ROWE (123rd):

Yes.

DEPUTY SPEAKER KIRKLEY-BEY:

Could you move adoption first?

REP. ROWE (123rd):

Yeah, actually, I'm done. So -- well, let me  
move adoption and -- so I'd ask -- I know the  
Democrats over there don't want to vote for Republican  
amendments and we do what we've got to do. I think it  
takes -- if you think it's a good bill, it makes it  
better. If you think it's not really a good bill, it  
still makes it better. So with that being said, I  
would ask that when the vote be taken, it be taken by  
roll.

DEPUTY SPEAKER KIRKLEY-BEY:

You have not asked for -- you ask for adoption  
and then you explain it.

The question is on adoption.

So will you remark?

So now you're asking for a roll call vote.

rb/mb/gbr  
HOUSE OF REPRESENTATIVES

95  
July 30, 2010

REP. ROWE (123rd):

Right.

DEPUTY SPEAKER KIRKLEY-BEY:

Okay.

REP. ROWE (123rd):

Did I not move for adoption?

DEPUTY SPEAKER KIRKLEY-BEY:

Yes, you did, in the middle of the explanation.

Thank you, sir.

REP. ROWE (123rd):

I'm sorry if I confused you, Madam Speaker. I didn't mean to, but now I would like to ask that when the vote be taken, it be taken by roll.

DEPUTY SPEAKER KIRKLEY-BEY:

All those in favor, please signify by saying, aye.

REPRESENTATIVES:

Aye.

DEPUTY SPEAKER KIRKLEY-BEY:

In the estimation of the Chair, the roll call will be enforced -- the roll call vote.

REP. ROWE (123rd):

Good.

DEPUTY SPEAKER KIRKLEY-BEY:

rb/mb/gbr  
HOUSE OF REPRESENTATIVES

96  
July 30, 2010

Thank you.

REP. ROWE (123rd):

Thank you.

DEPUTY SPEAKER KIRKLEY-BEY:

Appreciate it.

Will you remark on the amendment that is before us?

Representative Spallone.

REP. SPALLONE (36th):

Thank you, Madam Speaker.

Madam Speaker, I would rise in opposition to the amendment. I do appreciate the spirit in which it was offered by Representative Rowe. I appreciate the policy concerns he's raised. There's two things I would mention.

One, we are trying to pass, in concurrence with the Senate, an important bill, which needs to get to the Governor's desk as soon as possible in order to react to the Court's decision within a time frame. There are -- under the original law, there were some policy considerations regarding encouraging participation in the program by -- by everyone consistently. You could have somebody running for the first time who's unopposed, for example, and no one

rb/mb/gbr  
HOUSE OF REPRESENTATIVES

. 97  
July 30, 2010

has to spend the money.

Nobody is compelled to spend the money, but I do understand the spirit in which it was offered. I'm sure the issue will be revisited in the future, but in order to get this bill passed and, hopefully, signed into law, and pending some additional review of the policy issues, I would ask that this Chamber respectfully oppose the amendment.

Thank you, Madam Speaker.

DEPUTY SPEAKER KIRKLEY-BEY:

Thank you.

Representative Johnston, you have the floor, sir.

REP: JOHNSTON (51st):

Thank you, Madam Speaker.

Madam Speaker, speaking in support of the amendment, Representative Rowe had implored some of the members of the Chamber to consider it, even though it's a Republican amendment. And I think that's a sheer technicality because when Representative Rowe was drafting this, he missed me, because I certainly would have signed on. So Representative Rowe and members of the Chamber, consider it a bipartisan amendment.

You know, there is -- this is a simple amendment.

rb/mb/gbr  
HOUSE OF REPRESENTATIVES

98  
July 30, 2010

It just says why in the heck would we take taxpayer dollars to fund a campaign that, in all essence, is not a campaign? It's a six month self-promotional tour for two or four years later or for a future higher office.

We're facing serious budget dilemmas in this state. I venture to say if we had a public hearing on this, and in my mind we certainly should have, and an average citizen showed up in this building, I can't picture that there'd be any average citizens that didn't have a vested interest in a political process who would think it makes any sense of the world to take taxpayer's dollars to fund a campaign of someone who has no opponent.

It's a simple step. Doesn't cause a lot of trouble. We waited about 14 hours that the Senate has to come in for an additional day for five minutes to adopt a short amendment like this. It certainly makes for a better bill. It makes for savings for the people -- savings for the citizens of Connecticut, and it's one small step for common sense. Madam Speaker, I urge adoption.

DEPUTY SPEAKER KIRKLEY-BEY:

Thank you!

Representative Hamzy, you have the floor, sir.

REP. HAMZY (78th):

Thank you, Madam Speaker.

I rise also in strong support of this amendment. And if the reason to oppose this is that the Senate has to come in and vote, I would venture a guess that if we pass this, it would pass unanimously upstairs in the Senate.

And if that is how we are going to create and set public policy, that this is going to inconvenience another legislative body because they're going to have to come in for five minutes, when everyone in this chamber knows that they are all going to be coming back for a veto session, that is a poor excuse to oppose this amendment.

Just think about this for one second, that we are going to give almost \$8,000 for a state House candidate who has no opponent and that we are going to give approximately \$26,000 to a state Senate candidate who has no opponent, taxpayer money. If that is not the height of common sense, that we should change that policy, I don't know what is.

I would urge the members of this chamber to just think about it for a minute and vote for this

rb/mb/gbr  
HOUSE OF REPRESENTATIVES

100  
July 30, 2010

amendment. Thank you.

DEPUTY SPEAKER KIRKLEY-BEY:

Thank you, Representative.

Representative Miller, you have the floor, sir.

REP. MILLER (122nd):

Thank you, Madam Speaker.

I rise in support of the amendment. Just the other night, I had to give a State of the State report to my town committee and explain to them how we're going to have four years of deficits and there's no way around it at this stage.

And certainly, our whole entire fiscal position in the state of Connecticut is kind of dim. And I think that spending money unwisely, such as giving a candidate who does not have an opponent money to burn, is the wrong way to go. We ought to be setting a better example and that -- I think this is an amendment that's worthwhile voting for, and I thank you, Madam Speaker.

DEPUTY SPEAKER KIRKLEY-BEY:

Thank you, sir.

Will you remark? Will you remark further on the amendment before us?

If not, staff and guests please come to the well.

rb/mb/gbr  
HOUSE OF REPRESENTATIVES

101  
July 30, 2010

Members take your seats. The machine will be open.

THE CLERK:

The House of Representatives is voting by roll call. Members to the chamber. The House is voting House Amendment Schedule "B" by roll call. Members to the chamber, please.

(Speaker Donovan in the Chair.)

SPEAKER DONOVAN:

Have all the members voted? Have all the members voted? Please check the roll call board to make sure your vote has been properly cast. If all the members have voted, the machine will be locked. The Clerk will please take a tally. Will the Clerk please announce the tally.

THE CLERK:

House Amendment Schedule "B" on Emergency  
Certified Bill 551.

|                             |     |
|-----------------------------|-----|
| Total Number voting         | 120 |
| Necessary for adoption      | 61  |
| Those voting Yea            | 46  |
| Those voting Nay            | 74  |
| Those absent and not voting | 31  |

SPEAKER DONOVAN:

House amendment fails.

Will you remark further on the bill? Remark further on the bill?

Representative Hamzy.

REP. HAMZY (78th):

I promise I will be brief. Thank you, Mr. Speaker.

Mr. Speaker, I opposed the original passage of this program because I had serious concerns about using taxpayer money to fund political campaigns and since -- since its implementation those concerns that I originally had, I think, have been heightened, and they've been heightened by some of the actions that we've seen taking place by the SEEC, specifically with regard to extending deadlines arbitrarily for candidates in order to ensure that they qualify.

I think stretching the rules to allow other candidates, in an effort to get as many people to qualify as possible, allowing questionable contributions to be counted so that candidates meet the threshold required to qualify, that's what we have seen during the course of this election cycle.

And what I have also seen is that there's no

rb/mb/gbr  
HOUSE OF REPRESENTATIVES

103  
July 30, 2010

opportunity for proper challenges to these decisions to be made, because the first thing that a court considers is the equities involved. Any time a campaign seeks an injunction, the equity, when they're weighted, is always determined to be in favor of the candidate who's seeking to participate.

And so we never get to the merits of the decisions that are being made by this commission that I think have no basis in law. And that troubles me. And I fear that we are going to continue to see these rules being bent, laws being stretched, regulations being interpreted and misinterpreted all in an effort to perpetuate this flawed program.

It's for those reasons that I opposed it in the beginning, and it's for those reasons that I believe my opposition was justified properly. And it's for those reasons that I'll be opposing this bill tonight.

Thank you, Mr. Speaker.

SPEAKER DONOVAN:

Thank you, Representative.

Would you care to remark further? Would you care to remark further?

Representative Spallone.

REP. SPALLONE (36th):

Thank you, Mr. Speaker.

As this debate draws to a close, I would like to make some concluding remarks regarding the merits of the legislation before us.

This is a crossroads. This is a very important moment for the State of Connecticut. Last August, when Judge Underhill issued his ruling, Legislators and policymakers began to prepare a response to that ruling, and we knew that it was appealed to the Second Circuit Court of Appeals. And people in this building, people in the other body, people at the Election Enforcement Commission, the Attorney General's office, people of good faith were putting their heads together and trying to come up with a meaningful response. The problem was that the case was on appeal and there was some disagreement in this building as to whether to wait until the appeal was heard or whether to act now or whether to pass a contingent bill based on what happens in the appeal.

And we did decide to wait. That was a legitimate course for some, and because the Legislature can always come and meet and act. And so we've shown now today that when we need to act quickly, we can do so. When we need to act responsibly, and in order to

rb/mb/gbr  
HOUSE OF REPRESENTATIVES

105  
July 30, 2010

preserve an important historical reform, we can come together and do that, and we're doing that tonight.

And so what we're doing with this bill, Mr. Speaker, is number one, we're preserving the program in the event of future litigation by diffusing the so-called "time bomb" by eliminating that reverter clause and having a normal constitutional severability clause.

Secondly, we are repealing what a court has found to be constitutionally offensive provisions regarding trigger matching funds and regarding lobbyist bans and solicitation bans on contractors and lobbyists. And what we've done with respect to the -- and what we've done with respect to those solicitation bans is we've put in narrowly tailored reasonable restrictions on solicitation and bundling so that the people of the state can have confidence that contractors, who were implicated in prior scandals, and lobbyists, who the public knows through their common sense have a great deal of influence in this building, were reasonably limiting it in a way that the court directed. So this a very positive thing.

We're also inserting fairness into the system by changing and adjusting the base grants for

gubernatorial candidates. We are saying that those should be competitive grants. Those should be in line with historical precedents and they should encourage participation in the program.

And so Mr. Speaker, I think everyone in this Chamber should join in the Senate in passing this legislation. Campaign-finance reform, as we passed five years ago, is the law of this State. It's here to stay. It appears to have strong support among the public. I urge the Governor to sign this bill when it reaches her desk in order to preserve the legacy she so rightly deserves, and I urge passage of this bill this evening.

Thank you, Mr. Speaker.

SPEAKER DONOVAN:

Thank you, Representative.

Would you care to remark further?

If not, staff and guests please come to the well of the House. Members take their seats. The machine will be open.

THE CLERK:

The House of Representatives is voting by roll call. Members to the chamber. The House is taking a roll call vote. Members to the chamber, please.

rb/mb/gbr  
HOUSE OF REPRESENTATIVES

107  
July 30, 2010

SPEAKER DONOVAN:

Have all the members voted? Have all the members  
voted?

Please check the roll call board to make sure  
your vote has been properly cast. If all the members'  
votes have been properly cast the machine will be  
locked.

The Clerk will please take a tally. Clerk,  
please announce the tally.

THE CLERK:

Emergency Certified Bill 551.

|                             |     |
|-----------------------------|-----|
| Total Number voting         | 120 |
| Necessary for adoption      | 61  |
| Those voting Yea            | 75  |
| Those voting Nay            | 45  |
| Those absent and not voting | 31  |

SPEAKER DONOVAN:

Emergency bill passes.

Are there any announcements or introductions?

Representative Tallarita.

REP. TALLARITA (58th):

Good evening, Mr. Speaker. For a journal  
notation.

SPEAKER DONOVAN:

rd/md/gbr  
HOUSE OF REPRESENTATIVES

4  
August 13, 2010

Thank you, Mr. Speaker.

SPEAKER DONOVAN:

Thank you, Representative.

Will members please stand for a moment of  
silence.

Thank you, Representative.

Will the Clerk please call Senate Bill 551.

THE CLERK:

Senate Bill Number 551, AN ACT CONCERNING CLEAN  
ELECTIONS, LCO Number 5943, introduced by Senator  
Williams and Representative Donovan.

SPEAKER DONOVAN:

Representative Jamie Spallone.

REP. SPALLONE (36th):

Thank you, Mr. Speaker.

Mr. Speaker, I move for reconsideration of Senate  
Bill 551.

SPEAKER DONOVAN:

The question before the Chamber is on  
reconsideration of Senate Bill 551.

For the benefit of the Chamber, I will note that  
Representative Spallone was on the prevailing side of  
this issue when the Chamber passed this measure on  
July 30th, and is therefore an appropriate member

rd/md/gbr  
HOUSE OF REPRESENTATIVES

5  
August 13, 2010

to make the motion for reconsideration.

Is there objection to the motion to reconsider?

All right. Without objection, the bill will be reconsidered.

Will you remark further on the motion to reconsider?

Representative Spallone. Representative Spallone, you have the floor, sir.

REP. SPALLONE (36th):

Thank you, Mr. Speaker.

Mr. Speaker, I move for repassage of the bill.

SPEAKER DONOVAN:

The question before the Chamber is on repassage of the bill. Representative Spallone, you have the floor.

REP. SPALLONE (36th):

Thank you, Mr. Speaker.

Mr. Speaker, the members of the Chamber will recall that this bill was passed on June 30th in special session and that it was vetoed by Governor Rell and repassed by the Senate on a vote of 24 to 10, a few days ago.

And since the bill was passed by this Chamber and those events occurred, two significant other events

occurred. One, the August 10 primary took place earlier this week. And secondly, on August 11th, Judge Underhill of the federal district court entered a permanent injunction against certain sections of the law that were held to be unconstitutional by the Second Circuit Court of Appeals.

So Mr. Speaker, since there was significant and lengthy debate on the merits of this bill, I will simply summarize what the bill seeks to accomplish.

First, it repeals the existing reverter, or severability clause, also known in shorthand as the time bomb, and replaces it with a normal severability clause so that if part of the law is struck down, the other parts would remain.

Second, it repeals the provisions of the law that were found unconstitutional, including supplemental grants, also called triggers, the ban on lobbyist contributions, and the ban on lobbyist and contractor solicitations.

It replaces the supplemental grants only with respect to the office of governor with a change in the grant amount for the base grant in the general election from \$3 million to \$6 million. It sets lobbyist contributions that are now allowed, due to

rd/md/gbr  
HOUSE OF REPRESENTATIVES

7  
August 13, 2010

the court's ruling, at \$100 across the board, whether or not it is going to a participating or nonparticipating candidates.

It prohibits client solicitation by lobbyists effective at the first of next year. It prohibits bundling by lobbyists effective at the first next year. It prohibits contractor solicitations from employees and subcontractors effective at the first of next year.

It also makes technical changes to the law to ease compliance with certain aspects, and it also requires a report by election enforcement concerning the recommended levels of grants going forward in the future.

Mr. Speaker, the Governor issued a veto message on August 2, 2010, in which she made several -- she made approximate -- she made about seven points with respect to the legislation, and I would like to briefly respond to those.

First, Governor Rell said that she disagrees profoundly with the adjustment of the grant for race for governor for participating candidates from 3 million to 6 million dollars.

I want to make this clear to members of the

rd/md/gbr  
HOUSE OF REPRESENTATIVES

8  
August 13, 2010

Chamber and members of the public that the change that this bill contemplates in changing the grant amount from \$3 million to \$6 million for those running for governor who have chosen voluntarily to participate in the program, those monies do not represent new money.

This is not an appropriation by this General Assembly. The monies are in the fund. The citizen -- the State Election Enforcement Commission had specifically set aside a range of 3 to 9 million dollars to handle supplemental grants to candidates.

And also it should be noted that because the trigger provisions were found to be unconstitutional and are no longer effective, there will no longer be supplemental grants to people running for the General Assembly, there will be no supplemental grants for people running for constitutional office, and there will be no supplemental grants for anyone running for any office except governor.

So again, the money is not new money. It's in the Citizen Election Program Fund. The fund is funded through escheats of unclaimed property. It should also be noted for the record that the triggers were included in the law originally to account for the possibility of high-spending nonparticipating

rd/md/gbr  
HOUSE OF REPRESENTATIVES

9  
August 13, 2010

opponents, or when a participating candidate was facing large, independent expenditures and a candidate for governor could have received supplemental grants up to \$6 million on top of their \$3 million base grant. This change only goes to \$3 million.

Secondly, Governor Rell did note that she was concerned that the extra monies received by any candidate might be used for negative advertisements. Certainly there's nothing in the law that regulates the speech of candidates. It certainly was not contemplated when the law was passed that there would be any such regulation and that any such regulation would certainly be unconstitutional. I do share the Governor's concern about such things. I do find them unpleasant, as do most residents of the state, but it is part of our electoral process.

The Governor also said, additionally to her first point, that the State cannot afford what we are proposing. And again, I note that this is something appropriated, something that is already in the fund. The money would remain in the fund and roll over for future elections.

The Governor was concerned about high spending during this cycle and that this could become the floor

rd/md/gbr  
HOUSE OF REPRESENTATIVES

10  
August 13, 2010

amount in the future, in 2014, in future years. And I would respectfully respond that the high bar that is being set for statewide elections is being set by candidates that are not participating in the Citizen Election Program, but is being set by candidates that are not participating or set in previous elections, including the cycle in 2006.

The Governor expressed concern that this law, this bill if it becomes law, will allow lobbyists to make qualifying contributions for the Citizen Election Program. And, as I stated on the floor when the bill was originally passed, to bar such contributions could -- I'm not saying it absolutely would, but it could raise additional First Amendment problems if lobbyists were effectively barred from making contributions to now -- what is now the majority of campaigns in the state.

It's been noted that Buckley versus Valeo allows limits that are otherwise constitutional in publicly financed programs that are voluntary, but the question remains whether this is actually a ban rather than a limit if we were to prohibit qualifying contributions.

So it is prudent at this time -- and this can always be revisited, and I actually hope it is -- but

rd/md/gbr  
HOUSE OF REPRESENTATIVES

11  
August 13, 2010

it is prudent at this time to avoid further litigation to treat lobbyists primarily like any other citizen that is making contributions, except they are limited to a hundred dollars across the board.

The Governor expressed concern that the solicitation ban would take effect in January rather than right now. And I would only note that we are in the middle of an election cycle, already making significant changes and we would not want to invite further litigation in this litigious election cycle by invoking additional bans on communication at this time. And further, there is a public education component which we have to address.

So, Mr. Speaker, I make those points in respectful disagreement with Governor Rell, noting that she has been a strong supporter/proponent/coauthor of this program. I'm sure she will continue to be a supporter of it. I respect what she has had to say, but do respectfully disagree with it.

Mr. Speaker, we do need to pass this bill today. As I noted, we are facing an injunction. Judge Underhill has referred our current severability, slash, reverter language to the State Supreme Court

rd/md/gbr  
HOUSE OF REPRESENTATIVES

12  
August 13, 2010

for advice and that court could certainly rule that the reverter does take effect because of the other portions of the injunction and could cause our program to be automatically repealed.

So, Mr. Speaker, time is of the essence. We're in the middle of an election cycle, and it's appropriate to repass this bill and move on and protect this Citizen Election Program today.

Thank you, Mr. Speaker.

SPEAKER DONOVAN:

Thank you, Representative.

The House Minority Leader Representative Cafero. You have the floor, sir.

REP. CAFERO (142nd):

Thank you, Mr. Speaker.

Good morning, ladies and gentlemen of the Chamber. It looks like we have a full house. August 13th, Friday the 13th, and fortunately we all found time to be here today to take up this legislation.

The bill that is before us for override is entitled, "An Act Concerning Clean Elections." Ladies and gentlemen, I don't imply that had the results of the primary been different we might have been here as well. But the major portion of this bill affects one

rd/md/gbr  
HOUSE OF REPRESENTATIVES

13  
August 13, 2010

man. One man.

In my 18 years in the House of Representatives, I am hard-pressed to remember this body convening to pass a bill for one man. I say that because the major portion of this bill, which gives an additional \$3 million to a participating gubernatorial candidate, can only go to one man, Dan Malloy.

As far as I'm concerned, we should change the title of the bill from, An Act Concerning Clean Elections, to An Act Concerning Dan Malloy.

SPEAKER DONOVAN:

Representative, I remind you to speak on the merits of the bill as you speak.

REP. CAFERO (142nd):

I appreciate that, Mr. Speaker, and I certainly will, but this portion of the bill that I'm addressing affects only one person, and I need to identify that person. And that is why I used his name, and I don't do so in any disrespectful manner.

SPEAKER DONOVAN:

I am reminding you that we do not -- we talk on the merits of the bill and not the motivations of the members.

REP. CAFERO (142nd):

rd/md/gbr  
HOUSE OF REPRESENTATIVES

14  
August 13, 2010

Mr. Speaker, I very much appreciate and will abide by that admonishment. However, I was not in any way, shape or form talking about motivation.

SPEAKER DONOVAN:

All right. Thank you, Representative.

REP. CAFERO (142nd):

Thank you, Mr. Speaker. \$3 million, the additional \$3 million goes to one man, Dan Malloy.

Ladies and gentlemen, ironically the best argument against giving an additional \$3 million was made by Dan Malloy. That's the irony of us being here today. The reason I say that this is about Dan Malloy is because he is the only participating candidate that would be eligible to get this money, the only one.

Lieutenant Governor Fedele was the other participating candidate in the gubernatorial election. Had he won -- he came within 5,000 votes of winning -- had he won, and Mayor Malloy won, they would have an equal amount of money; we would not be here with, at least with regard to that portion. Had Mr. Malloy and Mr. Fedele won, the two candidates would have been nonparticipating members, we would not be here. But we're here because Mr. Malloy won, who's participating, and Mr. Foley won, the Republican

rd/md/gbr  
HOUSE OF REPRESENTATIVES

15  
August 13, 2010

primary and he's not participating.

So this bill, which gives \$3 million to a participating candidate affects one man, Dan Malloy.

Now, why do I say that Dan Malloy made the best argument as to why we should not pass that portion?

Let's look at the facts.

Our laws said that once a participating candidate receives the nomination at a convention for their party, they are entitled to get \$1,225,000. So back on May 21st, when Lieutenant Governor Fedeles qualified for a primary and Dan Malloy won his party's convention, both men got \$1,250,000 of taxpayer money. When Mr. Malloy's candidate opponent, Ned Lamont, and Mr. Fedeles's candidate opponent, Tom Foley, spent more than twice that amount, they were given another \$1,250,000 to spend on the primary.

Now, the time from the convention to the primary, coincidentally, is 81 days -- 81 days. These two gentlemen had to spend 2 and a half million dollars to win their parties' nomination, 81 days. Mr. Malloy spent 2 and a half million dollars of taxpayer money, and guess what? He won. In fact, not only did he win, he kicked butt. He won big time.

Mr. Malloy has always said that it was experience

rd/md/gbr  
HOUSE OF REPRESENTATIVES

16  
August 13, 2010

money cannot buy. His opponent spent between 8 and 9 million dollars. And yet, the 2 and half million dollars of taxpayer money that Mr. Malloy spent won him the primary 58 percent to 42 percent. The best argument that, thank God, money does not buy elections, issues do, the candidate does, field staff does. Money does not and cannot buy elections -- the best argument.

Now, we meet here today on August 13th with a general election on November 2nd. Guess what? That's 81 days to go. So in the first 81 days from the convention to the primary, 2 and half million dollars of taxpayer money was good enough to have an overwhelming victory statewide. How come in the next 81 days \$3 million isn't enough? How come? I don't get that. Two and a half million dollars did it in the first 81 days, but if we pass this bill we say, \$6 million needs to be had to get through the next 81 days. I don't get it.

In the law that the court found unconstitutional, at least -- at least we said, you only get the extra money if your opponent spends more than you. We don't know what the candidates will spend in the next 81 days, but this bill says, regardless of what they

rd/md/gbr  
HOUSE OF REPRESENTATIVES

17  
August 13, 2010

spend, we're going to give one man an additional \$3 million.

I've had some conversations with members of the press because I expressed some concern about the way this whole issue has been put forth in the papers and in the media. We keep talking about \$3 million versus \$6 million. Ladies and gentlemen, realize that as we speak here today, one man, Dan Malloy has received 5 and a half million dollars of taxpayer money; the 2 and a half million for the first 81 days and the 3 million for the next 81 days. What this bill says is, let's give another \$3 million. I don't get it.

The other thing that we have to be aware of, folks, is the climate that we are in right now. We just all read that the United States Congress wrapped up some of their business, and in particular, they settled on the amounts of money they're going to give to certain states, to all the states.

We had some bad news here in Connecticut because, you see, the budget that we passed expected a certain amount of money to be given to us from the federal government. And we found out today that they ain't going to give us all that money.

As a matter of fact, they're going to give us

rd/md/gbr  
HOUSE OF REPRESENTATIVES

18  
August 13, 2010

between 85 and 190 million dollars less than we thought we were going to get. Eighty-five to 190 million dollars less than we thought we were going to get.

So as we speak right now, because of that news, agencies throughout the State are preparing to cut their budgets, or we're out of balance. They're looking over every line, I hope, every program to see what can we do without. How can we make up this 85 to 190 million bucks? And all of us -- all of us are going to have to deal with that reality.

We're going to be back in this room, either in January or sooner to figure out how we're going to get this money, because programs have been cut. And yet, we're going to give an additional \$3 million on top of the 5 and a half we already gave to one man for the next 81 days. I don't get it. I don't get it.

Now, ladies and gentlemen, this is a veto override. Our Constitution and our laws indicate that in order to override a gubernatorial veto, both chambers need to override by two thirds. The Senate met a few days ago and overrode the Governor's veto; in other words, they had the 24 votes to do so. In this Chamber, by number, we need 101. A hundred and

rd/md/gbr  
HOUSE OF REPRESENTATIVES

19  
August 13, 2010

one of us need to vote to override this veto.

We were just here two weeks ago on this very bill. Not a word has changed. Can't change it. Can't amend it because the business before us is the override of a veto. Well, if you look at the vote that we took two weeks ago, you realize that in order to override the veto, at least five of us who voted no, two weeks ago, have to switch our vote to yes today.

At least five of us who voted no, two weeks ago, need to change their mind and vote yes today. What do you say to people who ask you, why did you change your vote? Did the bill change? No. What changed? The primary? Is that what makes an individual change their vote from what they did two weeks ago to today? How do you explain that?

But it will be in order to override this veto, at least five of us who voted no, need to do that. And you have to do that in the context of knowing that we're getting between 85 and 190 million dollars less from the federal government than we thought we were going to get.

So any of those who voted no, two weeks ago, have to think long and hard and say to themselves, the

rd/md/gbr  
HOUSE OF REPRESENTATIVES

20  
August 13, 2010

whole world is watching, the whole state is watching. And in light of this economic news that has rocked our State yet again, in light of the fact that we will have to make even tougher decisions in the very near future, how can I, as a person who voted no, two weeks ago, change my vote two weeks later? Ladies and gentlemen, I cannot do that. I will vote to sustain the Governor's veto.

Thank you, Mr. Speaker.

SPEAKER DONOVAN:

Thank you, Representative.

Representative Shawn Johnston.

REP. JOHNSTON (51st):

Good morning and thank you, Mr. Speaker. And thank you for the ten o'clock sharp time. I know a lot of us lost a day of work a couple of weeks ago to be here at ten o'clock sharp, so we are appreciative of being here early.

Mr. Speaker, going on a very different tack than Representative Cafero went on, I'm talking about the -- our vote today ensures whether the Citizens' Election Program continues in its format or doesn't. And I'm not going to talk about the reality of which candidate is going to get how much more additional

funding or anything like that.

I'm talking more to our thoughts and the opportunity that we had when we chose to come into special session two weeks ago to craft the bill that addressed the Supreme Court decision and to craft a bill that went beyond addressing the Supreme Court decision -- which the bill that we did pass that day did two things. It did address their decision, but it went above and beyond into some other areas.

And, Mr. Speaker, it chose not to do some things that it could have done. I think back to the original bill that we passed to create the Citizens' Election Program, the original unconstitutional bill that we passed, and was decided by the Supreme Court that it was unconstitutional. Mr. Speaker, that bill was passed in this Chamber at about quarter of 12 on closing night.

Aides were walking up and down the aisles dropping about 110-page tomes on our desks at 11:45. This Chamber received a piece of paper maybe with a dozen bullet points summarizing that bill. There is no possible way that we could have understood or grasped the reality of it; yet, in about 13 minutes we were voting to spend upwards about 20 to 30 million

rd/md/gbr  
HOUSE OF REPRESENTATIVES

22  
August 13, 2010

dollars of public funding every election cycle based upon bullet points.

Mr. Speaker, this bill that we're deciding today, whether we're going to override a veto, again came to us with very little public input. We made a decision not to have a public hearing. We certainly could have had a public hearing. This is a very conscious decision that we did not want to do that.

Mr. Speaker, as you know, I hand delivered a letter to your office asking for a copy of the language three days before we debated this bill and asking when I could receive a copy of that language. I was here on time when we did this bill that day; no language was available.

The Senate started the bill. I went upstairs because I still had not received any language; listened to the Senate debate, and about 45 minutes into that debate, finally the OLR analysis and the OFA analysis -- which by our rules we require to be available when a bill begins debate -- finally came online, and I was able to come down in the House chamber and start to understand the bill that we were going to debate.

Mr. Speaker, some of the things that we chose not

rd/md/gbr  
HOUSE OF REPRESENTATIVES

23  
August 13, 2010

to do that day that we could have: we chose not to eliminate spending money on elections that a candidate had absolutely no opposition. There was an amendment offered on the floor of this House that we all had the opportunity to vote on to say, do we really need to spend \$7,800 on a state representative race when you have absolutely no opponent?

We chose not to do that. We chose to continue to spend public funds for a candidate who had no opponent. We chose to continue to spend over \$26,000 on a Senate race if that senator, state senator, had no opponent.

Incredibly, Mr. Speaker, even in the bill that we passed two weeks ago we went beyond funding uncontested races by actually doubling the grant for a gubernatorial race if there's no opponent. We actually raised the money that you would spend, that you'd be able to spend of public dollars if you were running for governor unopposed, from 900,000 to 1.8 million dollars. We voted to do that.

I don't think there's a person in the state that thinks we needed to double a grant if ever there's a circumstance that we have a governor, that's a person running for governor that's so popular that no one

rd/md/gbr  
HOUSE OF REPRESENTATIVES

24  
August 13, 2010

else in the state of Connecticut chose to run against them, but if that situation ever arises, two weeks ago we made sure that they got twice as much money to run an unopposed election.

And, Mr. Speaker, we're giving a lot more money to this program, \$3 million. That's administered by the State Elections Enforcement Commission, that for many of us, as we observe some of their decisions and some of their interpretations and implementations, quite frankly, leaves many of us scratching our heads. And it leaves many constituents scratching their heads.

I had expressed concern about, under the clean election or the Citizens' Election Program, last year, Mr. Speaker, when I ran for election I was unopposed. And so I made a decision that I was going to adhere to incredibly strict expenditure limits.

I told the State Elections Enforcement Commission that I chose to raise and spend less than a thousand dollars. Pretty strict limits, yet by the law that we had passed in the Citizens' Election Program, Mr. Speaker, I had to sign a form at the bottom that says, making a false statement on this form may subject me to criminal penalties or possibly

rd/md/gbr  
HOUSE OF REPRESENTATIVES

25  
August 13, 2010

imprisonment.

And the title of the form I had to sign, Mr. Speaker, is an Affidavit of Intent Not to Abide by Expenditure Limits. I chose to abide by a \$1,000 expenditure limit, yet by law I was required to sign a form entitled "Affidavit of Intent Not to Abide by Expenditure Limits" -- leaves one's head scratching, and I've been trying for a couple of years to just try to get them to change the title of that, which is incredibly misleading.

And I argued that I was actually making a false statement by signing that form. There was a choice: make a false statement by signing the form, or not sign the form and be penalized and possibly be imprisoned -- doesn't make a lot of sense.

Lastly, Mr. Speaker, I oppose the override today, and I do so because I think the evidence is in, that the Citizens' Election Program is not having its entire -- intended effect. We're just coming off a primary season where people qualified in all of the major races, in many state representative and state senator races for public financing under this program.

The original intent of the program we heard over and over was to get people out of backroom -- 12 hours

rd/md/gbr  
HOUSE OF REPRESENTATIVES

26  
August 13, 2010

a day dialing for dollars. That we needed to open dialogue with the citizens of this state, the public, and actually debate the real issues and have this not be about people just getting contributions from special interests, to take the special interest out of it completely and open up dialogue.

And two years ago, Mr. Speaker, we ran -- all of us in this building had the opportunity to run under this program, and the majority of us did. And so special interests were out of the building, because now we've got citizens' election funding.

On the very first day of this session, a bill came before us that actually had an incredibly strong piece of special interest legislation. It was an emergency certified bill that provided tax breaks for any manufacturing company in one of only nine communities in the state if they missed a filing deadline to apply for this tax break in their local town. It was upwards of 6 to 9 million dollars that we gave out that day without a public hearing.

I bet a few of those manufacturing companies in some of those towns are considered a special interest, and I bet they even had a lobbyist on board. So I don't think, as you look at the results of the way we

rd/md/gbr  
HOUSE OF REPRESENTATIVES

27  
August 13, 2010

legislate based upon all of the sudden having to be able to run clean elections -- and I use the term, "clean," because that's what we all have to hear -- that we take the special interests out of this building. Mr. Speaker, it's not out of this building.

And lastly, when we look at the barrage of advertising, robocalls, flyers clogging our mailbox in the last week, that's what our public money is spent on. That's the money that is Connecticut taxpayers' dollars. I know there's an argument that it comes from the unclaimed property fund, but the unclaimed property fund does not claim property of out-of-state residents. It's Connecticut residents. It's their money, and if it doesn't go into the Citizens' Election Program, Mr. Speaker, it's transferred to the general fund. So clearly it's public dollars and it's Connecticut taxpayers' dollars.

I spent a good part of election day, as many of you did, probably at a polling station in our district. I'm not running for election, but I was there, very concerned about some candidates and trying to talk to citizens.

And, Mr. Speaker, I've got to tell you, all day not one single person came up to me and said, you know

rd/md/gbr  
HOUSE OF REPRESENTATIVES

28  
August 13, 2010

what the problem is, Shawn? We need to spend more money on advertising and more money on campaigns for office. More taxpayers' dollars ought to go into that. We ought to double the grant for gubernatorial campaigns, Shawn. We ought to spend more money on that.

To the contrary, Mr. Speaker, all I heard all day long was, I am so sick and tired of the robocalls. I'm sick of these advertisements where people are creeping behind bushes, zeroing in a camera on someone's house and alluding that this person is wealthy and built this house with taxpayers' funds, watching a white and -- black-and-white grainy film of someone pretending to kick someone, as my kids would say when they were younger, where the sun don't shine. We need more of that, Shawn, and we ought to spend \$3 million more so we can have more of that advertising.

Mr. Speaker, to me this vote isn't about one individual. This vote is about whether we ought to continue in this State with the Citizens' Election Program. And my vote will be to not override, because I think that the evidence is in, that this program is not a wise use of taxpayers' dollars and especially in

rd/md/gbr  
HOUSE OF REPRESENTATIVES

29  
August 13, 2010

this difficult economic environment, it's not a wise use of our taxpayers' dollars today.

Thank you, Mr. Speaker.

SPEAKER DONOVAN:

Thank you, Representative.

Representative Hetherington.

REP. HETHERINGTON (125th):

I thank you, Mr. Speaker.

You know, I have a great sense of what we do here as being our corporate responsibility. What we do in this Chamber, and indeed, in this General Assembly becomes the property of all of us.

I know when I go back home and somebody says, well, why did you do this? Or why did you do that? And if you try to make the argument, well, you know, it was the Democrats who did that -- the Republicans did that, so and so. They don't want to hear that. We did that. We did that. So we take a corporate responsibility for whatever we do in this Chamber. And many times, sometimes at least I'm proud of what we do. Sometimes not so much..

I say that because when we go back home after today, we all will have ownership of what we do here, and that's what concerns me very much. I think we

rd/md/gbr  
HOUSE OF REPRESENTATIVES

30  
August 13, 2010

will make a grave mistake both substantively and in the eyes of our constituents if we vote to override here today.

What will we have responsibility for? We will have responsibility for taking 6 million -- \$3 million more of taxpayer money to aid one candidate, as in effect, in the gubernatorial race.

Now, I know the argument is made: Well, it's not really taxpayer money; it's in this special fund. You see this is fund accounting -- and it belongs to the people of Connecticut. If it didn't go to an earmarked fund, it would go to pay the obligations of this State. And there's just no question about it. So this is \$3 million that could go to pay for all the things we need to pay for, but it's not. It's going to go to a campaign for governor.

And by the way, in addition to the \$3 million that comes from escheated property, sometimes we don't mention there's also \$3 million of the general fund, and there's no argument about that being from any special fund, the \$3 million of the general fund to pay for the expenses to administer the Citizens' Election Program. It must be something about \$3 million that's kind of special because, you know,

rd/md/gbr  
HOUSE OF REPRESENTATIVES

31  
August 13, 2010

that -- that's seems to come up again and again.

Now, a candidate for governor who's a participating candidate will, in total, receive \$8.2 million, if that candidate participated in the primary as a participating candidate and then in the general election. \$8.2 million to carry on a campaign in a state that has about, I believe, 1.6 million registered voters. That's a pretty good number, isn't it, 8.2 million to talk to 1.6 million registered voters?

And when I -- in the last few days, I've talked to people in my district. And people have said to me, hey, what are you giving these people money for? You know, I just got home, and I couldn't find any room on my answering machine because it's all filled with people, robocalls and whatnot telling me why I should vote for them. The mailbox is growing under the load of campaign material. And people have said to me, you mean I'm paying for that? I'm subsidizing that?

I frankly don't want to go back and say, well, yeah, and I helped do it. So I'm not going to vote for the override. It may come as a surprise, but I'm not.

Three million dollars more that will wind up

rd/md/gbr  
HOUSE OF REPRESENTATIVES

32  
August 13, 2010

helping one candidate to run for governor --  
\$3 million. What could that have been used for? Now,  
I hear on a regular basis that teachers' jobs are at  
risk. How many teachers could you hire for  
\$3 million? Or how many teachers' jobs could you save  
for \$3 million? What about our Medicaid obligations,  
which are underfunded -- and actually would be way  
underfunded, except Uncle Sam is helping us out.

Our unemployment compensation fund has for a long  
time been insolvent, and we wouldn't be able to pay  
that, those uncompensated payments -- those  
unemployment compensation payments unless the federal  
government were helping us out.

And we face \$3 billion plus in deficit for the  
next fiscal year. In spite of all this, we're going  
to spend -- give away \$3 million more of the  
taxpayers' money to aid a campaign in financing the  
election effort.

I -- I'm afraid there's a lot of perception we  
have to consider. Now, I'm not going to speculate --  
well, for a couple of reasons, I'm not going to  
suggest what the motives may be. One is I cannot look  
into any other Representative's heart. I don't know  
what the motives were, and I won't speculate as to

rd/md/gbr  
HOUSE OF REPRESENTATIVES

33  
August 13, 2010

what the motives were in bringing this legislation along the way it has.

Besides, frankly, I believe the best of everybody in this House. I really do. I think that if you had a one-on-one discussion with any member of this House, and I make no exceptions, that member would make the right choice because I really believe in the goodwill of my colleagues here.

But I'll tell you what the perception is going to be. The perception is going to be, back home, is that, look, you passed this campaign finance bill that gave the gubernatorial candidates \$3 million each, more, those who participated in public money. And the Governor vetoed it, and then the Senate convened and passed it over the Governor's veto and then we waited.

We didn't do anything. I mean, the primary happened. We saw the results of the primary last Tuesday and Friday. Here we are. Here we are, ready to repass that over the Governor's veto. Now that perception is terrible. The conclusions that people will draw from that are terrible. And I know, when I go back, people are going to say to me, shame on you. And you know what? They may be right. I therefore urge in this climate, in this economic climate with

all the challenges we face, that we do not override the Governor's veto.

And I would also mention, in closing, other, one or two other matters. The -- we're urged to consider that this bill is important to save the program because of severability. Didn't we take care of that? Didn't we pass legislation that was supposed to anticipate the possibility that the federal court for the Second Circuit might uphold the lower court and conclude that the program in material respects was unconstitutional? I thought we did that. Now I understand we have to go back and save that again.

And then we finally mentioned the feature of the bill, which I think is very troubling, and that is that we permit lobbyists to contribute and have their contributions counted as matching contributions for purposes of the Citizens' Election Program.

Whether or not a restriction in that regard would be constitutional is speculative. We cannot say in advance what it might be, but it -- you may not be able to -- it seems to me logical to conclude that you may not have to -- you may not be able to constitutionally prohibit lobbyists from contributing to campaigns, but you don't necessarily have to permit

rd/md/gbr  
HOUSE OF REPRESENTATIVES

35  
August 13, 2010

those contributions to be recognized for the purposes of a special state program that actually funds campaigns with public money.

So I would urge my colleagues -- because I want to go back to my district and I want to be able to face the voters, as I know each of us does. And I can tell you, perception is going to be dreadful if we vote this override.

And without belaboring the point further, Mr. Speaker, I would simply urge that we allow the Governor's veto to be sustained.

SPEAKER DONOVAN:

Thank you, Representative.

Representative Sawyer.

REP. SAWYER (55th):

Thank you, Mr. Speaker.

You know, we're out on the campaign trail. There's somebody for every seat in this House that's out on the campaign trail. And the issue that they talk about is the lack of money in the state of Connecticut for the state government. It's everywhere we go. It's in every discussion, including primary day, just three days ago.

If you were there, you probably had someone come

rd/md/gbr  
HOUSE OF REPRESENTATIVES

36  
August 13, 2010

out to talk to you about, how is your election going? How is your funding going? And there are those people oftentimes on primary day who are way in the know. And they came up to me and said, isn't it interesting that the Senate voted to override before the primary and the House is going to vote after the primary? Do you suspect we might be coming in?

If the election results had been reversed -- and this was a discussion, it's not as though people weren't watching and aren't watching. The esteemed chairman of the GAE Committee spoke two weeks ago and also spoke this time very eloquently on what is in this bill. We know that no other race is getting a bump. No other race. It is this Chamber that is going to give the one race the bump, a \$3 million bump you've heard so much about.

We've heard that there's so many other things that we could be spending this money on. I can tell you certainly that for public safety we have our state police helicopter that's essentially down because we can't find \$700,000 for its major overhaul. Our state police helicopter -- and we have only one, Trooper 1. It can hardly fly because it's down to the last few hours before it has to go into its overhaul. But we

rd/md/gbr  
HOUSE OF REPRESENTATIVES

37  
August 13, 2010

don't have the \$700,000 to be able to do that major 5,000-hour overhaul.

We've heard about the pensions -- we know that the -- in the last budget that we passed, we didn't put in \$35 million into the judges's pension fund. They got nothing. We didn't put anything into their pension fund. Zero for judges. Most of them aren't spring chickens -- I guess I can say that politely.

Let's go back to this. The Senate comes in before the primary and the House comes in after. If a millionaire wins on one side -- a multimillionaire wins on one side and somebody else who doesn't who's reliant on this state money, does it matter what party they're from? It sure as hell looks like it today.

SPEAKER DONOVAN:

Representative Bartlett.

REP. BARTLETT (2nd):

Thank you, Mr. Speaker.

Earlier in the debate the question was asked, what has changed? And I just thought I would address that real quickly.

Reality has changed. Reality has changed in terms of time. It's August 13th. We're in the middle of -- in a very important election that will affect

the next four years and maybe the next decade, and CEP will evaporate in 15 days or thereabouts if we don't take action. And that would affect all of our races. And that would affect politics as we know it in the state of Connecticut. So to preserve this program we need to act today.

The other thing that has changed is math. A couple weeks ago, during the debate the math was a total of \$17 million that could be expended on the gubernatorial race. The math has changed to 10 and a half million.

The third thing that has changed is that you have, for sure, a millionaire versus a CEP, a citizens election candidate. That has changed and, quite frankly, that could have been in the reverse, and we all know it. And that was also something that was cited in the original debate of why we have this bill in the first place. And a comment was made that we never thought we'd have this many millionaires running, but clearly this year we did.

So for those three reasons there's a lot of change. The reality has changed, and that's why we need to pass this bill.

Thank you, Mr. Speaker.

rd/md/gbr  
HOUSE OF REPRESENTATIVES

39  
August 13, 2010

SPEAKER DONOVAN:

Thank you, Representative.

Representative Hamzy.

REP. HAMZY (78th):

Thank you, Mr. Speaker, and good morning.

Mr. Speaker, obviously, I will be voting to sustain the Governor's veto, and I'll be doing so for several different reasons, one of which was alluded to by Representative Johnston.

Like him, I am not running for reelection, but I was at the polls Tuesday morning. And the single biggest complaint that I heard from people coming in to vote was the tone of the campaigns and the amount of negativity that was exhibited in those primaries.

And negative campaigning obviously has been a part of American politics since it's been established. The difference is that two of the negative campaigns -- I'm sorry, more than two were subsidized by Connecticut taxpayers. That is the difference.

And the answer or the response to the complaints that were elicited by voters is that we are going to further subsidize those types of negative campaigns so that a candidate who runs for governor will not only receive 5 and a half million dollars of taxpayer

money, that that will be increased to 8 and a half million dollars of taxpayer money with the override of this veto.

Is that a proper use of state funds? And I'm going to call them state funds, because as was demonstrated earlier, any of that unclaimed property which is used to fund this program would not be returned to taxpayers if this program was eliminated. That money would go into the general fund and pay for various items that the State pays for.

So what will this additional \$3 million, which will bring the total state grant to gubernatorial candidates to 8 and half million dollars, be used for? More negative ads. More negative mailers. More lawn signs, more bumper stickers and less direct care to people who need it, or direct aid to people who need it.

It will also be used to promote a program where decisions are made arbitrarily without basis in regulation or law which will never be challenged. Because as I said before, the merits of decisions that are made by the SEEC will never be addressed, because by the time the equities are weighed of a temporary injunction, the issue has become moot or the

rd/md/gbr  
HOUSE OF REPRESENTATIVES

41  
August 13, 2010

candidates have no vested interests in challenging decisions made by the SEEC.

I also want to address remarks made earlier that, if this veto is not overridden, that there's no other opportunity to make changes to the Citizens' Election Program. That is not correct. The Legislature could call a special session and make those changes that were required by the federal appellate court in order to make this program constitutional. So just because -- just because this veto is sustained does not mean that it's the end of the road for this program.

It's very easy for the Legislature to call a special session and make those narrow changes that were required by the federal appellate court to make the program constitutional. So, no, the answer to the question that was posed is that nothing has changed in the last two weeks which would justify or merit a change in your initial vote. If you voted against the bill two weeks ago, for consistency's sake, you should vote not to override the Governor's veto today because nothing has changed.

The only thing that has changed is that, if this veto is overridden, you will have made a conscious

rd/md/gbr  
HOUSE OF REPRESENTATIVES

42  
August 13, 2010

decision to spend \$3 million more in an economic recession that everyone is very happy to talk about but is not so happy to acknowledge and act in accordance.

My opinion is 5 and a half million dollars for a gubernatorial candidate is more than enough money to run a credible campaign. And this veto should be sustained.

Thank you.

SPEAKER DONOVAN:

Thank you, Representative.

Representative Mikutel.

REP. MIKUTEL (45th):

Thank you, Mr. Speaker.

Mr. Speaker, I rise to explain why I am considering switching my vote and supporting the override. For a long period of time I have tried to change the current law and eliminate funding for unopposed candidates. I did try to propose an amendment to that effect in the past, a bipartisan amendment. I think it's widely known that I am not a fan of spending taxpayer money for unopposed candidates.

I am considering switching my vote because I have

rd/md/gbr  
HOUSE OF REPRESENTATIVES

43  
August 13, 2010

a commitment from the Speaker and the Majority Leader that they will change that and eliminate that in the law in the next session. I think -- I think it is ridiculous that we spend taxpayer money to fund candidates who have no opposition.

I must say that I'm not very pleased with the way state money is being expended by candidates, particularly with the negative ads and these robocalls and whatever else trickery they want to use with state tax dollars. I don't think that's what the public wanted us to use their money for. We must be more responsible in how we use that money.

And I do not use that money. I do not use that money. I run on my record, on my character. And I think that will be sufficient if I get my message out. But I'm also considering changing my mind, because what has changed? I think the rules have changed.

The rules have changed as they apply to the candidates, one of whom which, the Democratic nominee, got into a race under certain conditions with the rules as he understood them then to be. Then the rules were changed in midstream. I don't think that's fair. I think when you enter the game, you play by the rules that were set at the beginning of the game.

rd/md/gbr  
HOUSE OF REPRESENTATIVES

44  
August 13, 2010

So I think it is a matter of fundamental fairness here. So that is why I'm considering switching my vote.

Thank you, Mr. Speaker.

SPEAKER DONOVAN:

Thank you, Representative.

Representative Rebimbas.

REP. REBIMBAS (70th):

Good morning, Mr. Speaker.

SPEAKER DONOVAN:

Good morning, madam.

REP. REBIMBAS (70th):

Mr. Speaker, I wasn't going to speak this morning on the bill that's now before us. And I certainly will start off by saying that I am in support of sustaining the Governor's veto, but it's very difficult to sit here and to listen to some of the justifications that have been stated as to why there is a consideration of changing a vote when only in the last several weeks we were here on the same original bill.

But before I get to those points I want to state the fact that I understand why we were here several weeks ago to address our campaign election funds. We

had some Supreme Court decisions with some constitutional challenges to our law, therefore, we have to address them. We have an obligation to address them.

What we do not need to do, what we should not be doing is hiding behind that requirement and increasing candidates' funds. That was not in the Court's decision. We have no requirement to do so, but yet the lawmakers in this building take it upon themselves under the guise of this constitutional correction reform to our laws to stick that in to increase the candidates' funds.

Well, I can tell you right now I am not going to hide behind that. And I have spoken to many residents of the state of Connecticut and not one -- not one have I heard tell me, I want you up in Hartford to increase funds to candidates -- not one.

So with that said, Mr. Speaker, I don't blame the candidates for following the law. Who I blame are the lawmakers. The lawmakers who are making this law and increasing the candidates' funds at the time that we're in.

It was earlier stated that the realities have changed, therefore, votes may change. The realities

rd/md/gbr  
HOUSE OF REPRESENTATIVES

46  
August 13, 2010

stated were that there's a change in time, that there was a change in math, that now there's a gubernatorial challenger who's a millionaire. Well, let me tell you about the realities that I live in, in the state of Connecticut, and that the residents of the state of Connecticut have told me. The realities that we live in today are lack of jobs, a challenged budget, unfunded pensions, lack of affordable health care, and a lack of competitive public education. That is the reality of our state.

That is where the money should be going to, not to the pockets of candidates, then to spend with negative ads or any way they see fit. That is the reality of our state of Connecticut.

Furthermore, I was also stunned and surprised for some other considerations of changing votes based on promises made. The representation was, by a Majority Leader, next session that there would be changes to unopposed candidates. For those of you who don't currently know and the viewers who are watching, candidates who are unopposed can still qualify for funds through the campaign financing. What sense does that make? If you don't have a challenger, why should we be giving you money to spend? It makes no common

rd/md/gbr  
HOUSE OF REPRESENTATIVES

47  
August 13, 2010

sense.

So right now I stand here, and I challenge that now, not next session. The people of the state of Connecticut put us up here this session to do the work of the people not based on promises that may or may not occur next session. To me that is disgusting.

With that said, Mr. speaker, I do stand once again and ask that everyone sustain their vote. I would ask anyone who's considering to change their vote to consider truly the realities that we're in, in the State of Connecticut. Because of all those reasons that were stated earlier -- support the fact that this is for a candidate and not for reform of our campaign financing.

So again, the problem doesn't lie with the candidates, the problem lies with the lawmakers here in this House. So I ask for your support in sustaining this veto because we are here to address the constitutional challenges of the courts, not to stick in the ability to increase candidate funds. This is not the time or the place.

Thank you, Mr. Speaker.

SPEAKER DONOVAN:

Thank you, Representative.

Representative Arthur O'Neill.

REP. O'NEILL (69th):

Thank you, Mr. Speaker.

Too often, I guess, it is that repetition is taken as the soul of wit in political discourse, and so I will try not to be too repetitive. But some of the things that some of the previous speakers have said, I think do bear at least reiteration.

First of all, for those who think that this override being sustained -- that if this bill dies here today, that we have no way to fix the campaign finance system, that is simply not true. We can come back into special session. We can pass another bill, one that the Governor will sign, one that does not include the offending \$3 million extra that's not called for.

And we can pass that bill probably in a matter of minutes after today's vote if we want to. We have the ability to do that. And the Senate can be back in tomorrow or the next day if they want to. If the will is there, we can change the system to correct the constitutional defects to satisfy the federal judges, and we will be in fine shape.

So there is no crisis that requires you have to

vote this way today or else the world will end for politics. That is simply not the case.

Secondly, if it seems to me that promises are being made and votes are being switched -- but I'm not sure which majority leader the promise is being made by. The current majority leader is well on her way to being secretary of state, or at least not being majority anymore as she runs for the office of secretary of state. So I don't know which majority leader it is that can make the promise that a bill is going to be called and passed.

The same thing applies to the speaker. More likely that the current speaker might be the speaker, at least the current Speaker is not running for a different office and is not giving up the seat that enables him to be Speaker of the House of Representatives. But again, we have an election to go through. There's no telling who the majority leader is or who the speaker is going to be with certainty.

And third, how often do you have a promise made that your bill will be called and it doesn't get called, that your amendment will be supported and it doesn't get supported? To switch votes today based on representations of things that are going to be done

rd/md/gbr  
HOUSE OF REPRESENTATIVES

50  
August 13, 2010

six months from now, I think, is not the wisest course of action to take.

To make a -- to take a promise of some kind of action that may occur months and months from now in a different session with potentially different leaders making those decisions, I don't think is a very prudent course. For those people who believed that this bill was wrong two weeks ago, it is still wrong today.

Now, I have a question, if I may, put to the chair of the Government Administration and Elections Committee.

SPEAKER DONOVAN:

Please proceed, sir.

REP. O'NEILL (69th):

Was there anything in the decisions that were issued by the federal courts that indicated that if we added \$3 million to the gubernatorial grant, that that would be considered constitutionally satisfactory or would fix a problem that they found in the original legislation?

Through you, Mr. Speaker.

SPEAKER DONOVAN:

Representative Spallone.

rd/md/gbr  
HOUSE OF REPRESENTATIVES

51  
August 13, 2010

REP. SPALLONE (36th):

Through you, Mr. Speaker, no. The court did not mention any particular funds. However, the courts -- the court did strike down trigger provisions that could have resulted in supplemental grants of up to \$6 million to gubernatorial candidates.

Through you.

SPEAKER DONOVAN:

Representative O'Neill.

REP. O'NEILL (69th):

Thank you, Mr. Speaker.

And the additional \$3 million that's been added to this legislation, or put in this legislation that we added to the grant given to a candidate, is it fair to say that the purpose of that \$3 million is to try to get around the decision that the court made?

Through you, Mr. Speaker.

SPEAKER DONOVAN:

Representative Spallone.

REP. SPALLONE (36th):

Through you, Mr. Speaker to Representative O'Neill, absolutely not. It is in response to the decision.

SPEAKER DONOVAN:

rd/md/gbr  
HOUSE OF REPRESENTATIVES

52  
August 13, 2010

Representative O'Neill.

REP. O'NEILL (69th):

Thank you, Mr. Speaker.

Well, if the original decision or the original legislation called for a \$3 million grant and then an additional, up to \$6 million be granted, and the court struck out the additional money, now we're adding additional money back that is only going to go to candidates for governor -- and has been alluded, only one candidate for governor really has the opportunity to get this money, what else is it besides an effort to sort of circumvent the decision of the court?

Through you, Mr. Speaker.

SPEAKER DONOVAN:

Representative Spallone.

REP. SPALLONE (36th):

Through you, Mr. Speaker, this body has a right to craft its legislation in a way in response to that decision that tries to preserve the original intention of the legislation. The intention of the legislation was to make those candidates who participate in the Citizen Election Program competitive with those citizens -- those candidates who choose not to. Therefore, this increase in the grant fulfills the

rd/md/gbr  
HOUSE OF REPRESENTATIVES

53  
August 13, 2010

original intent of the legislation.

SPEAKER DONOVAN:

Representative O'Neill.

REP. O'NEILL (69th):

Thank you, Mr. Speaker.

But as I recollect, the original intent of the legislation was to have a modulated response, or if a candidate went up above the amount of money that was originally in the grant as a competing candidate, a nonparticipating candidate and the participating candidate would have a certain amount of money. Here we -- we're not really quite doing that, but we are going halfway between the two, between the \$3 million grant and the additional 3 million and then a \$6 million -- additional money. So we're kind of splitting the difference and saying, here you get it, whether you -- your opponent spends more than you do or not.

If I could ask the chair of the Government Administration and Elections Committee, is he familiar with Section 1 of the Article, First, of the Connecticut State Constitution?

Through you, Mr. Speaker.

SPEAKER DONOVAN:

rd/md/gbr  
HOUSE OF REPRESENTATIVES

54  
August 13, 2010

Representative Spallone.

REP. SPALLONE (36th):

Through you, Mr. Speaker. I do not have the document before me, and have not memorized that section.

SPEAKER DONOVAN:

Representative O'Neill.

REP. O'NEILL (69th):

Thank you, Mr. Speaker.

It's relatively short. Let me read it:

Section 1: All member -- or when they form a social compact are equal in rights. And no man or set of men are entitled to an exclusive public emolument or privileges from the community.

Since it's been established during the course of the debate so far today that only one individual stands to benefit from this additional \$3 million that we're talking about giving as grants for campaigns, does it not, in fact, violate this provision of our State's Constitution providing an emolument or privilege to that one individual?

Through you, Mr. Speaker.

SPEAKER DONOVAN:

Representative Spallone.

rd/md/gbr  
HOUSE OF REPRESENTATIVES

55  
August 13, 2010

REP. SPALLONE (36th):

Through you, Mr. Speaker, to the gentleman from Southbury, absolutely and positively no. This is not an -- I cannot say that word. It's a difficult one. It is not a special privilege granted on one individual. The law in the book is neutral.

At the time this legislation was passed, I would remind the members that there were two candidates for governor participating in the program, one from each party. And this legislation does not name an individual. The legislation simply amends existing law regarding base grants to individuals running for governor under the Citizen Election Program.

Through you.

SPEAKER DONOVAN:

Representative O'Neill.

REP. O'NEILL (69th):

Thank you, Mr. Speaker.

I guess I have some doubts about the accuracy of that. It seems to me, Mr. Speaker, that we know who the individual is. We know the individual by name. We know that no one else at the present time can qualify under the existing system that we have. None of the candidates that are major party candidates

certainly would qualify for it.

And we know that, really, there's only one person in reality who's going to get that \$3 million. And we know that by passing -- repassing this piece of legislation, we are doing it today in that knowledge it is repassing a piece of legislation that was vetoed. This is not fresh. This is not new -- or rather, this is fresh, this is new. This is not something that happened two weeks ago. This is going to happen today. We're going to vote to give one individual \$3 million. We're going to provide a benefit, a privilege, an emolument to that one individual.

And, Mr. Speaker, it seems to me that while there was some concern earlier about the amount of litigation that went on here in this year, in this election year, I would be stunned if someone did not at least try to challenge the constitutionality of what we are about to do here, or at least, that's being attempted here today, on the basis that only one individual benefits and whether that named individual -- whether that individual is named in the legislation, that individual's name is known to all of us here today.

rd/md/gbr  
HOUSE OF REPRESENTATIVES

57  
August 13, 2010

So, Mr. Speaker, I would urge for those of you who voted no for the last time to think about how you are going to explain to your constituents giving \$3 million of their money to one individual, guaranteeing that only one individual can possibly qualify for that money and get it at a time when we are in such grave financial distress.

Thank you, Mr. Speaker.

SPEAKER DONOVAN:

Thank you, Representative.

Representative Klarides.

REP. KLARIDES (114th):

Thank you, Mr. Speaker.

I know my colleagues have said basically all of what I've been thinking and what we've been debating today, what we debated two weeks ago. And quite frankly, a lot of the things we debated for the past 12 years -- I have been in office before this underlying bill was passed.

I know we talked about who's overriding, why we're overriding, what are the motivations for it. And I think most people in this building, in this Chamber, upstairs and downstairs, know the answer to that. We've had people name and talk about certain

candidates and why certain people would take advantage of this and it would be more advantageous to certain people than other people.

And you know what? I get that. If I were certain people, I would want that money, too. I think everybody gets that on a certain level. But I guess the problem that I have is, if you agree that taxpayer dollars should not be used to fund elections in the state of Connecticut -- if you agree overall they should not, then you agree that we shouldn't add more money to this.

And quite frankly, I'm not of the school of thought that we shouldn't add more money because it will be used for negative ads, because that's part of the process. We all know that. Part of the process is sometimes there's negative ads. It's not our job here to explain and tell people how they should be campaigning as long as it's within our state laws.

But if you do agree that taxpayer dollars should be used to fund elections for the State of Connecticut, that's where I have the problem. Because we spent many, many years in this Chamber and in this building debating whether taxpayer-funded elections should or should not be the law of the land in this

state.

I know, the 12 years I've been here, we've been doing it. I knew it before I got here we've been doing it. And part of that debate every year was, what if none of the candidates participated? What if one of the candidates did not? And that was always something that was slightly pooh-poohed in this Chamber, that oh, no, how could we possibly -- we could never have two millionaires who decided to just fund their own elections.

We have state taxpayer-funded elections. People are going to use that. Brought that up -- many times I've heard in this Chamber that will never happen, or the chances of that happening are so slight we don't really have to worry about that.

So although I do get it, I get if I were not -- if I were a participating candidate and I had to run against somebody who had some sort of unlimited funds, I get I would want more money. I'm not questioning that. I guess what I'm questioning is this is not a moving target.

We spent hours and hours and hours debating this for many years. We finally came up with formulas and evidence as to why X amount of dollars was the amount

rd/md/gbr  
HOUSE OF REPRESENTATIVES

60  
August 13, 2010

of dollars that is needed to run a governor's race, an attorney general's race, a secretary of state's race, and so on and so on. We toiled over that.

And now because the circumstances are not as advantageous for one candidate versus the other -- and quite frankly, I don't care if that candidate is Republican, Democrat or which -- or flip-flopping the way it is now, because it could have been flip-flopped. And I think we all know there's a very good chance we wouldn't be doing this right now if it were flip-flopped.

This is not something I think taxpayer dollars should be used for. I've said that before, certainly not in these economic times and, at the very least, we come up with the decision to give X amount of dollars to a candidate because that's what we determine they need, and now we want to change it midstream. That's not the way this Legislature works, and that's not the way the people that elect us to sit in these seats want us to make decisions.

Thank you, Mr. Speaker.

SPEAKER DONOVAN:

Thank you, Representative.

Representative Mazurek.

rd/md/gbr  
HOUSE OF REPRESENTATIVES

61  
August 13, 2010

REP. MAZUREK (80th):

Thank you, Mr. Speaker, and I will be brief.

I know people are in a hurry to get out of here, but I did want to take the opportunity to address some of the remarks, or one of the remarks, at least, that was made by a previous speaker that perhaps some people have been made promises or given promises to have certain legislation move forward in the next session.

I was one of the 18 who voted against the Citizens' Election Fund bill that came up a couple weeks ago. As most of you know, I have voted consistently against that bill from the very beginning. I have never offered up a yes vote or a green light in favor of that bill.

But I'll tell you that yesterday I received perhaps ten phone calls from different people. Not one of those one calls came from the Speaker. Not one phone call came from the Majority Leader. And no one who made a call and made a pitch to me to change my no vote to a yes vote offered me anything. And I don't like even the implication that perhaps something was going on, that a promise had been made.

There was no promise being made. I'm weighing up

rd/md/gbr  
HOUSE OF REPRESENTATIVES

62  
August 13, 2010

the evidence in this Chamber. I'm listening to the discussion very, very difficult discussion, that we're going through here, but I do want to tell you what my feelings are and that my position may very well change from a no vote to a yes vote on this bill.

Thank you, Mr. Speaker.

SPEAKER DONOVAN:

Thank you, Representative.

Representative Cafero.

REP. CAFERO (142nd):

Thank you, Mr. Speaker.

For the second time and for purposes of concluding remarks for this side of the aisle.

SPEAKER DONOVAN:

Please proceed, sir.

REP. CAFERO (142nd):

Thank you, Mr. Speaker.

Before I get to that, I have a few questions to Representative Spallone.

SPEAKER DONOVAN:

Please proceed.

REP. CAFERO (142nd):

Thank you, Mr. Speaker.

Representative Spallone, one of the major

rd/md/gbr  
HOUSE OF REPRESENTATIVES

63  
August 13, 2010

components of the bill that is before us is to increase grant money to various candidates. What office or offices does this bill provide for the increasing of grant money?

Through you, Mr. Speaker.

SPEAKER DONOVAN:

Representative Spallone.

REP. SPALLONE (36th):

Through you, Mr. Speaker, to the distinguished Minority Leader, the office of governor.

SPEAKER DONOVAN:

Representative Cafero.

REP. CAFERO (142nd):

Thank you, Mr. Speaker.

We've heard from Representative Spallone, and it is clear, that no other office -- state rep, state senator, comptroller, attorney general, secretary of the state, or treasurer, or lieutenant governor -- will have any increase to their grant. The only office is that of the Governor.

Through you, Mr. Speaker, to Representative Spallone, if we were to pass this bill, how many people, in your knowledge will be a beneficiary, or receiving the additional \$3 million?

rd/md/gbr  
HOUSE OF REPRESENTATIVES

64  
August 13, 2010

Through you, Mr. Speaker.

SPEAKER DONOVAN:

Representative Spallone.

REP. SPALLONE (36th):

Through you, Mr. Speaker to Representative Cafero, based on the facts at hand before this Chamber, the results of a primary election earlier this week, one candidate has qualified for the Citizen Election Program and received the nomination of his party for governor.

SPEAKER DONOVAN:

Representative Cafero.

REP. CAFERO (142nd):

Thank you.

Through you, Mr. Speaker, would that one candidate be the only candidate who would receive the additional monies as provided for in this bill?

Through you, Mr. Speaker.

SPEAKER DONOVAN:

Representative Spallone.

REP. SPALLONE (36th):

Through you, Mr. Speaker, in part I believe that governor and lieutenant governor candidates run together.

rd/md/gbr  
HOUSE OF REPRESENTATIVES

65  
August 13, 2010

SPEAKER DONOVAN:

Representative Cafero.

REP. CAFERO (142nd):

Through you, Mr. Speaker, though I think it's obvious, could you identify the candidate or candidates who would be the sole beneficiaries of the passage of this bill with regard to the additional grant money?

Through you, Mr. Speaker.

SPEAKER DONOVAN:

Representative Spallone.

REP. SPALLONE (36th):

Through you, Mr. Speaker to Representative Cafero, it's already been stated earlier today, that the nominee for the governor of the Democratic Party this year is Dan Malloy, and the nominee for lieutenant governor is Nancy Wyman.

SPEAKER DONOVAN:

Representative Cafero.

REP. CAFERO (142nd):

Thank you, Mr. Speaker.

Mr. Speaker, previous speakers and Representative Mazurek, have alluded to it -- indicated that there had been some discussions that, what we are doing now

rd/md/gbr  
HOUSE OF REPRESENTATIVES

66  
August 13, 2010

for, as Representative Spallone said, in passing this bill which would benefit one gubernatorial candidate alone, Dan Malloy, would be changed in the future.

That this is for now, but later on it would change.

Are you aware of any plans to have this law just be in effect for this election cycle and change subsequently?

Through you, Mr. Speaker.

SPEAKER DONOVAN:

Representative Spallone.

REP. SPALLONE (36th):

Through you, Mr. Speaker, to Representative Cafero, this bill, if it becomes law, would govern this election and all future elections unless amended by this body.

SPEAKER DONOVAN:

Representative Cafero.

REP. CAFERO (142nd):

Thank you, Mr. Speaker.

I thank the gentleman for his answers.

Ladies and gentlemen, once again this bill affects one person to a substantial amount of money of \$3 million, at a time when citizens across this state and public officials of Connecticut are scrambling to

rd/md/gbr  
HOUSE OF REPRESENTATIVES

67.  
August 13, 2010

find every nickel to pay our bills. This is not the time to expend 3 million additional dollars for one candidate for office. I would ask all of you, especially those who have voted no in the past, to continue to vote no, to not switch your vote and to sustain the Governor's veto.

Thank you, Mr. Speaker.

SPEAKER DONOVAN:

Thank you, Representative.

Representative Spallone.

REP. SPALLONE (36th):

Thank you, Mr. Speaker.

Brief concluding remarks. First, the bill is not about one individual person. The bill is written, as any legislation is, to govern all elections that it may cover in the future.

Secondly, the money, as it's been stated before, is already there. It's in the Citizen Election Fund. The fund contemplated up to \$9 million being spent for supplemental grants. Only 3 will be spent. If the court hadn't intervened, I suggest that more money would have been spent than the 3 million contained in this bill.

Additionally, the candidates who ran accepted the

rd/md/gbr  
HOUSE OF REPRESENTATIVES

68  
August 13, 2010

voluntary conditions of the program and expected to get up to \$6 million in supplemental grants if they qualified, and if necessary. Additionally, since we passed that law in 2005, there have been changes in federal law, federal constitutional law, regarding independent expenditures which are likely to be an important part of this election cycle. Additionally, this bill was passed well before the primary when there was a Republican and a Democrat who had both qualified for the Citizen Election Program.

Finally, again, all -- both candidates that I mentioned qualified for trigger grants in the primary that may have had some effect on their success.

Finally, Mr. Speaker, citizens of Connecticut have expressed their support in polls and in anecdotal conversations with members in this Chamber about their support for this program. When members of this caucus were at the polls helping other candidates on election day on Tuesday, many were told, please protect this program. It's important to the integrity of our elections. It's done a good job so far.

So I ask that we cast a vote to override the veto in the spirit of those suggestions on behalf of our constituents.

rd/md/gbr  
HOUSE OF REPRESENTATIVES

69  
August 13, 2010

Thank you, Mr. Speaker.

SPEAKER DONOVAN:

Thank you, Representative.

Will staff and guests please come to the well of the House. Members take their seats. The machine will be open.

THE CLERK:

The House of Representatives is voting by roll call. Members to the chamber. The House is voting by roll call vote. Members to the chamber, please.

SPEAKER DONOVAN:

Reminding the members, a yes is to override the Governor's veto. A red, or no, is to sustain.

Have all the members voted? Have all the members voted? Please check the roll call board to make sure your vote has been properly --

REPRESENTATIVES:

No.

SPEAKER DONOVAN:

What's that? All right.

I thought there was a bat in the room.

If all members have voted, the machine will be locked and the Clerk will please take a tally.

The Clerk, please announce the tally.

rd/md/gbr  
HOUSE OF REPRESENTATIVES

70  
August 13, 2010

THE CLERK:

Senate Bill Number 551.

|                             |     |
|-----------------------------|-----|
| Total Number voting         | 136 |
| Necessary for adoption      | 101 |
| Those voting Yea            | 106 |
| Those voting Nay            | 30  |
| Those absent and not voting | 15  |

SPEAKER DONOVAN:

The bill is repassed.

Are there any announcements or introductions?

Representative Tallarita.

REP. TALLARITA (58th):

Thank you, Mr. Speaker.

For a journal notation.

SPEAKER DONOVAN:

Please proceed, madam.

REP. TALLARITA (58th):

The following representatives missed votes today:

Representative Boukus, due to illness; Representative Grogins, out of the country.

Thank you.

SPEAKER DONOVAN:

Thank you, Representative.

Representative Giannaros.

**S – 611**

**CONNECTICUT  
GENERAL ASSEMBLY  
SENATE**

**PROCEEDINGS  
2010**

**VETO  
SESSIONS**

**JUNE,  
JULY  
SPECIAL  
SESSIONS**

**VOL. 53  
PART 14  
4129 – 4455**

rd/mb/md  
SENATE

18  
July 30, 2010

SENATOR LOONEY:

Yes. Thank you, Mr. President.

Mr. President, the single item appearing on Senate Agenda Number 2, under emergency certification, is a Senate Bill Number 551, AN ACT CONCERNING CLEAN ELECTIONS. If the -- I would mark that item go when asked and would ask the Clerk to call that item as our order of the day.

THE CHAIR:

Mr. Clerk.

THE CLERK:

Calling from Senate Agenda Number 2, Emergency Certified Bill 551, LCO 5943, AN ACT CONCERNING CLEAN ELECTIONS. The bill is accompanied by emergency certification signed Donald E. Williams, President Pro Tempore of the Senate; Christopher G. Donovan, Speaker of the House of Representatives.

THE CHAIR:

Senator Slossberg.

SENATOR SLOSSBERG:

Press the button -- thank you, Mr. President. So nice to see you in a Chair today.

I move acceptance of the emergency certified bill.

THE CHAIR:

rd/mb/md  
SENATE

19  
July 30, 2010

On acceptance and passage of the emergency certification bill.

Will you, remark?

SENATOR SLOSSBERG:

Yes. Thank you, Mr. President.

We're here today in the midst of an election cycle because the Second Circuit has declared that certain portions of our campaign-finance system are unconstitutional, and the legislation before us today addresses those matters and a number of other things -- of other small things.

Before I go through the bill with the Chamber, I wanted to just go and have a quick review of how we got here today. The Campaign Finance Reform Act, which includes the Citizens' Election Program, arose out of several corruptions -- of corruptions, scandals in our state, the most widely publicized scandal involving Connecticut's former governor, John Rowland.

In 2004, Governor Rowland was accused of accepting over a hundred thousand dollars' worth of gifts and services from state contractors. Unfortunately, the public corruption scandals weren't limited to just the Governor's office, and our state earned the nickname, Corrupticut, not just because of the actual scandals, but also because of the

perception of corruption in our state government.

The response by the Legislature and then a new governor, Jodi Rell, was the enactment of the Campaign Finance Reform Act, again including the Citizens' Election Program, which we're discussing today. And the purpose of the program was to restore public confidence in our government by removing special interest dollars and eliminating corruption and the appearance of corruption.

Basically, our clean elections system works like this: We look at what candidates raise and would have -- and what they have raised, and then we take that amount and we take out the special interest dollars that we have deemed to be a corrupted -- a corrupt and corrosive influence. And we supplant those special interest dollars with public dollars, with small contributions from people in our districts, from people in our state for statewide offices, and we call that clean.

And as a result of that, the intent is to have -- take the corrosive influence of money out of our elections. It eliminates the potential influence of large donations and the appearance of those influences.

Now, as we all know, we've been dealing with a

rd/mb/md  
SENATE

21  
July 30, 2010

number of court challenges. It went to the district court -- our case -- our cases and then to the Second Circuit. Most recently, the Second Circuit upheld the fundamental structure of the Citizens' Election Program, including our funding mechanisms. And in large part, while we don't think about it and we don't talk about it, and we're probably not going to talk about it too much today, we actually did win a large portion of this case.

However, what brings us here today is that the Second Circuit struck down two basic provisions. First, our lobbyist ban, which banned both contributions and solicitations by lobbyists, which also included a striking of the contractor solicitation ban, as well as what we call the "trigger provisions," which are the provisions that allow for supplemental grants in the case of excess -- high-spending, nonparticipating opponents when you're facing a millionaire opponent and also if a candidate who's participating is hit with an independent expenditure from an outside organization. And those items which are called the "trigger provisions," were both -- were struck down.

And as I said, the reason we're here today is to address those. If we don't address these, this system

rd/mb/md  
SENATE

22  
July 30, 2010

will fail and we will not have a citizens' election program. And I think that everyone in this room believes that that would be a huge loss to us in the State.

So if I may, I'm going to go through the draft of the bill in front of us so that we all know it's in there.

Section 1 simply repeals the severability language. As people may know, in the previous legislation, when the program was drafted, it was drafted as a whole with the idea that if one piece of it fell, the entire program fell. Now that we've been through our various court challenges, we are repealing that language and we are replacing that with traditional severability language, which states that if a provision in the statute related to this program should fail, then that particular piece is severable and goes away, but the rest of the program will continue to stand.

The next change, lines -- is -- the next change of the end of Section 1 is clarifying language, which says that even after this legislation, if you have received your grant already, you may keep the grant that you have and the program will continue to function.

Section 2 reveals references to the trigger provisions. Section 3 adjusts the grant amount for gubernatorial candidates from the base amount from 3 million to 6 million dollars, and I know that we're going to be talking about that some more during the day today. But the reason for that again, going back to how this was all drafted in the first place and how we came to the elections program is the purpose of this program is to supplant special interest dollars with clean dollars, with public money. And it is the grant amounts that were originally set were based on historical data.

And the average amount for our gubernatorial races over the last number of years for the winning candidates was over \$6 million. So in order to have a system that is viable that people will actually be able to participate in, we need to adjust the grant amount for gubernatorial candidates from 3 million to 6 million, remembering, though, that under the current system, a gubernatorial candidate could potentially get \$9 million if they were -- if the trigger provisions continued to exist, they would get a \$3 million supplemental grant. And then if there were independent expenditures against them, the potential exposure for the fund was up to nine. This grant is

not being adjusted up to nine. It's being adjusted to six to reflect the historical data.

Section -- the next section is Section 4. Section 4 also deals with repealing the trigger grants. Section 5, again, repealing the trigger grants. Section 6, also in the same vein. Section 7 is new language.

Section 7 creates and discusses the concept of bundling. As I had said, the court struck down our prohibition -- on our ban on lobbyist contributions. What we are doing here is creating this concept of bundling, and that is the idea that prohibits a lobbyist from going and either having a fund-raiser at their house or from putting together a big package full of checks. And there are a lot of people who could look at this right now and wonder what this is all about, but it's really pretty simple.

If you think about it, if I were to go and show somebody from the public a picture of a lobbyist giving a candidate an envelope full of checks, I think your average citizen in the state of Connecticut would look at that and think that somehow that doesn't look -- that has the appearance of corruption. It doesn't look honest. It looks like there's something going on, and one of the really important pieces here

rd/mb/md  
SENATE

25  
July 30, 2010

is to try to address the appearance of corruption.

The record is replete with evidence of the deleterious effects of bundling or results of bundling and lobbyist solicitation on the legislative process. In 1986, the General Assembly commissioned a report from the State Elections Enforcement Commission and the State Ethics Commission to evaluate the relationship between lobbyist contributions and the legislative process.

In a survey of Legislators and lobbyists, the Joint Elections ethics study found, among other things, that 25 percent of Legislators responding felt there was a relationship between a lobbyist solicitation of contributions and the success of the legislation that the lobbyist supported. Sixteen percent of Legislators responded that they had heard a Legislator state or imply that a bill's fate depended upon a lobbyist's contribution or solicitation. Thirty-seven percent of Legislators responding were aware of political fundraisers held soon before a committee deadline for taking action on proposed bills.

The 1986 study also found that the lobbyists felt this pressure to deliver contributions as well, but 81 percent of the lobbyists responding were not

willing to testify at a public hearing about the relationship between political contributions and lobbying for fear of reprisals from lawmakers.

As Doctor Robert Howard of Common Cause testified before the GAE Committee in 1990, that in 1988 more than \$311,000 changed hands during the session between lobbyists and their PACs and either campaigns or legislative caucus PACs. That's over \$100,000 a month during the session when citizens expect Legislators to be enacting legislation and allocating resources, not campaigning or fund-raising.

The record is replete with instances of bundling and concerns with regard to lobbyist contributions. And although the court struck that -- struck down our ability to ban all contributions, it did leave the door open to deal with bundling, and that is what we do in Section 7. Subsection 28 of Section 7 is also -- provides a definition of a slate committee and deals with the Section in the back -- I think it's Section 13 -- with regard to de minimis contributions.

Section 8 adds client lobbyist to the definition of lobbying. Section 9 -- very important -- restores the sessional ban on lobbyists. Since there will no longer be a complete ban, we are restoring the sessional ban on lobbyist contributions.

The next section limits our lobbyists' contribution and makes them like everyone else, that they can contribute a hundred dollars, just like any other contribution both for -- however, they are limited and for candidates that are participating in the system and also for nonparticipating candidates. There is still a limit of a hundred dollars.

And again, based on the appearance of undue influence, we believe that it makes sense to restore the public confidence to be able to show that our lobbyists are being treated the same as everyone else with regard to participating candidates and that there is still some limit on them, but that there is a balance between that appearance of corruption and the State's compelling interest in -- as their right to free speech and the State's compelling interest in preventing the appearance of corruption.

Section H provides that on or after January 1, 2011, and we will prohibit communicator lobbyists from soliciting client lobbyists. And again, the court left that door open, and that is to -- still to prevent the appearance of corruption of influence. After January 1, 2011, we are also going to be prohibiting contractors from soliciting their subcontractor principals or employees of contractors

and their subs.

Section 11 are contributions. This is conforming language to deal with the court's opinion. Section 13 is -- probably is one of two things that didn't come out of the court case, but what it does is it provides for -- one of the things that we've been asked about an awful lot at GAE was that small amounts of food being brought to candidate meetings or an event or an activity, that's not a fund-raiser that if it's under \$50. So if someone brings the doughnuts to your campaign event, that's not a fund-raiser. It's not considered a contribution. And also there's language here that, for de minimis campaign activity on behalf of the political committee or the, you know, your campaign, that's also not considered a contribution. That would include e-mails or cell phone calls as long as they're not being reimbursed by the campaign. Those are things like somebody brings the paper clips, somebody brings the stapler from home. We no longer have to deal with that. And finally, the display of a lawn sign, put the sign on someone's lawn or in somebody's window. That is no longer a contribution.

And the final provision here requires that the State Election Enforcement provide a report with regard to the amount of grants and other information

rd/mb/md  
SENATE

29  
July 30, 2010

that they generally report to us, as well, but this clarifies what we are looking for.

With that, I believe that I have covered just about everything in this bill, and I look forward to making -- passing this bill as fast as we can.

Thank you.

THE CHAIR:

Thank you, Senator.

Will you remark further?

Senator McLachlan. Senator?

SENATOR McLACHLAN:

Thank you, Mr. President. Nice to see you there this afternoon.

THE CHAIR:

Thank you. You as well.

SENATOR McLACHLAN:

I rise to express concern about the bill before us for a number of reasons, but I think the primary concern that I'd like to express to members of the circle is that a federal court has decided that the Citizen Election Program is unconstitutional. We have known that for some time. The appeal failed essentially on the biggest points.

And I think that what this legislative body should be focused on today is to respond to the

rd/mb/md  
SENATE

30  
July 30, 2010

federal court decision and go home. I don't think it's appropriate for us to be considering spending more taxpayer dollars by way of adding grants to gubernatorial candidates.

And so I would like to get clarification from the proponent of the bill, through you, Mr. President, to the chair of GAE.

THE CHAIR:

Senator Slossberg.

Senator McLachlan, please prepare your questions.

SENATOR McLACHLAN:

Thank you, Mr. President.

And thank you, Senator, for your presentation of the legislation before us.

I guess I would just like to begin by asking if you might clarify what in Bill 551 would specifically address the court decision? I would like to peel away all of the other language in the bill -- just for this conversation -- that does not relate very directly to what the court stated this Legislature should address as it relates to the Citizen Election Program.

So I wondered if you could just peel away everything else and just give us what is it that the court needs for us to proceed and be in compliance with the decision.

Through you, Mr. President.

THE CHAIR:

Senator Slossberg.

SENATOR SLOSSBERG:

Thank you, Mr. President.

Through you, Section 1, in that it repeals the severability language, anything that deals with repealing severability has to be addressed. The trigger provisions have to be addressed. The lobbyist ban has to be addressed. The contractor solicitation ban has to be addressed.

THE CHAIR:

Senator McLachlan.

SENATOR McLACHLAN:

Thank you, Mr. President.

And through you to Senator Slossberg, could you clarify a little more what you mean by "be addressed" in that some of the language that I'm reading goes beyond what the court is looking for in their decision.

So could you clarify: Is there any part of the language on those issues you've just shared with us that goes beyond what the court has asked for?

Through you, Mr. President.

THE CHAIR:

Senator Slossberg.

SENATOR SLOSSBERG:

Through you, Mr. President.

If I understand your question with regard to severability, we have to, you know, we have to change that language in the event that the district court, as it's been -- as the case has been remanded to them, were to uphold a piece of this unconstitutional -- which we believe that's possible, and so we have the severability language -- has to be revealed and then restored to traditional severability.

With regard to the trigger provisions, that language was struck down. So that needs to be repealed in order to address the State -- the court's case.

With regard to the lobbyist -- the ban on lobbyist contributions, that was held unconstitutional and the solicitation ban was held unconstitutional. So that needs to be repealed.

If there's something else, through you, Mr. President, that I've missed, I'm more than happy to try to address the Senator's question.

THE CHAIR:

Senator McLachlan.

SENATOR McLACHLAN:

Thank you, Mr. President.

Thank you, Senator Slossberg, for your response.

And I think that you've fairly accurately stated what my perception is of the issues that need to be directly addressed today. And I suspect that there is somewhat uniform agreement among all the members of this circle that we should address those issues.

I think that severability is a -- has been an agreement essentially of all the members of this circle right from the beginning of the court decision. I believe that back in August of 2009, we were hopeful to address this issue much sooner. And so severability is not a contentious issue at all.

I think there are some questions about the way that we approach further restrictions of adding lobbyists to the mix that have not been part of the Citizen Election Program in the past. Certainly, we can have some more discussion about the specific details of that, but I think that the way that I am assessing this legislation before us, is that we are going way beyond what has been suggested by way of a court decision and, namely, we are spending more money.

And may I remind my fellow Legislators here at the State Capitol in Hartford, Connecticut, that this

rd/mb/md  
SENATE

34  
July 30, 2010

State is broke. We don't have any money to spend, and we should not be talking about expanding state spending for anything, especially not expanding state spending for TV advertising in a gubernatorial campaign.

So my point is, and I would suggest to my colleagues here in the circle, that we should consider very carefully any proposal before us that does, in fact, increase spending. That is headed in the wrong direction.

I think that we should focus today, on this warm summer day, on the items of agreement. Those items that the federal court judge has ruled that need to be addressed, we should agree on fixing those items as part of our state statute and move on. This is not the right time for us to consider additional spending.

I also am frankly a little concerned that there is -- seems to be some type of a justification that additional monies are needed in the absence of the triggers of the original Citizen Election Program. And I heard -- I believe from the presenters' remarks that that an average gubernatorial campaign was somewhere around \$6 million. And I think that the last gubernatorial campaign before the Citizen Election Program became available to candidates, the

rd/mb/md  
SENATE

35  
July 30, 2010

successful candidate who is our incumbent, Governor Rell, spent somewhere around \$4 million without contributions from lobbyists or state contractors.

And so I suggest that that is a good example of the cost to run a campaign in Connecticut. And if we are looking even at adding a certain amount of money for inflation from 2006 to 2010, there is no reason why we should now be entertaining 5 and a half or even 9 million dollars as a potential cost to run a campaign under a taxpayer-funded citizen election program as proposed in this bill.

So it's clear to me, and I hope it's becoming clear to the rest of us here in the circle, that we should back up, take a step back, strike out this idea of expanding spending taxpayer funds for political campaigns and focus on what's most important, compliance with the federal court order and move on.

Thank you, Mr. President.

THE CHAIR:

Thank you, Senator.

Will you remark further?

Senator Kane.

SENATOR KANE:

Thank you, Mr. President.

Good afternoon.

rd/mb/md  
SENATE

36  
July 30, 2010

THE CHAIR:

Good afternoon, sir.

SENATOR KANE:

I tend to agree with my colleague, Senator McLachlan, in regard to the spending and the increase of spending, especially at a time in this economic situation that we have here in the state of Connecticut.

So through you, Mr. President, I do have a couple questions for Senator Slossberg in regard to the proposal -- proposed bill.

THE CHAIR:

Please prepare your question, sir.

SENATOR KANE:

Thank you, Mr. President.

In your initial remark, Senator Slossberg, you said that you referred to the 2006 election, I believe, and I think you were talking about how much was spent on that campaign by the victor. Can you tell us, do you have information on how much was spent by each candidate in that campaign?

Through you, Mr. President.

THE CHAIR:

Senator Slossberg.

SENATOR SLOSSBERG:

rd/mb/md  
SENATE

37  
July 30, 2010

Yes. Thank you, Mr. President.

Through you, actually, I didn't talk at all about the 2006 election. I believe the previous speaker spoke about the 2006 election. What I had spoken about were the figures I was given by Election Enforcement that show historically that the average number for the winning gubernatorial campaign for governor over the last three cycles was \$6 million.

THE CHAIR:

Senator Kane.

SENATOR KANE:

Thank you. Thank you, Mr. President.

Because I guess that goes where my question is, because in regards to this section, first of all, we are increasing the figure from the 3 to 6 million dollars, and I'm assuming that's based on those numbers that you were given saying, well, the average was \$6 million.

So is that where this 6 million came from?  
Through you, Mr. President. Because of that?

THE CHAIR:

Senator Slossberg.

SENATOR SLOSSBERG:

Yes. Thank you, Mr. President.

Through you, the idea here was to make sure that

rd/mb/md  
SENATE

38  
July 30, 2010

we have a grant that is competitive. And so in the past three gubernatorial election cycles, the average spent by a gubernatorial -- by a winning governor -- lieutenant governor team was just over \$6 million.

THE CHAIR:

Senator Kane.

SENATOR KANE:

And do we know what the average was spent by the losing campaign?

Through you, Mr. President.

THE CHAIR:

Senator Slossberg.

SENATOR SLOSSBERG:

In some, yes, actually, we do. And those numbers are less. Although in 2006 the DeStefano/Glassman race was about -- was about four points -- well, actually, 4.7. Adding the numbers up, 4.7.

But again, the idea here is to make sure that the grants we are putting forward are competitive, but that someone would participate in the system based on getting a grant that allows them to actually compete in the program -- in the election.

THE CHAIR:

Senator Kane.

SENATOR KANE:

Thank you, Mr. President.

I guess where I'm going with this is -- it also -- in line 184 it says that thereafter, said amount shall be adjusted under subsection of this section, which I guess in my mind, if in 2010, the winner spends \$10 million, are we going to come back here next year and say, well, the winner spent \$10 million. We have to give the next person \$10 million. Is that the thinking here? Through you, Mr. President.

THE CHAIR:

Senator Slossberg.

SENATOR SLOSSBERG:

Thank you, Mr. President.

Through you, no, not all. Actually, that refers to the cost-of-living adjustment that addresses all of the grants, including the legislative grants that are currently -- that we currently have that's in conformance with the rest of the program. That's nothing new and does not at all reflect a review, again, to adjust grants.

THE CHAIR:

Senator Kane.

SENATOR KANE:

Okay.. That's good, because I guess, again, your

rd/mb/md  
SENATE

40  
July 30, 2010

point was that we looked at an average of typically what they were spending for the last three cycles. And if we throw 2010 into that average, it's obviously going to boost that up. I don't know what each candidate is going to spend this year, but I can imagine it could be greater than \$6 million. So if that's the case and we're using that criteria, then I just might be afraid of what we are going to increase this to the next time, but if you say it's cost-of-living, then that's reasonable. But I just wanted to clarify that.

I just want to ask you one more question, if I might, you talked about the lobbyist, how, obviously, the court said that they're able to give. And then there's a section, and I don't remember which -- I believe it's Section 7, if I'm wrong, I apologize -- in the change coming in January -- it is Section 7 line 833 -- January 1, 2011. Can you speak to that again in regards to how we're changing the lobbyist come January 1.

Through you, Mr. President.

THE CHAIR:

Senator Slossberg.

SENATOR SLOSSBERG:

We're actually not changing the lobbyists come

January 1. The changes that come January 1 are with regard to -- let me get back to that contractor.

Let's see, Section 7 with the bundling, that's effective from passage. Hang on one second.

January 1, we deal with the -- actually, it's the communicator lobbyist from client lobbyists. But it's just an individual who is -- it prevents a communicator lobbyist from soliciting any individual who is a member of the board of directors of an employee or a partner and who has an ownership interest of 5 percent or more, any client lobbyist that the communicator lobbyist lobbies on behalf of pursuant to the communicator lobbyist's registration. So that's a communicator lobbyist being restricted after January 1, 2011, from soliciting their clients directly.

They can now -- they would -- they'll still be able to solicit their family, their friends, their neighbors, whoever else. They just can't solicit their client, so we now have a much more narrowly tailored ban. In addition to that, we have some changes January 1 with regard to contractors and solicitations, but I don't believe your question was addressed to that.

THE CHAIR:

rd/mb/md  
SENATE

42  
July 30, 2010

Senator Kane.

SENATOR KANE:

Thank you, Mr. President.

So if that's the case, then for this election cycle come November, these same communicator lobbyists can solicit their clients.

Through you, Mr. President.

THE CHAIR:

Senator Slossberg.

SENATOR SLOSSBERG:

Yes, as a result of the court striking down the general lobbyist ban, that would be true.

THE CHAIR:

Senator Kane.

SENATOR KANE:

So through you, Mr. President, why not change that now? Why wait till January 21st of 2011?

THE CHAIR:

Senator Slossberg.

SENATOR SLOSSBERG:

Thank you, Mr. President.

Through you, you know, the court left the door open for us to address this, but it is not clear as to whether that would survive a legal challenge. We believe it would.

rd/mb/md  
SENATE

43  
July 30, 2010

I think it's important that we continue to try to uphold the bans to the extent that we can to prevent the appearance of corruption. However, it may -- it raises some questions. We are in the midst of an election cycle, and I don't believe that anyone would like to, you know, have any unpredictability or a lack of stability in the system that we have now.

We believe that this is strong and defensible, but we believe that the full ban was strong and defensible. You know, three months before the election is not the best time to be making those sorts of decisions.

THE CHAIR:

Senator Kane.

SENATOR KANE:

Thank you. Thank you, Mr. President.

I thank Senator Slossberg for her answers. I appreciate them very much. I'll continue to, you know, read through this bill. Obviously, there's a number of pages that we have to go through, but I still have some very deep concerns with regard to the dollar aspect.

Thank you, Mr. President.

THE CHAIR:

Thank you, Senator.

rd/mb/md  
SENATE

44  
July 30, 2010

Will you remark further?

Senator Debicella.

SENATOR DEBICELLA:

Thank you, Mr. President. Good afternoon.

THE CHAIR:

Good afternoon, sir.

SENATOR DEBICELLA:

Through you, Mr. President, one question to the proponent of the bill.

THE CHAIR:

Please prepare your question.

SENATOR DEBICELLA:

Mr. President, through you, when we were debating the biennium budget just a short 18 months ago, and even our budget adjustment bill just a short six months ago, we actually swept the Citizens' Election Fund in both instances to the tune of some \$15 million. And my question is, at that point, the responses to could we sweep more was no. We required every single dollar to meet the obligations of the Citizens' Election Fund.

My question is, if we are going to up the grants from 3 to 6 million dollars, where is that money going to come from to pay for that?

Through you, Mr. President.

rd/mb/md  
SENATE

45  
July 30, 2010

THE CHAIR:

Senator Slossberg.

SENATOR SLOSSBERG:

Yes, thank you, Mr. President.

That money has already been appropriated into the fund. It's already there. So it's not new money. It's money that is sitting in the fund.

THE CHAIR:

Senator DeBicella.

SENATOR DEBICELLA:

Through you, Mr. President.

So that contradicts what was said on this floor just a few months ago when we said, the question was, could we sweep more out of the Citizens' Election Fund? The answer was no, we could not. We need all of it to meet current obligations, which at that point was \$3 million.

So if we're now going to raise it to \$6 million, either the statement before wasn't true and there was extra money in the fund, or right now we have to appropriate more money to make sure we cover this, or there could be another possibility that I'm not thinking of, Mr. President, so through you.

THE CHAIR:

Senator Slossberg.

SENATOR SLOSSBERG:

Thank you. Through you, Mr. President.

I think the question speaks for itself. You were talking, at the time that discussion was going on, it was to meet current obligations. The court had not handed down their decision. We had a program in existence as it did, the trigger provisions were in existence. The potential for supplemental grants or for independent matching grants existed.

And so the exposure to the fund was exactly the amount that needed to be in there. If we had taken more, we would have been in a position of underfunding the fund. And there, had the court not struck it down, perhaps we would not have the money to actually address that aside from the fact that at the point that we made that decision we didn't actually know which candidates were running and how many -- or not that which candidates were running -- but how many people were potentially running and what the actual exposure was.

So the sufficiency report provided and created by elections enforcement that they are required to do pursuant to our general statutes to determine whether they have enough money provided for various different scenarios. And they were very clear with us that if

rd/mb/md  
SENATE

47  
July 30, 2010

we, at that time, had taken more money, they would have had to declare an insufficiency.

Obviously things have changed now with the trigger provisions being eliminated. It changes the way the entire system operates, but in order to have a viable system you have to have competitive grants.

THE CHAIR:

Senator DeBicella.

SENATOR DEBICELLA:

Thank you, Mr. president.

And I thank Senator Slossberg for the answer to that question.

I do agree with her that, at the time, it was absolutely what the SEEC said. It was that we had enough money to cover those current obligations. However, the eliminations of the triggers will not provide enough extra resources to cover an extra \$6 million, should we need to spend that, should you have two qualified candidates who would actually receive that in the general election.

So Mr. President, with that in mind, I'd like to call LCO 5954.

THE CHAIR:

Will the LCO -- will the Clerk please call LCO 5954, please.

rd/mb/md  
SENATE

48  
July 30, 2010

THE CLERK:

LCO 5954, which will be designated Senate  
Amendment Schedule "A." It is offered by Senator  
McKinney of the 28th District, et al.

THE CHAIR:

Senator Debicella.

SENATOR DEBICELLA:

I move the amendment.

THE CHAIR:

I move -- will you remark further?

SENATOR DEBICELLA:

Thank you, Mr. President.

Mr. President, the amendment will simply strip,  
in line 182, the word "six" and will actually return  
the grant to what it was originally intended to be,  
which was \$3 million.

And Mr. President, there are five reasons why I  
actually think this is the sensible thing for us to  
do. The first is what we just talked about, is  
there's actually a risk of the fund not having enough  
money to cover this and the need for us to go into the  
General Fund or elsewhere to get this money.

Second, we have a deficit of approximately  
\$6 billion for the next two years. We are going to  
need every single penny available to cover that to say

now is the time to increase the grants for the gubernatorial election that happens in three months, I think is fiscally irresponsible.

The third point was brought up by Senator Kane and Senator McLachlan -- there is, based on historic precedent, no need for \$6 million to run a gubernatorial campaign.

Fourth -- and I think this is important -- is changing the rules of an election midstream is inherently biased. In reality, there are five major candidates for governor right now, two of whom are taking public financing. Doing this inherently benefits those two candidates, one a Republican and one a Democrat, at the expense of the other three. That is just a reality of changing the rules midstream. It's not something we should be in the business of doing.

And fifth and finally, it isn't required. There is nothing in what the court said that even hinted that we should double the amount that this grant should be. So what we've done is we've actually turned a technical bill to conform with the court into something that's changing the rules midstream.

So, Mr. President, let's not turn what I think is an otherwise good bill into an excuse to once again

rd/mb/md  
SENATE

50  
July 30, 2010

simply increase government spending. I urge adoption of the amendment.

THE CHAIR:

Senator Slossberg.

SENATOR SLOSSBERG:

Thank you, Mr. President.

I rise in opposition to the amendment to address the five points. First, the fund has sufficient money. We've received documents from OFA as well from Election Enforcement. The money is sitting there. It is set aside. It is already there. It has been there. In order to address it, we've very carefully protected it through the session to make sure that the fund has sufficient money. It's there.

Secondly, we're not increasing the grant at all. We are adjusting it in regard to the court's decision. Our current exposure is to \$9 million. You could actually argue we're decreasing the grant by the same argument because the exposure is to \$9 million and we are addressing it at 6.

Third, with regard to historical precedent, we've got to actually deal with the facts here. The facts are competitive race for governor historically has cost, on the winning side, over \$6 million. Those are the facts.

Fourth, changing the rules midstream, that's exactly what we would be doing if we didn't adjust the grant at that -- at this time because it is election season. It is election cycle and people on both sides of the aisles have known what the program is. It's been out there and known what their expectations were with regard to how much money was potentially available.

Fifth, it's not required. I would disagree. I believe it's very much required. In fact, if we have a system that does not have competitive grants, then we might as well not have a system at all. It makes a mockery of the program if you don't actually have grants that allow people to run at a competitive level.

I urge opposition.

THE CHAIR:

Thank you.

Senator Fasano.

SENATOR FASANO:

Thank you, Mr. President.

Mr. President, I speak in favor of the amendment. And let me sort of rehit the five, or four out of the five points. You see I couldn't remember the fifth one, but the money is already there, and I believe

rd/mb/md  
SENATE

52  
July 30, 2010

Senator Slossberg said we've protected it. At what cost? At what cost do we protect it?

We made cuts to the elderly. We made cuts to the RIDE programs. We made cuts to programs, to education. And what cuts -- and what costs -- we deferred \$200 million in a pension plan. So yeah, we protected it. We protected it so we could give it, our taxpayers' money, to run a political campaign, more money to put on the ads that we saw, more money for pencils, more money for balloons. Do we balance when we put that away?

So yeah, we protected it, but what was the cost of that protection and why are we continuing to protect that when we need it for the school system. We need it for our public school system.

Point number two is that it doesn't really increase the grant. It does. I'm going to let Senator McKinney talk about that because he expressed to me his philosophy, and I'm not going to do it -- as much justice as Senator McKinney will.

Number three, historically, remember why we put in campaign financing, which I supported, I voted in favor of it back when. We said, number one, campaigns are getting out of control. We're spending too much money on campaigns. We're out there beating the

bushes trying to get money.

Let's control the cost of campaigns. And now we're saying, well, now that we control the costs, because, 2006, when Governor Rell said, I'm not going to take special interest money, \$4 million, and the DeStefano other side did about 4.7 million. So in 2006, it was reasonable, about \$4 million each. And that's 2006.

The latest statistics -- 2006, and we wanted to keep the money low because we wanted people spending tons of money. And now here we are saying, well, we've got to get more money. Logic doesn't flow.

With respect to changing the game, it's correct, we are changing the game midway through. These candidates that are running knew that the campaign financing law was under appeal. They knew it was challenged. They knew that supplemental grants were part of that challenge. They knew what the lower court had stated. They knew what the cards were in front of them, and they knew that we were going to have to try to fix it at some point.

There was no certainty that they walked in, that they're definitely going to get all this money because they knew that there was a challenge. So they assumed the risk and went forward. I don't think any one of

them would have said, gee, had I known I wouldn't have run. I don't think any one of the candidates would have said that.

I understand the candidates out there that would want the money, who are in the program would want the money. I get that, but it's not the right thing to do. It's not the right thing to do. We have a fiscal problem.

Last session, we looked between -- we joked in this chamber when we talked about trying to find 200 million between the cushions of the couch. We shook everybody's bank account out. What do you have? What do you have Transportation? What do you have Citizen Election?. And everybody was clinging to their money because they knew that we were coming to get it, but we protected this money.

And who lost because we protected this money? And who is going to lose because we continue to protect this money? We have to be fiscally responsible. It's got to start now. So I stand here and I ask your support for this amendment.

Thank you, Mr. President.

THE CHAIR:

Thank you.

Senator Looney.

rd/mb/md  
SENATE

55  
July 30, 2010

SENATOR LOONEY:

Thank you, Mr. President.

Speaking in opposition to the amendment, I wanted to second the comments of Senator Slossberg in that what we are trying to do in the -- on the underlying bill is actually to honor the intent of the original legislation within the context of the recent decision by the -- by the Second Circuit.

And it's in line with what was recommended today in the Hartford Courant editorial, which said when the General Assembly meets today in special session to fix constitutional flaws in the State's campaign finance reform program, lawmakers should take care to honor the reform's original intent. And that is what we are trying to do in order to set the grant levels at those that we think meet the expectations with which the candidates that went into the program potentially and to preserve the program along with original intent.

In a -- in a discussion yesterday in the Connecticut Mirror, our own lieutenant governor, Lieutenant Governor Fedele, noted that he had made the decision to participate in public financing with the assumption that matching grants would be available. Now, obviously, the matching grants are struck down by virtue of the -- trigger mechanism has been struck

rd/mb/md  
SENATE

56  
July 30, 2010

down by virtue of the Second Circuit decision. His comments in the -- in that article yesterday said they have to provide a venue for a clean election candidate.

What you signed up for is not going to be there. You have to at least, in this election cycle, provide something. So I think that what we are trying to do, in an equitable way, is to restore the balance that was anticipated in the original bill. Exactly what we are trying to do, I think, in all of the elements of the underlying bill is to provide a system that is true to the original intent of the legislation, which I think this amendment would undermine, but which the underlying bill, I believe, preserves.

Thank you, Mr. President.

THE CHAIR:

Thank you Senator.

Senator McDonald.

SENATOR McDONALD:

Thank you, Mr. President.

Mr. President, just briefly, I rise in opposition to the amendment, and I perhaps come at this from a slightly different perspective as a State Senator from southwestern Connecticut.

Ladies and gentlemen, in the last election most

rd/mb/md  
SENATE

57  
July 30, 2010

of my constituents thought that Elliott Spitzer was running for governor because that's the media market in which my constituents primarily see advertising. The fact of the matter is that \$3 million is absolutely insufficient for running a statewide campaign and reaching out to all aspects of the state.

Fully one quarter of our citizens don't watch the Hartford media market or the New Haven media market. They are excluded from our public debate because there's not enough money to reach them with the messages that candidates, be he or she, Democrat or Republican, are trying to convey.

I'm opposed to this amendment because it denies the realities of the costs of running a campaign. It denies the costs of actually connecting with votes. It denies my constituents an equal ability to participate in that electoral process.

This money, as has been pointed out, has already been budgeted, but I do think it's important to remember that in 1998 the successful candidate for governor spent \$6.9 million.

I jumped on my handy-dandy computer here and used the inflation calculator to tell -- to find out what that would have been in today's dollars. It's \$9.28 million, and that's roughly the amount of money

that was spent -- 6.5 million was spent by the successful candidate for governor in 2002.

Denying the costs of what it actually takes to effectively communicate with constituents does a disservice to our constituents. And I haven't yet found the post office who's willing to send mail for free. I haven't yet found the printer who cuts costs for political candidates.

The fact of the matter is a participatory democracy takes a certain amount of money. And in our system, we've already allocated this money. It's just not accurate or equitable to claim that this is new money. It's always been budgeted.

Let's be honest. We've always known that a candidate running for governor in this cycle might expend \$6 million. The underlying bill creates the equity, creates the parity that we need for an effective system and, therefore, I oppose the amendment.

THE CHAIR:

Senator Roraback.

SENATOR RORABACK:

Thank you, Mr. President.

Good afternoon.

THE CHAIR:

Good afternoon, sir.

SENATOR RORABACK:

Mr. President, I rise in support of the amendment and would urge my colleagues to give the public in the state of Connecticut a little bit of credit.

Mr. President, I can't speak for others, but I can tell you that my constituents are no fools. And my constituents are not going to vote for the guy that has the most money. And for any of us to translate election victory to who, the guy that has the most money is, I think belies the lessons of history, the lessons of campaigns nationwide.

Ask Jon Corzine if the person who spends the most money independently will win. Ask the voters of New Jersey, were you won over by the raw expenditure of independent wealth as the deciding factor in how to cast your vote?

Mr. President, we have to give the public some credit. This debate is not taking place in the abstract. Next week, there's a primary and it could well be that the two winners of both the Republican primary and the Democratic primary will be participating candidates in the publicly financed program. And should that be the case, what we're talking about today is, are those individuals going to

rd/mb/md  
SENATE

60  
July 30, 2010

have \$5.5 million to spend on TV ads, which drive many of us to distraction, or are they going to have \$8.5 million, public dollars, each to run TV ads to drive us all nuts?

Mr. President, I would respectfully encourage my colleagues, if the premise here is that we need to have equity and equilibrium and all this stuff, let's wait and see who wins the primary, because I for one am not going to sleep very well at night knowing that we took \$6 million that I could use to help my soup kitchen restock its shelves and instead dumped it into a black hole where two participating candidates are now going to blow \$6 million, 6 million public dollars on an endless barrage of distasteful, often distasteful, often distortive, often -- you want to talk about a mockery, I think the television commercials that our public dollars are buying are not elevating the public discourse.

And, Senator McDonald, if your constituents are fortunate enough to be insulated from them, I might take the position that they're going to be better educated voters than those of us that are subjected to them constantly.

Listen, we aren't even at the primary yet, and people are sick and tired of these television

rd/mb/md  
SENATE

61  
July 30, 2010

commercials. I think they know who the candidates are, the ones up are up on TV. They know who they are. They haven't even spent two and half million dollars yet. Everyone knows who's in the game and I, for one, hope that the determining factor for who wins the election in November isn't the person that spends the most dough.

So shame on us for -- particularly, if the two winners of the primaries are participating candidates, shame on us for dumping 6 more million dollars into this black hole when I think it could be used for a lot more socially beneficial purposes.

I urge support of the amendment.

Thank you, Mr. President.

(President in the Chair.)

THE CHAIR:

Senator Boucher.

SENATOR BOUCHER:

Thank you, Mr. President.

Mr. President, I rise to support the amendment. I do so as one of the few people in the House on my side of the aisle that actually originally voted for this campaign-finance law with the understanding that

rd/mb/md  
SENATE

62  
July 30, 2010

it would set guidelines, rules, and create a more even playing field, not with the supposition that the rules would change at any given time to advantage one side or another or one candidate for another.

I also do remember as well we had a candidate who was incredibly wealthy, Brook Johnson, that was running for a U.S. Senate seat and did not -- and was not successful in that race no matter how much money they had going into it. It is an unhappy day that we're here today to even address this, but I strongly support this amendment. I think it's the right thing to do, and I think the public would be behind us in this direction.

Thank you, Mr. President.

THE CHAIR:

Senator McLachlan.

SENATOR McLACHLAN:

Thank you, Mr. President. Nice to see you there this afternoon.

I am standing in support of the amendment. I'd like to thank Senator Debicella for bringing this very simple amendment forward. In fact, isn't this wonderful how we can have a piece of legislation be fixed and save \$3 million with such few words. I think this is wonderful.

I'm really standing -- I've already expressed my concerns about the spending, but I'm standing now just to shed light on statements that I think are problematic in government, and that is that the money is sitting there so that justifies us spending it, and ask my constituents in Danbury, Bethel, Sherman or New Fairfield, and if I said that to them, they'd say, go home.

Just because the money is there, doesn't mean we spend it. A federal judge said that the current program that it was budgeted for was not right. We have an opportunity to spend less money. Let's do it.

Thank you, Mr. President.

THE CHAIR:

Thank you, sir.

Senator McKinney.

SENATOR MCKINNEY:

Thank you, Mr. President.

Mr. President, I rise in support of the amendment before us, and I just want to briefly address some of the arguments made in opposition to the amendment, because if I think you listen to the words used and the words not used, you'll understand the spin that has been given.

First, as Senator McDonald very correctly noted,

rd/mb/md  
SENATE

64  
July 30, 2010

the winning candidates in the 1998 and 2002 gubernatorial campaigns -- that would be former governor, John Rowland -- spent 6.9 million and 6.5 million. He did not conveniently talk about how much the winning candidate for governor in 2006 spent. That was \$4 million.

He did not conveniently recognize that the candidate for governor in '98 and 2002 took money from contractors and lobbyists, and a lot of it. And the winning candidate in 2006 did not take a dime from lobbyists and contractors.

So we've heard about how much money it costs to win, but we had a governor who stood up and said, I won't take lobbyist money. I won't take contractor money. I'm going to take almost \$3 million less than my predecessor. I'm going to be outspent by my Democratic opponent and I'm going to win, and I'm going to win with class and grace. And that's what Governor Rell did. John DeStefano raised and spent \$5.5 million. Jodi Rell, \$4 million.

Senator McDonald was kind enough -- and thank you, to let me borrow his inflation calendar. That \$4 million by today's dollars is \$4.4 million. So you've got to look at the whole picture. In 2006, our most recent gubernatorial elections, \$4 million was

rd/mb/md  
SENATE

65  
July 30, 2010

sufficient to get a victory for someone who's running for governor for the first time.

Senator Slossberg referenced the average cost of winning campaigns was about \$6 million and said, well, this grant, 3 million, adding 3 million is 6 million.

And I scratch my head because I had been looking at Dan Malloy's website earlier today and a press release that he sent out in May, saying, I have now qualified for 8 and half million dollars of public funds. And according to Mr. Malloy, I have 23 weeks left and I will be able to spend more money over that 23 weeks than any candidate for governor in the history of the state of Connecticut.

Well, wait a minute. Senator Slossberg is telling me it's 6 million and 6 million. Dan Malloy is telling me it's 8 and a half, and that 8 and a half is more money than anyone has ever spent in the history of the state of Connecticut. I agree with Mr. Malloy. Are we forgetting the 2 and a half million dollars he got to run the primary? Does that not count in our calculation?

So the argument here that what we're doing today is giving someone \$6 million is flatly false. All we need to do is look at Mr. Malloy's press release. It will be 8 and a half million dollars. Eight and half

million dollars is more than anyone has ever spent in the history of the state of Connecticut.

This isn't equalizing it. This isn't looking at historical numbers. This is jacking it up higher than it's ever been before in our history. Now, if you agree with that, that's fine, but let's be honest about what we're doing.

We also didn't hear anything about the \$1.25 million supplemental grant that both participating candidates for governor received, that the Second Circuit has said is unconstitutional. Are we asking for that back? Are we fixing that? Are we deducting that from the \$3 million? No, we're not. So we've now given out 2 and half million dollars that the Second Circuit said was unconstitutional and we are not doing anything to address that.

We've been told this isn't increasing the grant amount. Well, sure. The elections commission has had this money at hand for this 2010 election cycle, and they've built in to have more money to start the 2012 election cycle as well.

And so we're told that since the money was put aside we're not increasing spending. We're told by my good friend, Senator Looney, that we should honor the original intent of this legislation. Well, I ask you,

rd/mb/md  
SENATE

67  
July 30, 2010

under the original legislation, if two participating candidates were to win primaries and run for governor, would they have gotten a supplemental grant of \$3 million? Answer: No.

So if we have two participating candidates for governor who are elected by their parties in the primary on August 10th, which is an extremely likely scenario, we've increased the amount by \$6 million. Fact. Fact.

We also had supplemental grant status -- assumed candidates would spend more money, but there's no guarantee that the self-funding candidates would continue to spend, spend, spend. Maybe they will, but we don't know that.

When you look at the amount of money that was picked to run for governor, it was \$4.25 million. 1.25 for the primary, 3 million for the general. We've heard eloquently from Senator McDonald that isn't sufficient to run for governor. We've proven that's wrong because Jodi Rell did it. That's why we picked the number. I'm sure that's why you did it. You looked at what the most recent gubernatorial election spent. We've heard candidates participated in the system in reliance on this. I don't believe that.

Take out lobbyist money. Take out contractors' money. And in this economy go try to raise the 5 and a half million dollars that Dan Malloy is going to receive. He can't do that. There's no way. No way.

We've heard they relied on this and maybe they wouldn't have joined the system. The system was challenged for it's very existence on constitutional grounds. There was an opportunity and a chance that the court would rule and they would get zero dollars. They were willing to take that chance, but we're supposed to believe that they wouldn't be willing to take the chance that 5 and a half million was all they would get. It's illogical and it makes no sense.

The question here is, do you want to spend an additional \$6 million to support political candidates to run ads, buy bumper stickers, buy bags, buy balloons to run for office, and do you want to do that at a time when we're slashing our budget, cutting programs, when the unemployment rate is at its highest ever in the state of Connecticut, when we're facing nearly \$4 billion budget deficit, when every man, woman and child in the state of Connecticut bears the highest per capita debt in our country? That is the basic question here.

Even proponents -- and look at the transcript

rd/mb/md  
SENATE

69  
July 30, 2010

when this bill originally passed -- even proponents knew you could never level the playing field. Government was never going to pass a public finance system that would equal the playing field between a participating candidate and a self-funding candidate. That was never the goal. The goal was, could you give them sufficient money to run a race for governor?

If Governor Rell can run and win and win handily for \$4 million, I think the candidates we have can run and win at 5 and a half million dollars. They do not need an additional \$3 million. The taxpayer should not bear that burden.

And you know what? If the money is in that fund, that doesn't mean it has to stay there. Every caucus, Democrats, Republicans, Senate, House, agreed at one time or another, in deficit mitigation packages to take money out of the Citizens' Election Fund so we could help balance our budget. That \$6 million would look pretty good to help balance our future budget deficit.

And I urge adoption.

THE CHAIR:

Senator Williams.

SENATOR WILLIAMS:

Thank you, Mr. President.

rd/mb/md  
SENATE

70  
July 30, 2010

I rise to oppose the amendment and also to ask for a roll call vote when the debate is closed.

You know, Mr. President, to a large extent our entire clean election system that we worked so hard on three years ago depends on candidates who participate, receiving the grants that they expect to receive and in believing that those grants will allow them to be competitive and to communicate with the voters of this state and to effectively deliver their message and be heard so that voters across the state can evaluate who the best candidate is, not who has the most money.

And you know, we enacted the Clean Elections Program, as Senator Slossberg referred to earlier, the history of it, we enacted it because of the scandals and the corruption and a desire to move beyond that. A desire to get rid of the dominant special interest influence in the process.

And also to say that while there's nothing wrong with being wealthy and spending your own money on an election, we shouldn't limit the possibility of getting elected and getting your message out to those who have a vast fortune. We need to make sure that when people participate in elections in Connecticut, under our clean elections system, that what they signed up for is there in terms of the commitments

rd/mb/md  
SENATE

71  
July 30, 2010

that were made so they get the resources they need to communicate with the voters and the voters are not let down and that there is a vigorous debate and that a candidate is not swamped by special interest or swamped by a wealthy candidate.

Now, my good friend Senator McKinney talked about the candidates who are participating, for example, in the governor's race -- knew that there was a lawsuit pending that could impact the system. But I believe that those candidates who were participating would have expected us to do exactly what we were -- are doing right now if the court had struck down the matching fund provision.

Because to believe otherwise, I think would suggest that those candidates should have not participated if they knew that they were only going to be eligible for \$3 million dollars in a general election. No winning candidate in the last three cycles has ever spent \$3 million. Most losing candidates have spent more than \$3 million in the last three cycles.

So I believe those candidates would have expected us to do exactly what we're doing now, which is to come in and fix it and live up to the spirit and original intent of the clean elections law, which is

rd/mb/md  
SENATE

72  
July 30, 2010

fairness to those who are participating, getting them the resources that they need to get their message out and compete fairly.

Senator Slossberg and I believe Senator McDonald mentioned that, you know, the universe of resources for a candidate under the clean elections law, prior to the Second Circuit opinion, was not \$3 million or even \$6 million. It was \$9 million.

Now, we're talking about capping that at \$6 million. That's why we don't need new money. That's why there's existing money in the fund to cover this. I think few people expected that the actual expenditure in a general election race would be only \$3 million.

You know, even if you don't adjust for inflation, the average of the last three cycles, the last three gubernatorial elections, the winning candidate spent \$5.8 million, almost \$6 million, not adjusted for inflation. Adjusted for inflation, it's well over \$7 million. We're talking about capping this at \$6 million.

Now, it is true, four years ago Governor Rell ran and spent \$4 million and won. But I would suggest this to folks, that we recall that, A, she was an incumbent governor and, B, she had a 70 percent

rd/mb/md  
SENATE

73  
July 30, 2010

approval rating. I'm sure any candidate who is in the race right now would trade to be an incumbent and to have a 70 percent approval rating and take the \$4 million as opposed to the \$3 million grant. And even at that, let's remember 4 million is more than 3 million. And I didn't see an amendment from our friends on the other side of the aisle to increase the grant by \$1 million.

So, for all of those reasons, I oppose this amendment, but most importantly, for the reason of fundamental fairness. We're talking about living up to the intent and spirit of the original clean elections law. That's what we're fighting for today, Mr. President.

Thank you.

THE CHAIR:

Thank you, Senator Williams.

Will you remark further on Senate "A"? Will you remark further?

If not, Mr. Clerk, please call for a roll call vote. The machine will be open.

THE CLERK:

An immediate roll call vote has been ordered in the Senate. Will all Senators please return to the chamber. An immediate roll call vote has been ordered

rd/mb/md  
SENATE

74  
July 30, 2010

in the Senate. Will all Senators please return to the chamber.

THE CHAIR:

Have all Senators voted? If all Senators have voted, please check your vote. The machine will be locked. The Clerk will call the tally.

THE CLERK:

Motion is on adoption of Senate Amendment  
Schedule "A."

|                             |    |
|-----------------------------|----|
| Total Number voting         | 34 |
| Those voting Yea            | 12 |
| Those voting Nay            | 22 |
| Those absent and not voting | 2  |

THE CHAIR:

The amendment fails.

Will you remark on Senate Bill 551?

Senator Fasano.

SENATOR FASANO:

Thank you, Mr. President. Mr. President, to the proponent of the bill, through you.

THE CHAIR:

Senator Slossberg.

SENATOR FASANO:

Thank you, Mr. President.

Mr. President, through you.

rd/mb/md  
SENATE

75  
July 30, 2010

Senator Slossberg, it's my understanding that the original bill, before the court had its ruling, the underlying bill prohibited lobbyists from -- prohibited communicator lobbyists or their immediate family from knowingly soliciting from anybody. Is that my understanding of the original bill?

Through you, Mr. President..

THE CHAIR:

Senator Slossberg.

SENATOR SLOSSBERG:

Thank you, Mr. President. Through you, yes, that is correct.

THE CHAIR:

Senator Fasano.

SENATOR FASANO:

Thank you, Mr. President.

And then, through you, it's my understanding that the court believed that that prohibition was too broad. I believe the court found that such a prohibition was unconstitutional and was too broad and struck that provision. Is that correct?

Through you, Mr. President.

THE CHAIR:

Senator Slossberg.

SENATOR SLOSSBERG:

rd/mb/md  
SENATE

76  
July 30, 2010

Thank you, Mr. President. Through you, yes, that is my understanding as well.

THE CHAIR:

Senator Fasano.

SENATOR FASANO:

Thank you, Mr. President.

And through you, Mr. President, today the amendment seeks to, one, narrow that solicitation to a more narrow group of people and commence that prohibition on January 1, 2011. Is that correct?

Through you, Mr. President.

THE CHAIR:

Senator Slossberg.

SENATOR SLOSSBERG:

Yes. Through you, Mr. President, yes. That is correct.

THE CHAIR:

Senator Fasano.

SENATOR FASANO:

And I guess if the understanding -- the preamble to this bill that you so elegantly stated at the beginning was to say that this is a clean election bill. The point of the underlying bill was to prohibit what some would perceive as special interest money being put into the system where lobbyists would

rd/mb/md  
SENATE

77  
July 30, 2010

talk to other folks and push a particular candidate who may believe in the clients that they represent, perhaps. And the idea was to make this a clean bill.

It went too far and now we've narrowed it, but what we've said is, we're not going to enact that ban as narrow as replacing it until January 1, 2011. Is that correct?

Through you, Mr. President.

THE CHAIR:

Senator Slossberg.

SENATOR SLOSSBERG:

Yes, Mr. President. Through you, yes, that is correct.

THE CHAIR:

Senator Fasano.

SENATOR FASANO:

So the original bill did not allow any solicitation on a broad space. The court said that's unconstitutional. We sit here today to change this bill. The underlying bill says, no solicitation, and what we're going to do is we're going to narrow it in the hopes of keeping that preamble alive.

Now, we're not going to allow undue influence and keep special interest, but we're not going to do this until January 1, 2011, which is after this election

rd/mb/md  
SENATE

78  
July 30, 2010

cycle. Is that correct?

Through you, Mr. President.

THE CHAIR:

Senator Slossberg.

SENATOR SLOSSBERG:

Yes. Thank you, Mr. President.

Through you.

SENATOR FASANO:

And what is the --

THE CHAIR:

Senator Fasano.

SENATOR FASANO:

Sorry, Mr. President.

THE CHAIR:

It's quite all right.

SENATOR FASANO:

And what is the rationale to say, you know what, we're going to release this ban, and we're going to allow lobbyists the ability to solicit outside of the group that's been prohibited for this election? Why are we going to do that?

Through you, Mr. President.

THE CHAIR:

Senator Slossberg.

SENATOR SLOSSBERG:

Through you, Mr. President, thank you.

As you spoke, the court found that the ban on solicitation, that soliciting is a core and fundamental right and that -- something to have an outright ban was something that they struck down.

While we believe that a more narrow ban is supportable, I think that there is the potential that that could draw a legal challenge. And as we know, we are three months away from an election and in the case that we continue to have legal challenges, it throws the rest of our system into question, and we need to continue to preserve the predictability and the stability of the system.

So if we are going to draw legal challenge, it would make some sense to do so after the election.

THE CHAIR:

Senator Fasano.

SENATOR FASANO:

And that legal challenge in that provision would be similar if you were enacted -- if you were to have the effective date today. As I understand your discussion here, that that provision would be -- attacks similar to the way -- the way the underlying bill was attacked on constitutional grounds. Is that correct?

rd/mb/md  
SENATE

80  
July 30, 2010

Through you, Mr. President.

THE CHAIR:

Senator Slossberg.

SENATOR SLOSSBERG:

Thank you, Mr. President.

Through you, Mr. President, I can't speak to as how it would be attacked, but that would be -- if I had to guess, I would say so.

SENATOR FASANO:

Okay.

THE CHAIR:

Senator Fasano.

SENATOR FASANO:

Thank you, Mr. President. I thank Senator Slossberg for the answers.

So the argument, as I understand, it goes that we pass the Citizen Election Bill of 2005, that one could argue, I guess, it had some unconstitutionality of it. That bill was challenged in early 2006. Judge Underhill made a decision in 2009, and here we are July 10, 2010, some four and a half years after we approved the bill, almost five years after we approved the bill, and we've played by the same law -- same rules of the underlying bill because it stayed intact.

Citizen Election did their job. Campaign

rd/mb/md  
SENATE

81  
July 30, 2010

contributions followed the law. We all followed the law if we participated in it, and now we're afraid that, if we do something that could be deemed unconstitutional, in three months the court is going to stop us. What took four and a half years, somehow someone believes in three and a half months, the court is going to stop us. If it is unconstitutional and there is a challenge, there is no way a decision in the court is going to happen between now and election time in November.

So what we're saying is we know what history has proven, and it is a fact that it took almost five years, but we are going to open up the floodgates on the very thing that we're most afraid of, the perception of undue influence. Clean elections, well, except for this -- except for this, we're going to allow lobbyists to solicit on behalf of elected officials, to go and make arguments or discussions of why they should support people, at least to 2000 -- at least until January 1st. Let's at least get the cycle in, and let's get our checks in now, because now is the election. We're either going to pass clean law or we're not going to pass a clean law.

I supported this bill before. I supported the original legislation before because it did, on the

perception, create a clean campaign. And we've already created a loophole the very day we corrected it. The very day we sit here and give accolades to this bill about how it is going to make us clean and how we're going to keep special interests out. We leave the back door open for this election. That's hypocrisy. That's hypocrisy.

You're either going to make a bill that is correct and follows what you're saying or you're not. But don't say you're doing it and you're not doing it.

Let's speak to the facts of this bill. Not only are we doing it for lobbyists, but we are also doing it for contractors. In line 998, we've allowed contractors, state contractors now, where they couldn't do solicitation, we're going to allow them now to do solicitation to January 1st, the same thing we did with lobbyists, the two very groups we sat in this circle back in 2005 and said we've got to keep out, the two very groups we said we need to keep out of elections because they're going to derail a clean election, the very groups we've been talking about today when we started this discussion and when the Senate President ended the discussion.

Clean campaigns, but we made a loophole in the very law we're correcting. I don't get it. I don't

rd/mb/md  
SENATE

83  
July 30, 2010

get. And to say the fear is it may be unconstitutional and somehow the court is going to swoop in in the next three and half months when it took five years is ludicrous. Those of us who practice law know nothing works quite that fast in law. It didn't in 2005 and it isn't in 2010, and even if you thought it would, we raid -- we should weigh the risks, the risk of so many attacking this law because it's unconstitutional versus saying we're passing clean election. And what we did is we left a huge loophole. We left a huge tunnel from which we can never say we buttoned it up in 2010 because, frankly, we did not.

With that, Mr. President I would ask the Clerk to call LCO 5958.

THE CHAIR:

Mr. Clerk.

THE CLERK:

LCO 5958, which will be designated Senate Amendment Schedule "B." It is offered by Senator Fasano of the 34th District, et al.

SENATOR FASANO:

Thank you, Mr. President.

THE CHAIR:

Senator Fasano.

rd/mb/md  
SENATE

84  
July 30, 2010

SENATOR FASANO:

Thank you, Mr. President.

Mr. President, I move the amendment, and I request permission to summarize.

THE CHAIR:

Acting on approval of the amendment, sir, please proceed.

SENATOR FASANO:

Thank you, Mr. President.

Mr. President, what this amendment seeks to do is to say starting today, starting today, starting when the bill is passed today, this amendment, we will plug up the loophole. We will not have a loophole that goes to the very heart of clean elections. What this says is we're going to stop lobbyist solicitation now, not in 2011. We are going to stop contractor solicitation now, not in 2011. And we are going to make clean elections now, not in 2011, because we believe clean elections is the best path for the state of Connecticut. That's what this amendment will search to do.

Mr. President, I urge adoption of this amendment. Thank you.

THE CHAIR:

Thank you, sir.

rd/mb/md  
SENATE

85  
July 30, 2010

Will you remark? Will you remark further on  
Senate Amendment "B?"

Senator Slossberg.

SENATOR SLOSSBERG:

Thank you, Mr. President.

I rise in opposition to the amendment, and I'd  
ask for a roll call vote with regard to it, for all of  
the reasons that I stated before.

The court found that the limit on solicitation of  
otherwise permissible contributions prohibits exactly  
the kind of expressive activity that lies at the First  
Amendment's core, and while I believe that, you know,  
putting this forward in January is something that's a  
risk that we're willing to take with regard to  
challenging the court, again it puts the program in  
jeopardy if we were to turn around in face of the  
language -- the clear direction we received from the  
court to try to do this now. Thank you, Mr.  
President.

THE CHAIR:

Thank you, ma'am.

Senator Looney.

SENATOR LOONEY:

Thank you, Mr. President. Also speaking in  
opposition to the amendment.

As Senator Slossberg said, Mr. President, in this case, the soliciting, and the Second Circuit opinion was given a very, very high level of protection, and the court clearly distinguished between the acts of soliciting as opposed to contributing, because soliciting is more -- more purely speech at the core of the First Amendment as Senator Slossberg said -- and because of that the Court, in effect, applied a strict scrutiny standard to all of the -- all of the act solicitation bans and to be on a -- and to be upheld under that standard of law -- as opposed to a merely sufficient one and be narrowly tailored to achieve that interest. So anything that we do that limits solicitation is going to be, in effect, more potentially vulnerable because of the very high degree of strict scrutiny applied to those provisions.

Hence, we wanted to be -- to be cautious and make sure that we were not going to be undertaking any portion of this bill that was going to likely to -- to invite a further threat of invalidation of another portion. Therefore, I think it was more prudent to proceed, as does the underlying bill.

Thank you, Mr. President.

THE CHAIR:

Thank you, sir.

rd/mb/md  
SENATE

87  
July 30, 2010

Will you remark further On Senate "B"? Will you remark further?

Senator Roraback.

SENATOR RORABACK:

Thank you, Mr. President.

Through you, a question to Senator Slossberg.

THE CHAIR:

You're saying you don't want to answer that --  
Senator Slossberg.

Senator Roraback.

SENATOR RORABACK:

Thank you, Mr. President. Through you.

I'm just trying to follow what's being said here,  
and through you, Mr. President to Senator Slossberg,  
my understanding is the underlying bill contains a  
severability provision. Is -- do I read that  
correctly, Mr. President.

Through you to Senator Slossberg.

THE CHAIR:

Senator Slossberg.

SENATOR SLOSSBERG:

Through you, Mr. President, yes. That would be  
correct. There is a severability provision in the  
bill.

THE CHAIR:

rd/mb/md  
SENATE

88  
July 30, 2010

Senator Roraback.

SENATOR RORABACK:

Thank you, Mr. President.

My understanding is that the import of the severability provision is that if any part of what we do doesn't cut the mustard with the court, everything else will continue to breathe life.

Mr. President, through you to Senator Slossberg, is that how she understands the import of the severability clause?

THE CHAIR:

Senator Slossberg.

SENATOR SLOSSBERG:

Yes, Mr. President, thank you.

Through you, that's the intent of restoring a traditional severability clause, but there is no guarantee that if we don't respond to what the court struck down and the court's expression with regard to their concerns, it -- there's no guarantee that Judge Underhill wouldn't find that this is integral to the system and strike down the entire thing. That's our best effort at it.

THE CHAIR:

Senator Roraback.

SENATOR RORABACK:

rd/mb/md  
SENATE

89  
July 30, 2010

Thank you, Mr. President.

I'd like, Senator Slossberg, if she would, to the best of her ability, articulate what she thinks is the worst possible thing that could happen if this amendment passes.

Through you, Mr. President to Senator Slossberg, what is going to cause her to toss and turn tonight in her bed if this amendment should pass. Through you, Mr. President to Senator Slossberg.

THE CHAIR:

Senator Slossberg.

SENATOR SLOSSBERG:

Thank you.

Through you, Mr. President. Very interestingly worded question. I'd like to think that nothing is going to require me to toss and turn this evening when I leave. Hopefully, it won't be so late that I feel too exhausted.

But having said that, I think the concern here, quite frankly, is that the -- this would invite further legal action and there would be somehow -- there would be some sort of an injunction and the entire program would be enjoined, and all of the candidates that are relying on it would not be able to go forward.

rd/mb/md  
SENATE

90  
July 30, 2010

THE CHAIR:

Senator Roraback.

SENATOR RORABACK:

Thank you, Mr. President.

And through you to Senator Slossberg, my understanding of how things have played out so far is once candidates get the money, even Judge Underhill I think said, Geez. Nothing I can do. You know, once they've got the money, they're off to the races.

So it's not clear to me, Mr. President, if the concern is that this is going to give rise to additional litigation, it's going to give rise to additional litigation whether the effective date -- if I'm mad about this, as a lobbyist, I could go to court tomorrow whether the effective date is January 1 or whether the effective date is upon passage.

So it's not going to slow down the pace of a court challenge, and it's not going to slow down -- it's not going to slow down a result by having a later date. I'm, again, to Senator Slossberg, she -- the risk she perceives is that if this amendment passes, the court is going to make a final decision in advance of candidates receiving their grants under the clean election program.

Through you, Mr. President to Senator Slossberg.

rd/mb/md  
SENATE

91  
July 30, 2010

THE CHAIR:

Senator Slossberg.

SENATOR SLOSSBERG:

Yes. Thank you.

Through you, Mr. President, I believe that my answer is that this invites further legal battles that we don't need to be addressing at this time.

THE CHAIR:

Senator Roraback.

SENATOR RORABACK:

So even though we believe this is the right thing to do, we don't believe that it's right enough to do now. Through you, Mr. President to Senator Slossberg.

THE CHAIR:

Senator Slossberg.

SENATOR SLOSSBERG:

Thank you.

Through you, Mr. President, I believe this is the right thing to do on January 1, 2011.

THE CHAIR:

Senator Roraback.

SENATOR RORABACK:

Thank you, Mr. President.

I appreciate Senator Slossberg's answers, but I will respectfully be supporting the amendment. If

rd/mb/md  
SENATE

92  
July 30, 2010

it's right in January, it's right today.

Thank you, Mr. President.

THE CHAIR:

Will you remark further on Senate "B?"

Senator McKinney.

SENATOR MCKINNEY:

Thank you, Mr. President.

I rise in support of the amendment and briefly just to summarize, either this is constitutional or not. If the court and the majority believe it is constitutionally permissible to prohibit lobbyists from soliciting their clients, which the majority, Senator Slossberg has said it is constitutional, then you do it now. If it's constitutional, it's constitutional. If it's right, it's right.

And if you read the court decision -- I just reread the court decision on the ban of solicitation -- they said that the State's ban was too broad and that less -- more restrictive, less broad alternatives exist. Hint, hint. Go find them. Prohibiting a lobbyist from soliciting their brother, their neighbor, their mother is broad. Prohibiting them from soliciting their clients is very narrowly tailored to address a very important government interest, a government interest which Senator

rd/mb/md  
SENATE

93  
July 30, 2010

Slossberg herself led off the very debate detailing, detailing why we engaged and went down this path in the first place was to have clean elections, to get rid of at least the appearance; if not the exact corrupting influence, of lobbyists and contractors.

The court has said your ban was too broad. Come back with a less restrictive alternative and the majority has said we have a less restrictive alternative that is good public policy. It's constitutional, and it's so good we're going to wait until the next election cycle because we want lobbyist money pouring in now.

So the question is, do you believe lobbyist money is corrupt and shows the appearance of corruption, and if you do, why are you afraid of a lawsuit? Why are you -- we've had more lawsuits on both sides of the aisle than any of us want, and the people of Connecticut are tired of it.

But if lobbyists want to sue for their right to go to their clients and say I want you to give to this candidate, I want you to give to that candidate, let them go sue. I think there are 36 people in this circle and a couple million people in the state of Connecticut who would stand up and say we think it's wrong and enough is enough. If it's constitutional,

rd/mb/md  
SENATE

94  
July 30, 2010

it's constitutional, and we should do it now.

THE CHAIR:

Will you remark further on Senate "A"?

Senator Williams.

SENATOR WILLIAMS:

Thank you, Mr. President.

I rise to oppose the amendment, but to agree with my colleagues on the other side of the aisle in terms of what they want to accomplish with this and agree with them that, yes, we want to make sure that we are limiting, to the greatest extent, impermissible influence on the legislative process by lobbyists and special interests.

And this is a close call. This is a close call. A decision was made to make this ban in the underlying bill effective on January 1st as opposed to immediately, which is what this amendment would do. And that judgment was made because -- and Senator Slossberg has already eloquently spoken to this point -- because we don't want to get dragged back here in September or October with a judge who may say, you know what, this issue cuts right to the core of the publicly financed system, and I'm going to enjoin this system for a day or a week or two weeks while we figure this out and decide whether it's severable and

decide whether this is constitutional or not.

But I think it's unfortunate that we had a decision that came down at the beginning of July of this month and that we're here today. I think the folks who've said, you know, that has caused some disruption are certainly right, but we're here to fix that and get back on track. And we don't need another disruption in our election cycle. And what the people of Connecticut want is certainty and to be able to listen to and evaluate the candidates. And what the candidates want is certainty as to how to proceed between now and November and be sure that they have the resources and that the judge isn't going to come barging in in the closing weeks of the campaign and say, You know what, freeze everything. No more grants go out. Just time out while I figure this out. So it is a close call.

Because Senator McKinney, Senator Roraback, the other Republicans who spoke in favor of this amendment, I agree with you. And I wish that we could make this effective immediately and be certain that there would not be further court intervention in our system between now and November. But I would say on balance, let's preserve the playing field as is between now and November without further court

rd/mb/md  
SENATE

96  
July 30, 2010

intervention, at least not invite that and then -- but let's put this prohibition in place as of January 1.

If anybody wants to challenge it, fine.

Challenge it in court. We believe it's constitutional. We believe it will be upheld, but it will not -- but for whatever reason if a court decides otherwise, it will not further disrupt this cycle.

Thank you, Mr. President.

THE CHAIR:

Thank you, sir.

Will you remark further on Senate "B"?

Okay.

Will you remark further on Senate "B"?

If not, Mr. Clerk please call for a roll call vote. The machine will be open.

THE CLERK:

An immediate roll call vote has been ordered in the Senate. Will all Senators please return to the chamber. An immediate roll call vote has been ordered in the Senate. Will all Senators please return to the chamber.

THE CHAIR:

Have all Senators voted? And all Senators have voted. The machine will be locked. The Clerk will call the tally.

rd/mb/md  
SENATE

97  
July 30, 2010

THE CLERK:

The motion is the adoption of Senate Amendment  
schedule "B."

|                             |    |
|-----------------------------|----|
| Total Number voting         | 36 |
| Those voting Yea            | 12 |
| Those voting Nay            | 24 |
| Those absent and not voting | 0  |

THE CHAIR:

Amendment "B" fails.

Will you remark further on Senate Bill 551?

Senator McKinney.

SENATOR MCKINNEY:

Thank you, Mr. President.

Mr. President, one of the constitutional infirmities found by Judge Underhill and affirmed by the Second Circuit was the fact that our ban on lobbyist contributions was unconstitutional. And this bill before us purports to fix that decision by Judge Underhill.

In reality, though, Mr. President, upon reviewing the bill before us, it does more than simply fix the fact that the court found lobbyist contributions -- a ban on lobbyist contributions unconstitutional. And I think it's something that we should talk about, and because of that, through you, Mr. President, I'd like

rd/mb/md  
SENATE

98  
July 30, 2010

to ask Senator Slossberg several questions.

THE CHAIR:

Senator Slossberg.

SENATOR MCKINNEY:

Thank you, Mr. President.

Senator Slossberg, just as a basic matter, would you agree with me that the court, looking at our voluntary public financing system, would probably strike down, were it not voluntary, spending caps, limits on how much you can spend on your campaign and the like? Through you, Mr. President.

THE CHAIR:

Senator Slossberg.

SENATOR SLOSSBERG:

Thank you. Through you, Mr. President, my understanding is courts have struck down limits on campaign spending where they're not voluntary.

THE CHAIR:

Senator McKinney.

SENATOR MCKINNEY:

Thank you, Mr. President, and I would agree.

And part of this, Mr. President, is long ago established by Buckley versus Valeo, where the Supreme Court of the United States said that a candidate's receipt of public funds may constitutionally be

rd/mb/md  
SENATE

99  
July 30, 2010

conditioned on campaign finance restrictions that would be unconstitutional if imposed mandatorily on all candidates.

Therefore, as I read that, through you, Mr. President, to Senator Slossberg, I read that as saying that if you have a system that's voluntary, you could make a condition of participating in that system something that, where if you are required to do it, would be unconstitutional. Would you agree with that Senator Slossberg?

THE CHAIR:

Senator Slossberg.

SENATOR SLOSSBERG:

Thank you.

Through you, Mr. President, in a theoretical sense, yes.

THE CHAIR:

Senator McKinney.

SENATOR MCKINNEY:

Thank you.

And through you, Mr. President to Senator Slossberg, as I read the court's opinion in the Garfield case, they struck down Section 9-610(g) of our general statutes, which was the ban on lobbyist contributions. Is that correct? Through you, Mr.

rd/mb/md  
SENATE

100  
July 30, 2010

President.

THE CHAIR:

Senator Slossberg.

SENATOR SLOSSBERG:

Thank you, Mr. President.

Through you, that's my understanding.

THE CHAIR:

Senator McKinney.

SENATOR MCKINNEY:

Thank you, Mr. President. And through you, Mr. President, it is further my understanding that the court did not strike down 9-704 of our general statutes. Is that correct? Through you, Mr. President.

THE CHAIR:

Senator Slossberg.

SENATOR SLOSSBERG:

Thank you, Mr. President.

Through you, it's my understanding that the court did not specifically strike down that section; however, there is certainly language with regard to bans and limits on contributions.

THE CHAIR:

Senator McKinney.

SENATOR MCKINNEY:

rd/mb/md  
SENATE

101  
July 30, 2010

Well, through you, then, Mr. President, it's further my understanding that, in fact, 9-704 was not challenged by the plaintiffs in this matter and if not challenged and not brought before the court and not struck down by the court, then 9-704, as a legal matter, not a policy matter, but as a legal matter would still be good law. Is that correct? Through you, Mr. President.

THE CHAIR:

Senator Slossberg.

SENATOR SLOSSBERG:

Thank you.

Through you, Mr. President, I guess I would agree with that.

THE CHAIR:

Senator McKinney.

SENATOR MCKINNEY:

Thank you. Thank you very much, Senator Slossberg. Mr. President, the reason why I engage in those questions is that -- and thank you for answering those questions. I have no further -- I don't want you to stand. Thank you.

SENATOR SLOSSBERG:

Thank you.

SENATOR MCKINNEY:

The reason why I engaged in that conversation is that we have two statutes that refer to lobbyists. 9-610(g) bans lobbyists from contributing to our campaigns. That section was struck down by the court. 9-704 says that lobbyist contributions shall not be considered qualifying contributions for participating candidates and must be returned. 9-704 is good law in the state of Connecticut. It was not struck down by the court. Were we to be here and simply be curing just the infirmity found by the court, we would not be deleting 9-704 from our statutes, but that's what the majority party is doing. So let's take a look at it.

By not striking down 9-704, the court has said, it's okay. It's okay to let lobbyists contribute, but not to count as qualifying contributions. And as I just -- as I just engaged Senator Slossberg in a conversation, that is precisely the history of voluntary campaign reform as put forth in Buckley versus Valeo. As Senator Slossberg just said, if you make a system voluntary, you can permit something that would otherwise be unconstitutional if it were mandatory.

So for example, in our current law, and unchanged by this fix, if you don't participate in the system and run for the State Senate, you can get a

rd/mb/md  
SENATE

103  
July 30, 2010

contribution for a thousand dollars. If you do participate, you are limited from taking contributions from -- for \$100. Now, allowing one candidate to get a thousand dollars and another candidate to get a hundred dollars, one would argue, would be an equal protection violation, but it's not because I choose voluntarily to limit myself to a hundred dollars.

Look at our race, again. If you don't participate as a candidate for the State Senate, you could spend 2, 3, 4, 500,000 dollars. If you choose to participate, you are limited to \$100,000.

There are 36 Senators here. I dare say we all agree that if we were to mandatory cap spending on elections, it would be unconstitutional. So how is it constitutional to cap spending on our elections because it's voluntary? We choose to do that as a condition of getting public funds. That has been a well-standing United States Supreme Court precedent since Buckley versus Valeo. So where does that get us on lobbyist contributions. Banning lobbyist contributions is unconstitutional. Making it a condition to voluntarily participate in a public finance system where you don't accept a lobbyist contribution and they won't be counted as qualifying contributions is not unconstitutional.

rd/mb/md  
SENATE

104  
July 30, 2010

And in fact, if you read the decision by Judge Underhill and if you read the decision by Second Circuit, they never address 9-704, and they specifically say that they're striking down 9-610 and talk about, quote, we conclude, as a result, that on this record a limit on lobbyist contributions would adequately address the State's interest in combating corruption and appearance of corruption on the part of lobbyists.

Saying that lobbyist contributions do not amount to qualifying contributions is a limit. The court is not simply talking about a financial limit. We have a smart court here. If they were simply talking about a limit in amount of money, they would have said so. They said you could put limits on lobbyist contributions, not a ban. Saying that lobbyists can contribute to whoever they want, but if you want to participate you can't count it as qualifying is a limit and, I argue, constitutionally permissible.

Now, if you don't agree with me, take the word of people who've opposed me throughout this whole process. The Campaign Legal Center and the Justice Brennan -- the Brennan Center for Justice have issued legal briefs that say the exact same thing. It is absolutely good law in the state of Connecticut to

rd/mb/md  
SENATE

105  
July 30, 2010

have 9-704. It's never been challenged. And let me ask you this: Do you think the attorneys for the lobbyists didn't know 9-704 existed? Did you think that they were so stupid that they read to 9-610 and stopped reading? Of course not.

The lobbyists challenged the ban on contributions in 9-610. Lobbyists did not challenge the prohibition of counting their contributions as qualifying contributions to a participating candidate in 9-704. So my question is why are we? Why are we?

It is absolutely a matter of public policy, and it is within our purview, as the Legislature only, not the courts, to determine what the conditions are for people to participate in the public financing scheme. And I would argue that -- and I only refer to Senator Slossberg's opening about the long history of undue influence and the appearance of undue influence and corruption from lobbyists to show that the State has a strong public interest in not using taxpayer dollars to subsidize participating campaigns that are funded by lobbyist contributions. And that is what you are doing in your bill.

If you allow lobbyist contributions to act as qualifying amounts in 9-704, you have undermined the entire system. This system was about clean elections.

rd/mb/md  
SENATE

106  
July 30, 2010

Contractors and lobbyists get out. And in exchange, we're going to do something that's uncomfortable. We're going to spend 40 to 50 million dollars of taxpayer money. What do we have now? We end up with spending 40 to \$50 million, and the lobbyists are back in the game better than ever. It is mind-boggling, absolutely mind-boggling in the face of the legal fact, indisputable legal fact that 9-704 is still good law, that we would undo it.

Let the lobbyist challenge it because you know what the judge is going to say? Here's exactly what the judge is going to say: Attorney so-and-so, I'm glad you brought the challenge to 9-704. Here's my first question: why didn't you bring it the first time? You brought a lawsuit. You briefed it. It went on appeal. You never challenged 9-704.

Did you know it existed?

Yes, your honor, I did.

You didn't challenge it. Get out.

That's what would happen. The lobbyists sued because they said, a contract ban was unconstitutional. They did not sue and say, making their contributions qualifying amounts was unconstitutional. That's a fact.

But here we are, and the Democratic majority is

rd/mb/md  
SENATE

107  
July 30, 2010

saying we are going to go beyond what the court said and we are going to allow lobbyists back in the game. And so we will now have public-funded campaigns through the dollars of taxpayers going to support campaigns funded by lobbyist contributions. If that was the reform you intended, if that was, as Senator Looney said, what we're about today is getting to the original intent of what we intended, and then I'm surprised because I don't think that's what you intended when you did this.

And I think the only answer -- and I know this is cynical -- but the only answer as to why you're taking out 704 is maybe you like having that lobbyist money back in the game. Maybe you do. Maybe you do because there are many legal experts, many legal experts who've said you could go ahead and do this.

The court itself directed us to limit lobbyist contributions, not ban them. They didn't say give them free rein. Basically limit them, not ban them. And that's exactly what this is, and I would urge adoption.

Sorry, Mr. President. I didn't call the amendment so I'm going to do that.

THE CHAIR:

Yeah.

rd/mb/md  
SENATE

108  
July 30, 2010

SENATOR MCKINNEY:

Mr. President, I believe the Clerk is in possession of LCO 5960.

THE CHAIR:

Mr. Clerk.

THE CLERK:

LCO 5960, which will be designated Senate Amendment Schedule "C." It is offered by Senator McKinney of the 28th District, et al.

THE CHAIR:

Senator McKinney.

SENATOR MCKINNEY:

Thank you, Mr. President. I move adoption of the amendment and ask that when the vote is taken, it be taken by roll call.

THE CHAIR:

A roll call vote will be ordered.

Do you want me to play that tape back, or are you going to do the whole thing all over again?

SENATOR MCKINNEY:

I think I'll stand on the first time. Thank you, sir.

THE CHAIR:

Terrific. Thank you, sir.

Senator Roraback.

rd/mb/md  
SENATE

109  
July 30, 2010

SENATOR RORABACK:

Thank you, Mr. President. I rise in support of the amendment and Senator DeFronzo has been conspicuous by his silence today. For those of us who remember the long -- the long and thorough and good-faith effort that was made by members of both parties when we initially adopted the campaign finance reform, public financing of campaigns, that process began with a working group that Senator DeFronzo chaired as the, then, Chair of GAE. Senator McKinney and I served as representatives of our caucus.

And, Mr. President, when that process began, we met ten times. We had the world's leading experts on public financing of campaigns come to us. And I think our very first meeting, a Republican Senator from Arizona named Senator Spitzer came, I think, wisely to soften up Republicans to the wisdom of public financing of campaigns. And Senator Spitzer from Arizona made what, to me, was a very compelling point, that the best thing about publicly financing campaigns was it took lobbyists out of the driver's seat in terms of protecting incumbents.

Mr. President, Senator Spitzer said that under the old rules, insiders, incumbents; we know all the lobbyists. They need things from us. We need things

rd/mb/md  
SENATE

110  
July 30, 2010

from them. They wouldn't be foolish enough to contribute to challengers.

And so by taking lobbyists out of the equation, we were going to restore a modicum of integrity to the system and most of all boost public confidence that lobbyists are not in control.

Mr. President, the bill before us, in my view, represents the worst of all possible worlds because rather than comforting the public that the lobbyists are not in control up here, we put the lobbyists, we give them the keys to the treasure chest of public financing.

Mr. President, as I read this bill before us, for the first time, if I want to be a publicly financed candidate for State Senate, I can go to 150 lobbyists and after 16 years in this building, I probably know 150 lobbyists. And it doesn't matter whether they live in my district or don't live in my district. I can ask them to get themselves and their spouses to give me -- actually, 75 lobbyists if I get their spouses -- can you each please give me \$100. You and your spouse. That will give me the \$15,000 that I need to qualify for 85,000 public dollars, all lobbyist money.

Now, that's not it. In truth, the rules will

rd/mb/md  
SENATE

111  
July 30, 2010

require me to go to 300 of my constituents and ask them for \$5 each. So I can get \$1,500 from my constituents and \$15,000 from insiders and lobbyists, and then I can declare myself a clean candidate. Rake in \$85,000 in public dollars and then hold out to the public that we have a clean system that they should have confidence that I'm going to be immune from the pressures of special interests? Ladies and gentlemen, this is a fraud on the people of the state of Connecticut. We have no obligation under the court's ruling to empower lobbyists to protect us and to be in control of our destiny. There's no reason to do it to meet the court's directives. Why are we doing this?

And I guess through you, Mr. President, a question to Senator Slossberg as to why it is that this bill will enable lobbyists to provide 100 percent of the money we need for public financing.

Through you, Mr. President, to Senator Slossberg.

THE CHAIR:

Senator Slossberg.

SENATOR SLOSSBERG:

Thank you.

Mr. President, if the gentleman would please repeat his question. My understanding --

THE CHAIR:

rd/mb/md  
SENATE

112  
July 30, 2010

I think it was a true or false question, ma'am.

SENATOR SLOSSBERG:

This is -- I was just surprised by his question because I'm not the proponent of the amendment.

THE CHAIR:

Senator Roraback.

SENATOR RORABACK:

Fair enough, Mr. President. And first of all, I apologize. My emotions are getting the better of me, and I have been somewhat intemperate in my language and I do apologize for that, but I think Senator DeFronzo would remember how long and hard we worked in crafting the original legislation and the good-faith effort that was brought to bear by members of both parties.

And if I'm reading the underlying bill incorrectly and if I'm wrong, and I hope I'm wrong in my reading, but it wouldn't allow lobbyists to provide all of virtually \$15,000 in seed money for me to get public financing, then I would love to stand corrected. So the reason I posted my questions to Senator Slossberg is because she's the proponent of the underlying bill and Senator McKinney's amendment attempts to alter the underlying bill. So through you, Mr. President, to Senator Slossberg, tell me I've

rd/mb/md  
SENATE

113  
July 30, 2010

got it wrong.

THE CHAIR:

Senator Slossberg.

SENATOR SLOSSBERG:

Thank you, Mr. President. Senator Roraback, I'm  
delighted to tell that you have it wrong.

THE CHAIR:

Senator Roraback.

SENATOR RORABACK:

And thank you, Mr. President. And if Senator  
Slossberg could educate me as to how I have it wrong.

SENATOR SLOSSBERG:

No. This doesn't change --

THE CHAIR:

Senator Slossberg.

SENATOR SLOSSBERG:

This -- thank you, Mr. President. Through you,  
this doesn't change the underlying program with regard  
to the amount of contributions, the qualifying  
contributions that you need to raise.

What it does do is it allows -- it puts the  
lobbyists on the same footing in terms of qualifying  
contributions as everyone else. There's a hundred  
dollar limit, which is an appropriate amount to  
balance the expression of free speech against the

rd/mb/md  
SENATE

114  
July 30, 2010

corrosive influence of lobbying.

But we also know in this bill that we have prohibited bundling so that lobbyists can't go out and have fundraisers and get big envelopes full of money to bring them -- to bring them forward. It doesn't change the underlying requirements of the Citizens' Election Program.

THE CHAIR:

Senator Roraback.

SENATOR RORABACK:

And I held out such hope that I did have it wrong, but Senator Slossberg and I -- I don't think I do have it wrong and because my question to Senator Slossberg, under existing law, if I'm a publicly financed candidate, I can accept zero lobbyist dollars towards my qualifying contributions. Through you, Mr. President, to Senator Slossberg, am I right on that?

THE CHAIR:

Senator Slossberg.

SENATOR SLOSSBERG:

Through you, Mr. President, yes, that is correct. You do not have to -- if I may, you do not have to accept any lobbyist money at all. Nothing has changed that and that's not required, and you still do have to have 300 in-district qualifying contributions.

rd/mb/md  
SENATE

115  
July 30, 2010

THE CHAIR:

Senator Roraback.

SENATOR RORABACK:

Through you, Mr. President, my question wasn't whether I had to have. My question was am I not now currently prohibited from accepting contributions from lobbyists if I wish to be a publicly financed candidate.

THE CHAIR:

Senator Slossberg.

SENATOR SLOSSBERG:

Through you, Mr. President, not after the Second Circuit has ruled.

THE CHAIR:

Senator Roraback, clarify your question.

SENATOR RORABACK:

Mr. President, through you, my question was under the law as on the books prior to the Second Circuit's intervention, it was illegal. And this is -- I don't mean to consume people's time on a Friday night, but I think it's a pretty straightforward question. The program we passed prohibited lobbyists from contributing to participating candidates. Through you, Mr. President to Senator Slossberg, do I have that right?

rd/mb/md  
SENATE

116  
July 30, 2010

THE CHAIR:

Senator Slossberg.

SENATOR SLOSSBERG:

Thank you, Mr. President. Through you, yes, that is correct.

THE CHAIR:

Senator Roraback.

SENATOR RORABACK:

And through you, Mr. President to Senator Slossberg, I believe Senator McKinney established that -- is it 9-704 -- I -- that 9-704, which is the codification of that prohibition was neither challenged nor overturned by the Second Circuit. Through you, Mr. President to Senator Slossberg.

THE CHAIR:

Senator Slossberg.

SENATOR RORABACK:

Did Senator McKinney have that right.

SENATOR SLOSSBERG:

Yes. Through you, Mr. President, yes. That is correct, 9-704 was not before the court and, therefore, it was not struck down.

THE CHAIR:

Senator Roraback.

SENATOR RORABACK:

rd/mb/md  
SENATE

117  
July 30, 2010

And lastly, Mr. President, under the bill before us, it would be lawful for me, would it not, to receive \$100 contributions from 150 lobbyists in this building and to count those as qualifying contributions to unlock 85,000 public dollars to be a clean election candidate with the only additional requirement being that I get 300 folks that live in my district to pony up five bucks a piece, or \$1,500 in toto, and that would be the sum total of my efforts to get to the promised land. Through you, Mr. President to Senator Slossberg.

THE CHAIR:

Senator Slossberg.

SENATOR SLOSSBERG:

Thank you. Through you, Mr. President, if that's the way you choose to go, yes, that is true.

THE CHAIR:

Senator Roraback.

SENATOR RORABACK:

And Mr. President, the only point I'm trying to make is that Senator McKinney's amendment is the only hope we have to restore a modicum of integrity to what this whole thing was about from the very beginning. What's been inserted in the file copy upends, in it's entirety, the efforts to restore confidence to the

rd/mb/md  
SENATE

118  
July 30, 2010

public perception of how things work up here.

And if we pass this bill, we can all say and we should say to the public, the lobbyists are back in control. Incumbents have the upper hand. They no longer have to raise money at home. They can get 95 percent of their dough from the people that need them to get their work done up here at the capitol.

Mr. President, I urge support of the amendment and I will feel like we've let the people down if we allow the underlying bill to stand. Thank you, Mr. President.

THE CHAIR:

Thank you.

Will you remark further on Senate "C?" Will you remark further on Senate "C?"

If not Mr. Clerk please call roll call vote. The machine will be open.

THE CLERK:

Immediate roll call vote has been ordered in the Senate. Will all Senators please return to the chamber. Immediate roll call vote has been ordered in the Senate. Will all Senators please return to the chamber.

THE CHAIR:

Have all members voted? Have all members voted?

rd/mb/md  
SENATE

119  
July 30, 2010

It all members have voted, please check your vote.  
The machine will be locked. The Clerk will call the  
tally.

THE CLERK:

Motion is an adoption of senate amendment  
schedule "C."

|                             |    |
|-----------------------------|----|
| Total Number voting         | 35 |
| Those voting Yea            | 12 |
| Those voting Nay            | 23 |
| Those absent and not voting | 1  |

THE CHAIR:

Amendment "C" fails.

Senator Kissel.

SENATOR KISSEL:

Thank you very much, Mr. President. Great to see  
you this evening.

THE CHAIR:

Wonderful to see your, too, sir.

SENATOR KISSEL:

It's been a very interesting debate this  
afternoon. And to be quite frank, I was undecided as  
to whether I would stand up and speak. But this is a  
very important matter and something that I've tracked  
for a number of years.

Once upon a time, I did serve as the ranking

rd/mb/md  
SENATE

120  
July 30, 2010

Senator on the Government Administration and Elections Committee. And at that time, myself and one of the acting cochairs, Alex Knopf, from downstate, we did -- championed public financing of campaigns. And I do believe that we had some success. Although, ultimately, at the end of the day, we were not able to get the bill passed into law, and back then, there were some very interesting debates both here and in the Senate and down in the House of Representatives.

Later on, as the years progressed, we were able to unite both Republicans and Democrats in forming the current clean elections campaign laws, and that is a very interesting title in that it's more of a goal and an aspiration, but something that we are always striving for. And by that, I mean that it is an imperfect system and we've seen that played out here over the last several months, not only with the original challenge in the district court that was decided by Judge Underhill and then later in the Second Circuit decision, which I believe was written by Judge Jose Cabranes, but also in the myriad challenges that we've seen in this primary season.

And so we do, once again, have an imperfect system. The last colloquy that we had regarding the lobbyist, I think is very important. And I would be

rd/mb/md  
SENATE

121  
July 30, 2010

the last to say that all lobbyists are bad. That's certainly not the case. Quite often, they are experts in the fields of which they are engaged in. They are not merely just advocates on behalf of a certain slant on an issue, but if you need information about a particular field, quite often they know it like the back of their hands.

That being said, though, the public perception regarding lobbyists is exactly, as Senator McKinney so eloquently brought out, as well as Senator Roraback. The public perception is that they are the foxes and we are trying to guard the henhouse. And what we did is we constructed around that henhouse a good, clean elections system, the laws that we have. And I think it's a very important point that if we tie our own hands through statute by saying, if you want to participate in that program you have to sign onto these parameters, that that will withstand a constitutional challenge, and I think we just had that debate. Unfortunately, the amendment lost, but I think limiting lobbyist contributions voluntarily to perhaps those lobbies that live within our districts so that they would be counted towards the 300, but excluding those others by virtue of our voluntarily agreeing to do that to allow us to obtain the funds in

rd/mb/md  
SENATE

122  
July 30, 2010

the system, I think that's a very workable solution. I think it's a fair solution to lobbyists because they would not be prohibited from all contributions. They would still be able to contribute to whatever the candidates were in their district where they live, and so I think that their free-speech rights would be protected, but at the same time we would self-impose on ourselves some discipline so as to really hold up the best election system possible.

The part that sort of decides it for me, and there's a lot of good in this bill, a lot of good housekeeping measures in this bill to address a lot of the nuances, and I commend a lot of those who really worked on this over the last month in light of the decision that was handed down by Judge Cabranes, but it does come down to the money. And I understand that the money has been allocated and I understand that argument, but as you may recall, at the end of the last legislative session, one of the things that over the last several years that I did feel very strongly about and in favor of was the UConn Health Center expansion, and it came down to the fact that as we sort of trundled through the last year or two and the recession really sank in and the fact that we don't have money in this State to meet current obligations,

rd/mb/md  
SENATE

123  
July 30, 2010

I felt at that time that I had to make a difficult decision, and I argued here on the floor of the Senate very passionately that I could not support that initiative. As much as the UConn Health Center was worthy -- UConn is my alma mater. Both a bachelor's of science and education and bachelor's of art and history. I love UConn. But we weren't in a situation this year to make that new initiative, and that's the reality that we're looking at right now.

We're somewhere between 3 billion and 4 billion in the hole. And while we're just talking about, quote/unquote, \$6 million, \$6 million means a lot to my district. I've often sort of spoken to Senator DeFronzo over the years because I did support clean elections in the campaign-financing reform laws, but at the time when it was being cobbled together, I had indicated that at least Senate campaigns that I had been involved in over the years, the expenditures were in the 25-to-30,000 zone each cycle, and all of a sudden to have a hundred thousand dollar campaign, seemed to me to be exorbitant. And my friend and colleague in New Britain indicated that he had to look at the overall picture, as one of the prime drafters of this reform legislation back a few years ago.

And when you look at some of the issues that

rd/mb/md  
SENATE

124  
July 30, 2010

Senator McDonald raised regarding the exorbitant costs of running a campaign in Fairfield County and the various media markets down there and trying to get attention if you're sort of under the umbrella of a New York media market, it is expensive to run a campaign down there.

I hope someday we can figure out a way that fairly inexpensive campaigns in my neck of the woods can be realized while still addressing the concerns downstate. It's just a different world in north-central Connecticut than it is down in Fairfield County. Whether you look at salaries, whether you look at median house prices, whether you look at just the way of living, and yet we don't have any response to that here with our campaign-finance laws. They seem to be a cookie-cutter approach, so that's one area that perhaps we could address.

The \$6 million means a lot. It was a good day in Enfield yesterday. It took us a number of years, and I want to thank Governor Rell for announcing that she would put into the August bond commission meeting \$1.1 million that we have been looking for for ball field remediation at Fermi High School. It's something that I worked very passionately for the last four months, and I felt good about that announcement.

rd/mb/md  
SENATE

125  
July 30, 2010

That's a huge deal for the town of Enfield. That's \$1.1 million.

As well, in the town of Enfield, we have never seen the difficult financial situations that the town is facing. For the first time since the 1970s, as reported in the Journal Inquirer as well as the Hartford Courant, the Town is about to lay off tenured teachers in the school system. That's how difficult it is up there. What do you think a town like Enfield could do with \$500,000 out of this \$6 million? How many teachers would that save for our children? And it's not just a town like Enfield. There's education concerns in a town like Somers, and I have always said that we need to keep our municipalities whole and education is paramount.

I am almost of the belief that next year, whoever wins the gubernatorial election, that if this additional \$6 million is expended when they open up the books and they see the depth and the breadth of the problems the State is facing financially, they will say, I really wish I had that \$6 million. Now, in light of 3 to 4 billion, maybe it doesn't seem like a lot, but in light of all the difficult decisions, everyone who is lucky enough to win election to the chamber next year will face, every nickel and every

rd/mb/md  
SENATE

126  
July 30, 2010

penny is going to count.

I bet you each and every individual in this circle has a program in their district, whether it's a nonprofit, whether it's quasi-governmental, whether it's a town that is struggling to meet a certain need, whether it's for young people, whether it's early childhood education, whether it's Dial-A-Ride, Meals on Wheels, educational resource centers, you name it. There's something out there in your district where if they just had probably another \$50,000, they could really make a difference, and they don't have it now.

A great woman in our district, Sister Patricia, who works for the Felician Adult Day Center, Felician Sisters order in the town of Enfield, we were at the opening ceremonies of Our Lady of Mount Carmel Society's 85th anniversary in Enfield last night, and she pulled me aside and she said, John, we really got hit. We are not receiving anywhere near the State assistance that we had just a year ago. We called up the folks at the Department of Social Services, and they indicated to me that it's not just us but it's all other adult day care providers in the state of Connecticut, so at least I know we're not being singled out, but if there's anything that you can do, please look into this because at least I want to make

rd/mb/md  
SENATE

127  
July 30, 2010

sure that we are accessing every single dollar that's available.

This is a plea from a nun who is living a life without material possessions. This is a calling that they, and they're upset and concerned because they can't even meet the needs of their vocation and they're commitment to Jesus Christ, their Lord, to serve those who cannot take care of themselves, who either have dementia or early onset Alzheimer's or other debilitating diseases like that. There, but for 40, 50, 60 thousand dollars, how far would that go spread 36 ways in a fair manner? I don't think that when we make these decisions we are getting as much value from this additional \$6 million. We cannot level the playing fields.

We have some folks that are really, really rich out there, and while it's a very laudable goal to say, you get X amount of dollars for the primary and then three for the general election, and then if someone bumps that up, we'll go an additional three for the general election, guess what? If the self-funded individual wants to go 20, we're not in a race to go up to 20. At some point, there's a disconnect, and so the real choice is do we have the disconnect between six and anything beyond that or three and anything

rd/mb/md  
SENATE

128  
July 30, 2010

beyond that.

It may not be fair to the publicly financed candidate, but I would suggest the fact that you could announce here in the state of Connecticut that indeed you are a publicly-financed candidate, that that has great value, too. That is part of the impetus and the motivation for individuals who wish to participate in the public financing campaign system.

How many editorial boards lauded the fact that Daniel Malloy was one of the first candidates running for governor to qualify for public financing and did he not get media attention throughout the State that had concrete value associated with it? Yes, he did. Do we figure that value in as part of the compensation for participating in the program? No, we don't.

So this is a very difficult decision for me, and I don't want to belabor the point, but I think it's important for my constituents to know why would their State Senator, who is participating in the program struggling to get those five and ten and \$50 donations from within his district to qualify, and it is not easy in this economy, and maybe it's just because the folks I know are struggling -- very difficult to make those ends meet -- how do I go to them and say, I believe in the system and the system does have laws.

rd/mb/md  
SENATE

129  
July 30, 2010

And they say, well, why did you vote against this bill that is supposed to correct those flaws? I've got to say, it's a matter of dollars and cents.

And at some point, we have to do decide which programs stay buoyed up that we believe are important and which ones can get by on less. And I am saying that at the end of the day, while I applaud those champions of finance campaign reform and those who put great effort into making this bill reality, the fatal flaw, in my view, from my perspective as the Senator representing folks from north-central Connecticut, is that I could come up with so many better ways to spend that precious \$6 million of taxpayer treasure that they are going to very desperately need in the years to come.

I'm hearing it when I go back to my district all the time. I'm hearing it from my seniors in my senior centers. I'm hearing it in my after-school programs. I'm hearing it from my teachers and administrators in all seven of the towns I represent. I'm hearing it from my town leaders whether they're first selectman or mayors, town managers. No matter where I go, people are struggling. And if they happen to have a job and they happen to have financial security, they're almost frozen because they don't know what's

rd/mb/md  
SENATE

130  
July 30, 2010

coming down the road, both internationally and nationally. And they look to us for guidance and help and support. We are 3 to 4 billion dollars short next year to meet current programmatic needs. At some point, we are going to have to make extraordinarily difficult choices.

And I think that it's important for me to express to my constituents that I'm willing to make that -- one of those difficult choices this afternoon. And that's why it is with a lot of thought I have to reach the conclusion that I will have to vote no on this particular bill. Thank you very much, Mr. President.

THE CHAIR:

Thank you, sir.

Senator Meyer.

SENATOR MEYER:

Thank you, Mr. President.

I want to just address briefly the lobbying provision of the bill before us and urge its adoption. I don't think I've ever disagreed as much with a court opinion as I do with the Second Circuit's court opinion with respect to our effort to ban lobbying.

The Second Circuit opinion is an example of judicial activism in the extreme. What the Second Circuit has said is that we don't know here what we're

rd/mb/md  
SENATE

131  
July 30, 2010

talking about when we say that lobbyists can be an inappropriate influence on the way we do our legislative business.

The judges are saying to us, you don't know that. They're saying, only contractors will affect you, not lobbyists. And so what they've done is they've substituted their judgment from afar, from the ivory tower of the bench, from -- for our judgment, as legislators, who know the relationships and influence of lobbyists. I strongly disagree with the Second Circuit's opinion, but what we're trying to do this afternoon and this evening, trying very hard, is to comply with the Second Circuit opinion, because we're trying to go forward with what's left of other public financing of campaigns' law.

And because of that, the way this bill has been drafted clearly is the better compliance than the Republican approach, because the Republican approach says, you can't -- you shouldn't give -- lobbyists shouldn't be able to make qualifying contributions, but you see the problem is the qualifying contributions are the hard crux and essence of the program. It all starts with the qualifying contributions. And when the Second Circuit says, you can't ban lobbyists, they have to be speaking about

rd/mb/md  
SENATE

132  
July 30, 2010

qualifying contributions. And so it would be a very dangerous thing to do, what some of our friends are saying on the other side of the aisle and that is to say, no qualifying contributions by lobbyists.

If we're trying this afternoon and this evening to comply with a decision of the Second Circuit, we have to go in the direction that this bill goes, and it's very unfortunate. And maybe in another day, in another place the Second Circuit Court of appeals or a higher court will allow us to have our province, the Legislators' province and not this extraordinary judicial activism. Thank you, Mr. President.

THE CHAIR:

Thank you, sir.

Senator Kane.

SENATOR KANE:

Thank you, Mr. President.

I am not glad that we're here on a Friday afternoon in the middle of the summer doing this, but I am glad that we are making some fixes that the court is requiring. The one part that I really do have a problem with, and I'm glad Senator Kissel talked about it, is the \$6 million increase that we're discussing here today and how many different programs that we've caught and how many different agencies could use

rd/mb/md  
SENATE

133  
July 30, 2010

that -- that money. So with that, Mr. President the Clerk is in possession of LCO 5952. I'd ask him to call the amendment and I'd be allowed to summarize.

THE CHAIR:

Mr. Clerk.

THE CLERK:

LCO 5952, which will be designated Senate Amendment Schedule "D." It is offered by Senator Roraback of the 30th District, et al.

SENATOR KANE:

Thank you, Mr. President. I move adoption.

THE CHAIR:

On adoption, would you like to remark further, sir?

SENATOR KANE:

Thank you, Mr. President. Yes, I will.

Basically, what this amendment does is in Section 501, would take the \$6 million that we're talking about here today and transfer it from the Citizens' Election Fund to the Nutrition Assistance Account within the Department of Social Services. If you look at today's Republican American, the front-page article that's on here says that food banks are overdrawn. Well, this article, the story takes place in my hometown, in Watertown. And what they're

rd/mb/md  
SENATE

134  
July 30, 2010

talking about is basically almost Charles Dickens-esque, because people are asking for rice; people are asking for meat; people are getting bags and bags of food.

Well, we talked earlier about how -- how competitive it is to run a campaign and how expensive it is to run a campaign and how much TV commercials cost in Fairfield County. Well, I've got to tell you I don't really feel bad for those candidates having to run advertisements in Fairfield County. I feel bad for people who are asking for rice in Watertown. So what I would say, ladies and gentlemen, with this amendment, we would simply move this money that we're talking about adding to this Citizens' Election Fund and give it to people who really need it in the food banks in the state of Connecticut.

Thank you, Mr. President.

THE CHAIR:

Thank you.

Will you remark further on Senate "D"?

Senator Roraback.

SENATOR RORABACK:

Thank you, Mr. President.

Mr. President, I rise in support of the amendment, and, Mr. President, at some point, we, as a

rd/mb/md  
SENATE

135  
July 30, 2010

body, have to let the public know what our values are, what our priorities are and what we think is important in the state of Connecticut. Mr. President, the court's ruling has freed up \$6 million from the Citizens' Election Program. Whether you agree with it or disagree with it, that's what the court's ruling has done. And tonight we have a choice. We can either divvy up that \$6 million by giving an additional \$3 million to participating candidates to buy more television ads, or we can come to the aid of soup kitchens and food banks, which in all of our districts are facing unprecedented and growing demand.

So the choice this amendment puts before us is whether we place a higher value on meeting the basic human needs of hungry people in Connecticut or giving candidates for governor additional money to buy a lot more television ads. To me, that choice is clear, and I would urge everyone to support the amendment. Thank you, Mr. President.

THE CHAIR:

Senator Kissel.

SENATOR KISSEL:

Thank you very much, Mr. President.

It's a difficult decision. Part of me says, regarding this amendment, and I appreciate it being

rd/mb/md  
SENATE

. 136  
July 30, 2010

brought out by Senator Kane, is let's just take this \$6 million and set it aside to try to fill the void next year. Maybe use it to reduce the debt, and so for me maybe it's almost a protest vote, but it's protest vote in favor, and let me tell you how I get there. As much as there's many laudable programs and maybe one individual would pick food shelf and food banks, and another pick would pick Dial-A-Ride, and another pick Sister Patricia and her Felician Adult Day Center and Enfield Adult Day Care Center and other things like that, those are all different, great, worthy causes but at least what this amendment does is it frames the issue as to what are our priorities.

And yesterday, not only did Governor Rell come and visit us in Enfield at Enrico Fermi High School to announce the release in August of the \$1.1 million for the remediation of the fields that Enfield had already expended, but after that I was very honored to join her and Chief Richards and various firefighters from several departments in Enfield to announce her initiative for the Day of Caring and Compassion held this summer so that folks can give food over to food banks and use approximately 12 fire stations scattered throughout the state of Connecticut to make those donations.

rd/mb/md  
SENATE

137  
July 30, 2010

And why is that the case? Because I've had Linda Bridge from the Enfield Food Shelf on my local cable programs, and I've had Priscilla Brayson on the program and spoken to her, from Loaves and Fishes located in Enfield, and believe me, it's not just Enfield. Go to Windsor Locks. Go to Suffield. Go to Somers, East Granby, Granby, Windsor, other communities that I represent, there is a huge increase in individuals that cannot make ends meet.

It's not like they come in front of you with ragged clothes. It's not like they look like hobos. They don't have a tin cup. They look like you and me. They look like you and me. They were building their American dream on two incomes, and someone got laid off and they can't find a job. And they've been struggling like that for months upon months, and the question then comes down to, do we put clothes on the kid's backs, do we make sure that we pay that mortgage. We can't sell the house because we're underwater and all of the sudden things that are taken for granted become dear. And it's amazing in the communities that I represent, the huge percentage increase of those seeking help just to get fed.

Again, talk to folks like Linda Bridge at the Enfield Food Shelf, Priscilla Brayson at Loaves and

rd/mb/md  
SENATE

138  
July 30, 2010

Fishes. These are people that you've known. They have cars. They want to work. But when you make the choices they make at the end of the day, they don't even enough to put food on the table. And in talking to the folks that volunteer and work in these programs in my communities, they will tell you what's in these folks eyes and how hard it is for them to swallow their pride and do something they thought they would never, ever have to do: Not only ask someone for help, but ask someone for food in America, the land of plenty, individuals that maybe just two or three or four years ago didn't really have a concern about this at all. That's how hard this recession is hitting folks in the state of Connecticut.

We talk about the worse recession since the Great Depression. My mom and dad were born in the Great Depression. Not a lot of vivid memories back then, but enough to let me know that their world was sort of like always on thin ice. Even when things were great, they always had this sort of in the back on their mind -- God bless, mom and dad, 77, nice and healthy, not as great as you could want, but they're healthy -- but it was always that notion that you never know what's going to happen. Now, if you didn't go through that, or you had no recollection of that, it was just

rd/mb/md  
SENATE

139  
July 30, 2010

all the fat and happy times then that's a different world. That's the world that most of us sort of know.

If you look at the span of history, it's a fairly unusual period of bounty that we have just gone through. Most of the history of mankind has been a struggle. And this is one of the worst struggling times economically that we have seen as folks here in this circle. I'm concerned for our future with this 3 to 4 billion dollar deficit, with the pain that has not occurred yet at least as far as state government and we are indeed the safety net.

So why are we choosing \$6 million for ultimately two potential gubernatorial candidates where they know who they are, and I've got to believe that if you want to get their message, you can get their message as opposed to how many meals can be provided at low cost for \$6 million. You know at the Enfield Fire Department yesterday, again, with Chief Richards and those firefighters and that table filled with food and the chief pointed out to me that I only brought tuna fish and mayonnaise, and I said that can go a long way. There was a woman there from Foodshare and of course when I have folks, again on my local cable show, talking about food banks and things like that, our natural desire is to bring some extra bags of

rd/mb/md  
SENATE

140  
July 30, 2010

food, but when you talk to the folks that run that sort of wholesale, kind of warehouse facility, they will tell you as much as we want to encourage people to bring bags of food, a dollar, we can stretch a dollar even farther than when you go to Stop & Shop, or Shaw's, or ShopRite or Big Y or whatever food store you have up in your neck of the woods, Price Chopper, all of those.

Yeah, you can go find ten cans of soup for \$10 or something like that. Good sales. And take half of that and give it to these folks, but how far would \$6 million go right now? Huge difference. Are there other wonderful choices we can make for that \$6 million? Yes. Would my initial vote be to just sock it away and let's figure out next year how we're going to fill that 3 to 4 billion dollar hole. That would be my first choice but that amendment is not before me now.

The amendment is we're going to show the people of the state of Connecticut which side we're on on this when it comes to expending precious tax dollars, and for that reason, I will be standing -- voting in support of Senator Kane's amendment. Thank you, Mr. President.

THE CHAIR:

rd/mb/md  
SENATE

141  
July 30, 2010

Senator Looney.

SENATOR LOONEY:

Thank you, Mr. President.

Mr. President, I'm rising in opposition to the amendment asking for a roll call vote. One reason to oppose the amendment, Mr. President, is exactly one of the points that Senator Kissel made is that we do have a host of valuable programs that we support in the state and could, in a perfect world, be supporting more, food pantries, community health centers, school nutrition programs, dial-a-ride programs, home care for the elderly. There's a whole host of things that we might and could and should, in many instances, spend more on, and we do that to a considerable extent and all of us wish that we could do more.

We hope that everyone will remember this debate next year when it comes time to fund some of those programs once again, but in the meantime, I think selecting one over others at this point by the amendment process is not the best way to go, and we should stay with the underlying bill and would urge rejection of the amendment. Thank you, Mr. President.

THE CHAIR:

Thank you, sir.

Will you remark? Will you remark on Senate "D"?

rd/mb/md  
SENATE

142  
July 30, 2010

Will you remark further on Senator "D"?

If not, Mr. Clerk, please call for a roll call vote. The machine will be open.

THE CLERK:

Immediate roll call has been ordered in the Senate. Will all Senators please return to the chamber. Immediate roll call has been ordered in the Senate. Will all Senators please return to the chamber.

THE CHAIR:

Have all Senators voted? If all Senators have voted, please check your vote. The machine will be locked. The Clerk will call the tally.

THE CLERK:

Motion is on adoption of Senate Amendment Schedule "D."

|                             |    |
|-----------------------------|----|
| Total Number voting         | 35 |
| Those voting Yea            | 12 |
| Those voting Nay            | 23 |
| Those absent and not voting | 1  |

THE CHAIR:

The amendment fails.

Will you remark further on Senate Bill 551? Will you remark further on Senate Bill 551?

Senator Fasano.

rd/mb/md  
SENATE

143  
July 30, 2010

SENATOR FASANO:

Thank you, Mr. President.

Mr. President, I rise against this bill, and here's the reason. Mr. President, it's ironic that the title of this bill is "Clean Election." I believe that the bill before us has weakened our ability to have clean elections, and this is why I say that. Under the old law, we said we cannot have anymore lobbyist contributions.

And as Senator McKinney, eloquently pointed out, there are two sections to that. There is the public finance section and the nonpublic finance section. And the court said under the nonpublic finance section, you cannot have lobbyist -- you must allow lobbyists to contribute as if they were an individual, and we've made corrections to that so that we don't interfere with their first amendment rights. Under the public finance section, the court left that undisturbed. The court said you can, by leaving it alone and not being attacked, you can prohibit lobbyists. And what we've done is we've changed that. We're allowing lobbyists to contribute in a publicly-financed campaign.

The whole reason why we're financing the campaign was being the lobbyists were out -- we're saying let's

rd/mb/md  
SENATE

144  
July 30, 2010

get all the money out and let's equalize the playing field. This makes it less in balance. It allows lobbyists to come in. It allows lobbyists to put money in a taxpayer-funded campaign. It allows the lobbyist to be a player in an area that this circle said we should not allow a lobbyist to be a player. The court never told us to correct that section. In fact, that section wasn't challenged. So why are we attacking that section? The court left it alone. The court said in a private campaign -- what I mean by private, not publicly funded, you need to make a change, not in this section. The court did not speak, so why are we changing it?

The second issue is on solicitations. The argument goes the reason why we're changing it is because we're vulnerable. Vulnerable to what? Between now and the first week in November, we're vulnerable to a court acting if we pass this law. We're not vulnerable. It took five years for them to reach a final conclusion on the bill that we initially passed. Five years. We're talking three and half months. An appeal can be taken, but the court took five years. Everybody operated as if the old law was in place until the Second Circuit spoke.

So there's no fear. And what we did is we opened

rd/mb/md  
SENATE

145  
July 30, 2010

the door for this election. There has been a ban. We are lifting it. Make no mistake, when you press that button, you vote in favor of this bill, you have lifted a ban that allows lobbyists and state contractors, the two very entities we wanted to get out of campaigns to be allowed to solicit for this election. We think it's bad because they're starting it in January, but we're allowing it for this election. You are being permissive when you press that button and you're allowing lobbyists back into the game on all levels.

I would suggest we took a bill that we worked hard on, and the working group did a great job back in 2005. I applaud the bipartisan and I applaud the way we did it, and that's one of the reasons why I supported it. I have a difficult time looking at my rationale and saying I supported it to get out this money and this undue influence and now -- it's like that -- they're letting it back in. That is a problem. That's why I can't support this bill.

The three -- the extra \$6 million, \$3 million on each side, is a problem, and it's a fiscal problem, and that's been articulated. But what bothers me much, much more than that is the word "clean elections," and we've diluted that here today. That

rd/mb/md  
SENATE

146  
July 30, 2010

gives me a problem and be -- make no mistake had we just done what the court asked us to do, we did not have to touch those sections the way we touched them, we could have narrowed down the solicitations and started it today, and we could have kept lobbyists out of the campaign finance elections. And we could have done that and met the challenges of the court, but we've gone further and, unfortunately, we have made this bill to a point that we have disturbed and diluted the clean elections and the true intent of this bill, so I urge the Circle to vote against this bill.

Thank you, Mr. President.

THE CHAIR:

Thank you, sir.

Senator McDonald.

SENATOR McDONALD:

Thank you, Mr. President.

Mr. President, just briefly, I wanted to rise and note that some of the votes that we have taken today have been along party lines, but I think it would be a mistake to read anything into that. The fact is that this is not about any one party. It is not about any one candidate. In fact, I stand proudly in this circle and -- and am happy to be able announce to you

rd/mb/md  
SENATE

147  
July 30, 2010

that the two candidates who are running for governor who are participating in this program, happen to be my constituents. I'm very proud that both of these individuals have accepted the mantle of responsibility to reach out across the state, to not be the power of one but to be the power of thousands.

Mr. President, you and I have known each other a long time, and we have not always agreed. In fact, I remember a very spirited campaign in 2002 when you and I were running for the State Senate, and I also know how expensive that race was. In fact, it stands today as the most expensive legislative race in Connecticut history, and nobody should have to spend as much time and effort as we did in that election raising money, and nobody should have to spend their own personal resources to run for office.

So I'm very happy that my former mayor and my current Senate president -- my current president of the Senate reached out and crisscrossed this state and involved thousands of people. This is not about individual candidates running for office. It's about empowering all of our citizens. I think, Mr. President, that when we are judged by what we do here today, we will be judged as opening the process, involving more people, and leveling the playing field.

rd/mb/md  
SENATE

148  
July 30, 2010

It's not about one party. It's not about one candidate.

I've been very disconcerted to hear that the governor has threatened a veto of this legislation, and I would ask her to reconsider that threatened veto. I ask her not to impede the progress of candidates who are participating in this program. I ask her not to abandon her promise of the Clean Elections Program, and I ask her not to abandon the legacy of one of her finest moments in public office. Thank you, Mr. President.

THE CHAIR:

Thank you, sir.

Senator Frantz.

SENATOR FRANTZ:

Thank you, Mr. President.

I think most everybody in the circle understands what my feelings are about the Citizens' Election Program in the first place and all of the public money that goes into campaigns, so I'm not going to speak very much about that at all. In fact, I'm not going to speak very much tonight because it is a Friday night and I just want to, for the record, say a couple of things about the debate today. I'm glad that we had it and that it went on a little bit longer than I

was expecting, and perhaps many of you as well, I think this is a debate that needs to continue.

Public financing is a dicey -- of campaigns is a very dicey subject, and we should make sure that we keep this dialogue up going forward to make sure that we don't get into a situation where we're funding what, in essence, boils down to nuclear weapons on both sides. The more the other side has, the more the other side has to have in order to keep things even and fair. The most disappointing part of today's discussion and session is the failure to approve Senator McKinney's amendment. This amendment is so critically important, in my judgment, in terms of assuring the public that elections are fair and square and -- and to the highest possible level of -- of ethical level -- highest level of ethics in the entire country.

We do have a cutting edge program. It's in need of serious improvement in some areas. This is -- I see it as a step backwards. It was stated before right here in this chamber that the belief that there's a public perception if someone sees an envelope going from a lobbyist to a candidate that there's a certain amount of suspicion there. It has the apparent -- it has the look of something not being

rd/mb/md  
SENATE

150  
July 30, 2010

quite right. So when we say that we're now going to allow lobbyists to give the most valuable contributions to a candidate in the beginning to qualify up to the 15,000 -- or just shy of the \$15,000 mark to qualify and say 300 -- used by Senator -- Senator Roraback before -- get 300 people in your district to give \$5 a piece, you're now qualified and now you have access to \$85,000.

Those initial contributions are not just \$100 contributions if you look at it from a utility point of view. They're more like seven or eight or nine hundred dollars per contributions when you look at the overall value because it brings in and it has the leverage of bringing in the additional \$85,000.

And Senator Kissel is right. Lobbyists shouldn't be grouped into that category of people that we need to raise our eyebrows every time the term comes up. We know that lobbyists perform a valuable function. They're very, very smart people who perform a valuable role in terms of our everyday legislative lives. But yes, one of the by-products of the lobbying industry is that they do have a lot of influence on what happens up here, and if they start to have an undue amount of influence in terms of who gets here or more importantly who stays here, then we've got ourselves a

rd/mb/md  
SENATE

151  
July 30, 2010

bit of an issue.

I think Senator Meyer raises a good point in that he says we need to make sure that we don't brush up against the threshold of where we're going to be brought back into court, be sued again and we're right back at square one. But I don't think that taking this to the degree that the initial qualifying dollars that commits to one's campaign, or close to it anyway, can come all from lobbyists. Theoretically, it is possible for there to be \$15,000, or just shy of \$15,000, coming in from lobbyists to a candidate. So I don't think you need to take it far. I think maybe this is all retrospect here, but if we could have limited that, that would have been a much, much better solution to the problem, and that's one of the reasons why I'm so disappointed with it.

We all know that the approval rating of the General Assembly is not anywhere near what it could be and should be today. They're looking to us for solutions to one of the most critical fiscal situations that we've faced in -- really, I think since before the Great Depression when you think about the size of the government then and the size of the government today. And we're not really giving them, honestly, if we're being honest with ourselves, a

rd/mb/md  
SENATE

152  
July 30, 2010

solution that is long lasting, that is comprehensive and sets us back on a great course with respect to the budget.

I think they've been looking for a solution to the problem and issue of corruption in politics, and even the appearance of corruption in politics and I'm not sure that we've addressed that here today so I will be -- I will be against this bill. Thank you, Mr. President.

THE CHAIR:

Thank you, sir.

Senator DeFronzo.

SENATOR DeFRONZO:

Thank you, Mr. President.

Mr. President, the debate today has been a very important one and, in many ways, one we've anticipated since we passed this bill in 2005. Senator Roraback referenced the enormous work that was put into the bill when it was originally passed in 2005, but we knew then that we were pressing the limits on some constitutional issues, and we have always expected that at some point we would probably be back here to correct some of those initiatives, which, at the time, were first in the nation, broad sweeping campaign finance reforms. And so after the court ruled, we saw

specifically that some of the pressing of the envelope that we did with respect to first amendment rights have been identified and corrected today.

We, similarly, in the area of minor parties, made changes that we weren't quite sure would withstand constitutional challenge, but they did. We also knew at the time and part of the debate on that long seven hour night back -- back in 2005 had to do with the very issue that was debated earlier on what would happen when the state encountered a serious fiscal problem. Would we have the courage to sustain this program and protect the integrity of our electoral process even when the demands of our people were as great as they are today, and the answer then and I think the answer tonight is the same: We have that commitment and we're going forward.

And that is -- that is important because in the end, even after all these changes, and I agree with Senator Meyer that the changes brought about because of the court decision are not the ones I like. I don't like letting the lobbyist money in. I don't like the solicitation piece. I don't like a lot of the decisions that the court has given us, but it's the court decision and we're required to respond to it. But when it's all said and done, despite all the

criticisms, despite all the recommended changes in the bill, we will still have in the state of Connecticut the strongest campaign finance reform bill in the United States. We ought to be proud of that, and despite the changes made today -- I'm hoping that the Governor will support this and move forward with us -- we will still have the strongest campaign laws and the strongest ethic laws in the United -- in the entire United States, and that's something we should be proud of, and despite the changes made today that will still be the case.

So, Mr. President, I hope all of us will join in supporting this legislation tonight. It continues to preserve the basic thrust and import of the reforms we made in 2005. Thank you, Mr. President.

THE CHAIR:

Thank you, sir.

Senator Looney.

SENATOR LOONEY:

Thank you, Mr. President.

Mr. President, speaking in support of the -- of the bill. One of the things that I think we need to take note of is that there's been discussion earlier that we could possibly venture farther afield and adopt a more comprehensive and envelope pushing

reforms without danger of court reversal, pointing out the fact that we've had nearly a five-year period of time from the enactment of the original bill and to the filing of the appeal going through the 2008 cycle where the -- the law was used -- the public financing system was used by General Assembly candidates to Judge Underhill's decision a year ago and then the appeal of the Second Circuit and the Second Circuits decision. However, that ignores the fact that we are possibly subject to very quick court action because we are presently in the -- in the posture where the issue of the remand is an urgent one, immediate one where the Second Circuit will shortly remand the case to Judge Underhill for further proceedings in light of the Second Circuit's decision. And the district court will be looking very closely at what we do here today in both chambers.

This is not an issue of some remote process that could take another five years to circle back and have an impact on us again. This is something that we need to be very careful about what we do today because the impact could be immediate. So I believe that the things we have done today are the reasonable and prudent things that we should do, must do in light of the decision of the Second Circuit. To review, we

rd/mb/md  
SENATE

156  
July 30, 2010

have amended the severability requirement. We have removed the so-called "trigger provisions." We have taken, the Second Circuit's ban -- the striking down of our ban on lobbyist contributions and instead have established a bundling ban. That was a reasonable alternative, and it was something, in effect, that was suggested within the decision itself. And that bundling ban applies to exploratory committees, candidate committees, legislative caucus or leadership committees and party committees.

We have a lobbyist contribution limit of -- \$100 limit imposed on everyone who is a contributor, the maximum contribution for -- for people in the program. And the option of increasing the grant -- the base grant for gubernatorial candidates is, as we believe, something that is in the spirit of the original program, taking out the variabilities that were -- that were stricken by the Second Circuit and no longer offering an option to deal with the trigger mechanism or having an adjustment being made for independent expenditures.

So I believe that since we are still under the gun, so to speak, of the Second Circuit, what we we're proposing here today is a reasonable and prudent defensible response to that decision that will allow

rd/mb/md  
SENATE

157  
July 30, 2010

our program to go forward for this election and not be thrown into additional chaos. So I urge support of the underlying bill and commend all that have worked so hard on it once the mandate from the court has become clear. Thank you, Mr. President.

THE CHAIR:

Thank you, sir.

Will you remark further on Senate Bill 551?

Senator McKinney.

SENATOR MCKINNEY:

Thank you, Mr. President. Very briefly in opposition without restating what we discussed on the amendments.

What we have before us is disappointing because we end up with a fix to our campaign finance laws that spends an additional \$6 million, and that's a fact. If we have two participating candidates running against each other, it will give those participating candidates a total of 8 and a half million dollars, more than a million and half dollars more than anyone has ever spent in the history of our state to run for governor, more than twice the amount that Governor Rell spent to run successfully for governor in 2006.

All of this extra spending occurs at a time when our unemployment rate is at the highest it's ever

been. Our budget deficit is almost \$4 billion. Our bonded indebtedness is the highest in the nation, and our economy is still in a recession. It is illogical and, quite frankly, outrageous that we would say to the people of the state of Connecticut, we're going to cut your programs. We're going to give you less. We're going to tax you more, and we're going to spend some more money on our campaigns.

The other thing we're doing here, and for me as one who was not comfortable with spending taxpayer monies on campaign, is we're making the inevitable happen, the best -- the worst of both worlds. We're using taxpayer-funded campaigns, and we're allowing lobbyists to control how we raise our money. And Senator Roraback pointed out clearly that any member running for the General Assembly can go raise all of their qualifying contribution amount, \$15,000, from lobbyists. Bear in mind, lobbyists don't give to challengers, or very few do. They give to incumbents.

So we were told that the price to get a clean election and the price to get a fair and equitable election was to spend taxpayer dollars and what was a clean election. No contractors. No lobbyists. You have allowed the lobbyists back in the game. And what was fair and equitable? Nobody who stood up for this

rd/mb/md  
SENATE

159  
July 30, 2010

system said at the time that fair and equitable was making sure that all candidates had the exact same amount of money because nobody ever understood that we could have a clause that said, if a self-funded person, be it Ned Lamont or Tom Foley, wanted to spend 10 or 15 or 20 million dollars, that we would match that. That was not fair and equitable.

Fair and equitable was trying to give anyone in the state of Connecticut who wanted a chance to run for office a fair chance, because the history was that incumbents, Democrat and Republican, raised more money than challengers. The history was that lobbyists and contractors gave to incumbents, Democrats and Republicans, granted a lot more to Democrats, because you're the majority, and if Republicans were in the majority, it would have been the reverse. It's not about one party versus the other. It's about incumbents versus challengers. That was fair and equitable. And what we've done here by allowing the lobbyists back in the system is to chip away at what's fair and equitable, because the clear history was lobbyists gave to incumbents not to challengers.

So we have created a system where we're using taxpayer -- where we're using taxpayer money. We're increasing it by \$6 million, and we've allowed

rd/mb/md  
SENATE

160  
July 30, 2010

lobbyists back into the game. And we've proven that the Second Circuit and Judge Underhill did not strike down our limits on lobbyist contributions, but the majority has chosen, for fear of lawsuit -- for fear of lawsuit to let lobbyists back in the game. And I think it was Senator Fasano who pointed out earlier that we've had more lawsuits than we should have had and more lawsuits than the people of the state of Connecticut want on this campaign finance law, but despite all of those lawsuits, the court has never prevented the SEEC giving out grants, and any grants already given, even supplemental grants given after the court deemed them unconstitutional are still good.

So any lawsuit brought by lobbyists to challenge what we could have done to their contributions would not have prevented any candidate from getting their money had they qualified. So that is a huge disappointment for me in this bill. We now have a system that is no longer clean and a system that is less fair than it was yesterday.

And with that, I urge rejection. Thank you.

THE CHAIR:

Senator Williams.

SENATOR WILLIAMS:

Thank you, Mr. President.

The bill that we have before us here today addresses the Second Circuit opinion and complies with that court decision. Senator DeFronzo is right. When we passed this clean elections law, it was the toughest in the nation. It is still the toughest in the nation, and with the additions here today we preserve that system. That's very important to the people of Connecticut. So when folks are critical of this law and say it doesn't go far enough -- and to keep in mind compared to what in the other 49 states -- this is still the best when it comes to cleaning up our elections and getting out of politics the influence of special interest.

Now, even though there's been disagreement here between Democrats and Republicans in the circle over certain amendments and certain aspects of this bill, what I'm very pleased about is that here in the state of Connecticut and the State Senate here today there is agreement that we ought to take this seriously in terms of limiting the influence of special interests and the power of the lobbyists and to do what we can within the parameters of the law, within the parameters of court decisions to stay that course at a time when folks on the U.S. Supreme Court in Washington are going in a different direction,

rd/mb/md  
SENATE

162  
July 30, 2010

striking down decades of precedent in campaign finance law and decades of efforts across this country in different states to clean up our elections and to root out the influence of special interests.

So to the extent that I have heard discussion from folks in both political parties here tonight that we're going to stand -- we might not always agree, but we're going to continue down the path of fighting against corruption in our electoral process and rooting out the influence of special interests.

That's a good thing. And we'll find things to agree about going down that road in the future. So, Mr. President, I'm proud of this step. I'm proud that we're acting today to save the system, and I call upon Governor Rell, who worked with us and was a leader in this fight originally, to preserve this system and sign this bill.

Thank you, Mr. President.

THE CHAIR:

Thank you, sir.

Will you remark further on Senate Bill 551? Will you remark further?

If not, Mr. Clerk, please call for a roll call vote. The machine will be open.

THE CLERK:

rd/mb/md  
SENATE

163  
July 30, 2010

An immediate roll call vote has been ordered in the Senate. Will all Senators please return to the chamber. Immediate roll call vote has been ordered in the Senate. Will all Senators please return to the chamber.

THE CHAIR:

Have all senators voted? If all Senators have voted, please check your vote. The machine will be locked. The Clerk will call the tally.

THE CLERK:

Motion is on passage of Emergency Certified Senate Bill 551.

|                             |    |
|-----------------------------|----|
| Total Number voting         | 35 |
| Those voting Yea            | 23 |
| Those voting Nay            | 12 |
| Those absent and not voting | 1. |

THE CHAIR:

Senate Bill 551 passes.

Senator Looney.

SENATOR LOONEY:

Thank you, Mr. President.

Mr. President, I move for immediate transmittal of Emergency Certified Senate Bill 551 to the House of Representatives.

THE CHAIR:

Without objection, so ordered, sir.

SENATOR LOONEY:

Thank you, Mr. President.

Mr. President, I would yield the floor to any members for announcements or points of personal privilege.

THE CHAIR:

At this time, I will entertain any announcements or points of personal privilege.

Senator Looney.

SENATOR LOONEY:

Thank you, Mr. President.

I would wish all of the members a happy and safe and restful weekend for the remainder of the -- of the time. Our House colleagues will begin their deliberations now, and I would move that the Senate stand in -- that we adjourn subject to the call of the Chair.

THE CHAIR:

The Senate will stand adjourn subject to the call of the Chair.

On motion of Senator Looney of the 11th District, the Senate, at 7:38 p.m., adjourned subject to the Call of the Chair.

rgd/mb/md/gbr  
SENATE

10  
August 5, 2010

Agenda Number 1 for the July Special Session, dated Thursday, August 5, 2010. Copies have been distributed.

THE CHAIR:

Senator Looney.

SENATOR LOONEY:

Yes, thank you -- thank you, Mr. President.

Mr. President, I move all items on Senate Agenda Number 1 for the July Special Session dated Thursday, August 5, 2010, to be acted upon as indicated and that the agenda be incorporated by reference into the Senate journal and the Senate transcript.

THE CHAIR:

There is a motion on the floor to move all items on Senate Agenda Number 1.

Seeing no objection, so ordered, sir.

SENATOR LOONEY:

Yes, thank you, Mr. President.

Mr. President, Senate Agenda Number 1 consists of the communication from the Governor regarding her veto of Emergency Certified Bill Number 551, which was passed last week in both chambers of the General Assembly. And that bill itself appears as Item 2 on page 3 of Senate Agenda Number 1.

rgd/mb/md/gbr  
SENATE

11  
August 5, 2010

So to begin -- to begin this process, Mr. President, having been on the prevailing side on the vote on Senate Bill 551, Emergency Certified Senate Bill 551 when it passed in this Chamber, I would move for reconsideration of that bill.

THE CHAIR:

Thank you, sir.

There is a motion on the floor for reconsideration of Senate Bill 551 from the -- Senator Looney from the prevailing side. Would anyone else like to speak with respect to the reconsideration of the bill?

If not, I will try your minds. All those in favor please signify by saying aye.

SENATORS:

Aye.

THE CHAIR:

Opposed, nays.

SENATORS:

Nay.

THE CHAIR:

The ayes have it. The bill is reconsidered.

SENATOR LOONEY:

Yes, thank you, Mr. President.

rgd/mb/md/gbr  
SENATE

12  
August 5, 2010

THE CHAIR:

Senator Looney.

SENATOR LOONEY:

Yes, thank you, Mr. President.

Now that the bill is before us, once again having approved the motion to reconsider, I would now yield to Senator Slossberg for purposes of a motion to repass the bill.

THE CHAIR:

Senator Slossberg, do you -- yeah, I will -- Senator Slossberg, why don't we have the Clerk call the bill first.

THE CLERK:

Calling from Senate Agenda Number 1, Emergency Certified Bill 551, AN ACT CONCERNING CLEAN ELECTIONS.

The bill was originally accompanied by emergency certification signed by Donald E. Williams, Jr., President Pro Tempore of the Senate; Christopher G. Donovan, Speaker of the House of Representatives. The bill is also accompanied with a message from the Governor concerning her veto.

THE CHAIR:

Senator Slossberg, do you accept the yield from Senator Looney?

rgd/mb/md/gbr  
SENATE

13  
August 5, 2010

SENATOR SLOSSBERG:

Yes, I do, Mr. President.

THE CHAIR:

Please proceed, ma'am, on the repass.

SENATOR SLOSSBERG:

Thank you, Mr. President.

I make a motion to repass Senate Bill 551, AN ACT  
CONCERNING CLEAN ELECTIONS.

THE CHAIR:

There is a motion on the floor to repass Senate  
Bill 551.

Will you remark? Will you remark further,  
Senator Slossberg?

SENATOR SLOSSBERG:

Yes, thank -- yes, thank you, Mr. President.

Very briefly, I'd like to incorporate by  
reference the debate that we had on July 30th, just  
six days ago. At that time, this Chamber fully aired  
the issues associated with the bill before us, and I  
would urge the Chamber's support. Thank you, Mr.  
President.

THE CHAIR:

Thank you, Senator Slossberg.

Will you remark further?

rgd/mb/md/gbr  
SENATE

14  
August 5, 2010

Senator McLachlan.

SENATOR McLACHLAN:

Thank you, Mr. President.

I, too, would like to incorporate my comments from the debate of July 30th. My only other comment that I would like to share today is concern that I share with the Governor about restrictions on lobbyists and contractor solicitations that do not become effective until January 1st of next year. It seems unusual to me that we are rushing to take care of this fix of the Citizen Election Program and yet have deferred some of the important parts of the fix until after this election. The most important point that I would like to reiterate is spending \$6 million more in this economy with anticipated deficits in the billions of dollars in the coming years is inappropriate. I urge my colleagues to reject this veto override.

Thank you, Mr. President.

THE CHAIR:

Thank you, sir.

Will you remark further?

Senator Fasano.

SENATOR FASANO:

rgd/mb/md/gbr  
SENATE

15  
August 5, 2010

Thank you, Mr. President.

Mr. President, I'd like to incorporate my remarks, as well, from July 30th, and I'm not going to go into them, as I did on July 30th, but let me say that it does bother me about the \$6 million at a time when we made cuts to other programs and agencies and rollbacks and things of that nature; and here we are adding more money to this program. But I'll tell you what, even over the period of time from our last vote until today, what really gnaws at me is we have taken away the real clean part of clean elections in that we've opened the door for solicitation by lobbyists, solicitation by state contractors and for a short period of time.

We've said it is okay until January 1, 2011, then after that, we're not going to allow you to do it anymore. If it is illegal or if it is wrong or the perception is bad or it hurts by allowing those solicitations for clean elections, if it is true on January 1, 2011, then it is true today in 2010. And that is the biggest problem that I have with this bill. We have opened the Pandora's box that we sought to close, and we're leaving it open for three months going into one of the biggest elections this state has

rgd/mb/md/gbr  
SENATE

16  
August 5, 2010

ever seen in its history, and we've taken all of the restrictions that we put on to make it clean, and we've gone back in time. And I just cannot for the life of me put that in order in my mind.

It is bad, but we're going to take a time-out and allow it to happen in this election. It causes undue influence, but we're going to take a time-out and allow it to happen in this election. It is wrong for the State of Connecticut, but we're going to take a time-out and allow it to happen in this election. That just seems illogical. For that reason, I hope that this Circle sustains the Governor's veto. Thank you, Mr. President.

THE CHAIR:

Thank you, sir.

Will you remark?

Senator Looney.

SENATOR LOONEY:

Yes, thank you, Mr. President.

Speaking in support of the override and repassage of the bill. Mr. President, I think that the key issue here is to recognize that this bill frames a response to the decision of the Second Circuit in the most careful way possible to recognize those

rgd/mb/md/gbr  
SENATE

17  
August 5, 2010

components of the law that were ruled unconstitutional by the Second Circuit and also, at the same time, trying to make corrections that we think come within the parameters of that decision in an attempt to go no further than that. I think that that is the reason why some of the provisions become effective January 1st.

We know that the -- the whole matter will soon be once again in the possession of the federal district court on remand from the Second Circuit, and being cognizant of that, we want to make sure that we don't invite any -- any new or additional litigation by creating any issues beyond those which have already been addressed in the appeals that have been -- that have been pending and then finally recently decided. For that reason, Mr. President, we have -- have looked at the ban on lobbyist contributions that was struck down by the Second Circuit and have -- have replaced that with a -- with a cap -- with a ban on lobbyist contributions.

Now, we're proposing that they be capped at the same level that other contributions can be made for a maximum of a hundred dollars. We've replaced the absolute ban with a bundling -- with a ban on bundling

rgd/mb/md/gbr  
SENATE

18  
August 5, 2010

so we have done as much as we possibly can given the -- the equation of political contributions with speech, which was the basis of the Second Circuit's decision. We have done as much as we can to preserve the tenor and intent of our system given the parameters laid out in the decision on -- on appeal.

In addition, we have been trying to keep in -- in concert with the original purpose of the bill, which did factor in the possibility of an enhanced grant in the event of a candidate facing a wealthy self-funded opponent. Now, the -- the Court struck down the specific the trigger -- so-called "trigger mechanism," and instead we have replaced that with an increased base grant independent of what levels of spending are undertaken by other candidates, and we believe that that is a responsible way to maintain the spirit of the original bill, which did contemplate an adjustment for factors such as a great deal of spending by a self-funded candidate.

We did not adjust for the possibility of additional grants for independent expenditures. So within the -- within the parameters of what the Second Circuit directed and indicated as being points of constitutional violation where we could not incur any

rgd/mb/md/gbr  
SENATE

19  
August 5, 2010

further, this is a reasonable, prudent bill that stays within the guidelines and implications of what has been stated as permissible and impermissible by the Second Circuit.

And for that reason, Mr. President, I urge that we readopt this bill because the idea of public financing in Connecticut is one of the things I think that we are all deservedly proud, the Governor in supporting and proposing the initial bill five years ago, the General Assembly in adopting it. Having gone through one complete election cycle in 2008 with large numbers of candidates for the General Assembly participating, I think, by and large, that system worked quite well. This year now being the first cycle with a provision for public funding for the statewide offices, as well, we have, I think, still model legislation here in Connecticut adjusted by the guidance of the court. And once again, Mr. President, I would urge that we continue to move forward by overriding the veto and repassing this bill.

Thank you, Mr. President.

THE CHAIR:

Thank you, sir.

Senator McKinney.

rgd/mb/md/gbr  
SENATE

20  
August 5, 2010

SENATOR MCKINNEY:

Thank you, Mr. President.

I rise in opposition to readopting the bill before us and overriding Governor Rell's veto. I will keep my remarks very brief, but we were told on original passage and told again today that this is about addressing what the Court found unconstitutional or it's about addressing what we thought the original intent of the bill was. The Court's decision has nothing to do with whether or not we should increase the grant amounts by \$3 million for each candidate for a total of \$6 million. The Court didn't say anything about what our grant amount should be.

Participating candidates for governor in a primary and general election will receive \$5.5 million. That's a lot of money. It's money that belongs to taxpayers, and it's enough money to spend on a good gubernatorial campaign. Four years ago, Governor Rell ran and won spending \$4 million. John DeStefano ran and lost spending \$5.5 million. We are asking the taxpayers to foot another \$6 million. This is money that belongs to the taxpayers of the state of Connecticut.

In the face of a nearly \$4 billion budget

rgd/mb/md/gbr  
SENATE

21  
August 5, 2010

deficit, that \$6 million should be spent to offset that deficit. The fact that this money may be set aside means that we have to spend it speaks to exactly what is wrong with our government here in Connecticut. Just because the money is set aside doesn't mean you have to spend it. It's not our money. It belongs to the people of the state of Connecticut. Let me remind you that even without this extra \$6 million, this gubernatorial election in 2010 will be the most expensive election in the history of the state of Connecticut. It is no coincidence that in the first year we have public-financed campaigns, we have self-funded candidates of both parties using large, enormous wealth to gain name recognition when the system that people participate in caps how much you spend. It's not how much is in the system. It's the system that hasn't worked.

Allowing lobbyist contributions is also another failure of this bill. I went over why the Court did not strike down our prohibition on contributions from lobbyists being qualifying contributions. It was not tested, that law, 9-704 is still good law in the state of Connecticut until you decided to strike it down and allow lobbyists back in the game. And as Governor

rgd/mb/md/gbr  
SENATE

22  
August 5, 2010

Rell said herself in the veto message, allowing lobbyist contributions to be qualifying contributions undermines the very integrity of the CEP. Our clean elections -- because of that, our clean elections are no longer clean.

I stood in opposition to this bill when it was first before us years ago because I did not believe that we should spend taxpayer dollars on our bumper stickers and our lawn signs and our billboards, our TV ads and our radio ads. Those who disagreed with me said, I think, we don't like spending taxpayer dollars either, but we have to to get clean elections and we have to to get fair elections. Clean elections meant no contractors, no lobbyists. You've let lobbyists back in the game. That is no longer clean. Fairness is also not achieved under this bill.

Lastly -- and I think Senator Fasano remarked on this when we originally passed this -- the majority has told us that a ban on lobbyists soliciting their clients is critical to preserving the integrity of our clean election system, and it's so critical to the integrity of our clean elections that we're going to implement that ban on January 1, 2011, after people have run for governor, lieutenant governor,

rgd/mb/md/gbr  
SENATE

23  
August 5, 2010

comptroller, secretary of state, attorney general, state Senate and state House. One hundred eighty-seven legislative seats, all our constitutional officers, can now raise money from lobbyists. Those lobbyists can solicit their clients, but don't worry, in January, they won't be allowed to.

It is outrageous to claim that it is legal to ban lobbyists from solicitation of their clients and it is critical to the integrity of our system and yet we're not going to do it now. You would be better off to have said that we can't do it constitutionally, just let them solicit.

Lastly, let me point out, because there has been some indication from some -- and it's in press reports -- that timing is critical. That the very publically-financed system, our campaign finance reform, the entire law is in jeopardy with the decision of the circuit court and the court of appeals and we must act and must act now because we face a primary days away. Let me first say that in December, in December, Governor Rell called for a special session to clean up and fix our campaign finance laws, and January, February, March, April, May, June, July go by without any action of the majority. So if you

rgd/mb/md/gbr  
SENATE

24  
August 5, 2010

believe that this is critical to do because of the timing, you have no one to blame but yourself.

There's another issue with timing here where I will commend the majority in the Senate, just so I can act like I'm trying to be fair. I commend the majority for calling us in for an override prior to the primary. I think the very fact that the House has now scheduled a vote after the primary raises the very appearance that the decision made by the House could be determined based on the outcome of Tuesday's primary and that would be nothing short of wrong. So I commend you for doing it today although I disagree with the actions you will take. Thank you.

THE CHAIR:

Senator Williams.

SENATOR WILLIAMS:

Thank you, Mr. President.

I rise to support today's override of Governor Rell's veto. You know -- and this was mentioned during our previous debate when we passed this the first time but -- we have the best clean elections system in the United States right here in Connecticut, and it was the best before the Second Circuit's ruling, and it will continue to be the best clean

rgd/mb/md/gbr  
SENATE

25  
August 5, 2010

elections system in the country when we override this today and, ideally, the House overrides it sometime next week.

There have been a number of things that were said briefly here today, and I want to touch on those. Clean elections, yes, it does mean controlling lobbyists, controlling state contractors, and we continue to do that within the confines of the court decision. We continue to put more restrictions on lobbyists and how they can bundle contributions to reduce their influence and the influence of special interests in politics. We want clean elections in this state. We don't want to go back to the corruption that we saw just a few years ago.

But clean elections also means more than simply controlling the influence of lobbyists and contractors. It also means public financing. Public financing was a key component of the clean elections bill, and offering that as an option for candidates is very important. We are not adding dollars to the clean elections public financing system. We are capping the dollars. Right now, a gubernatorial candidate could receive as much as \$9 million for the general election. We are capping that at \$6 million,

rgd/mb/md/gbr  
SENATE

26  
August 5, 2010

and we have not had a candidate for governor spend \$3 million or thereabouts in the general election, which is what we would be talking about if we didn't take action here today, who has won in the last three cycles. The average has been more like \$7 million, and we are, again, capping the expenditure in the general election at \$6 million.

Some might suggest that public financing has somehow encouraged self-funded candidates to get into the race. I find that interesting because actually, at the beginning of this campaign cycle, we had three self-funded candidates in the U.S. Senate race, where no public financing is available, only one candidate self-funded in the gubernatorial race. Now, over on the Republican side they -- they talked one of those U.S. Senate candidates into switching and running for governor because there were just too many self-funded candidates running for U.S. Senate. So I would say public financing had absolutely nothing to do with self-funded candidates who came forward, three quarters of whom were running for U.S. Senate where there was no public financing at all.

In terms of the timing and why we are here today as opposed to taking action in June or May or April or

rgd/mb/md/gbr  
SENATE

27  
August 5, 2010

even, as Governor Rell suggested, last January or December of last year, there is, of course, a very simple reason: The Second Circuit did not rule on this case until July, and in our wisdom, we decided you know what, don't fix it until you know what's broken. And indeed, if we had acted prior to the Court's decision, as some people asked us to do, we would have fixed some things that were not broken and not addressed, other things that the Second Circuit struck down. So, yes, we would be here anyway. So the timing is right. We have to respond to the Second Circuit opinion.

The people of Connecticut want us to keep the clean elections system in the state of Connecticut. They want us to fight the special interests, and they want us to keep the promise of the best system to get rid of the influence of special interests in the country. For those reasons, Mr. President, I will vote to override the Governor's veto, and after today's vote today, urge my colleagues in the House to do the same. Thank you, Mr. President.

THE CHAIR:

Thank you, sir.

Will you remark further on the repass of Senate

rgd/mb/md/gbr  
SENATE

28  
August 5, 2010

Bill 551? Will you remark further?

If not, Mr. Clerk, please call for a roll call vote. The machine will be open.

THE CLERK:

Immediate roll call has been in ordered in the Senate. Will all Senators please return to the chamber. Immediate roll call has been ordered in the Senate. Will all Senators please return to the chamber.

THE CHAIR:

Have all Senators voted? Have all Senators voted?

If all Senators have voted, please check your vote. The machine will be locked. The Clerk will call the tally.

THE CLERK:

Motion is to repass Emergency Certified Bill 551.

|                             |    |
|-----------------------------|----|
| Total Number voting         | 34 |
| Those voting Yea            | 24 |
| Those voting Nay            | 10 |
| Those absent and not voting | 2  |

THE CHAIR:

The bill passes.

Senator Looney.

rgd/mb/md/gbr  
SENATE

29  
August 5, 2010

SENATOR LOONEY:

Thank you, Mr. President.

Mr. President, just to inquire, we -- now having repassed the bill, would move for immediate transmittal to the House for them to schedule their action.

THE CHAIR:

Without objection, sir.

SENATOR LOONEY:

Thank you, Mr. President.

.. Mr. President, that -- that concludes our business. I'm very pleased that we did it with dispatch today. I wanted to thank all of the members of the -- of the Chamber of both parties for that. And Mr. President, I would just pause, at this point, before calling for adjournment to leave room for members who may have any additional personal privilege or announcements.

THE CHAIR:

Are there any other points of personal privilege or announcements at this time?

Senator Roraback.

SENATOR RORABACK:

Thank you, Mr. President.