



STATE OF CONNECTICUT
STATE ELECTIONS ENFORCEMENT COMMISSION
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**STATEMENT OF JEFFREY B. GARFIELD, EXECUTIVE DIRECTOR
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ENFORCEMENT COMMISSION**

**Public Hearing of the Joint Committee on Government
Administration and Elections**

February 5, 2007

Thank you for the opportunity to comment on the bills on today's agenda. There are two that address campaign finance laws.

The first is ***SB 533 "AN ACT CONCERNING GIFTS AND CAMPAIGN CONTRIBUTIONS MADE TO ELECTED MUNICIPAL OFFICIALS."*** I wholeheartedly agree with the proponent of the bill, Senator Gaffey, that for the same strong public policy reasons, there should be similar restrictions on gifts and campaign contributions to elected municipal officials and candidates for municipal office. The General Assembly enacted the broadest pay-to-play restrictions in the US regarding statewide and legislative candidates within the comprehensive campaign finance reform legislation of December 2005. There have been documented scandals involving gifts and campaign contributions to elected municipal officeholders that support the need for such restrictions.

Let me focus on the \$50 limit on campaign contributions in subsection (d) of section 2 of the bill. There are various questions that should be addressed such as what constitutes "doing business" with a municipality or district. The state law, which is has its own ambiguities that we are trying to correct, defines a state contract, and a financial threshold at or above which, the contractors are subject to the restrictions. The language of the bill appears overly broad and applies to any business with the municipality.

In addition, I would assume that you would want the SEEC to enforce the contribution limit as we currently have jurisdiction over municipal campaign financing. However, the bill combines both ethics and campaign finance provisions in the same section, and therefore is unclear which agency is charged with enforcement of these provisions.

Finally, I would recommend that its effective date be postponed until after this election cycle (applicable to elections held on or after January 1, 2008). That would provide the agency charged with education and enforcement with ample time to notify those subject to the new restrictions. Some municipal campaigns are already underway; and it would be unfair to impose the new limitation in mid cycle.

The other bill is ***HB 6012 "AN ACT CONCERNING CONTRIBUTIONS TO LEGISLATORS WHO ARE RUNNING FOR MUNICIPAL OR FEDERAL OFFICE."*** The proposed bill indicates that it is intended to prohibit legislators from accepting lobbyist contributions during the session if they run for municipal or federal office. First, I don't believe the bill as drafted accomplishes that goal. Second, the Federal Election Campaign Act regulates contributions to federal candidates, and preempts state campaign finance law on the subject. In FEC Advisory Opinion 1994-2, the FEC ruled that a Minnesota law restricting lobbyists from contributing to legislators during the session did not apply to legislators who ran for federal office due to the preemption doctrine. See <http://ao.nictusa.com/ao/no/940002.html> for text of the advisory opinion. The General Assembly does have the authority to restrict legislators who run for municipal office from accepting contributions from lobbyists during the session; and if it does, it should probably impose the same restraints on their opponents, as is done in the current law.

Thank you for the opportunity to comment on these bills.