



**Testimony of Karen Hobert Flynn
Vice President for State Operations
Common Cause
Before the Government Administration and Elections Committee
March 12, 2010**

My name is Karen Hobert Flynn and I am the Vice President of state operations for the national organization of Common Cause and former Chair and Executive Director of Common Cause in Connecticut.

Common Cause in Connecticut is a nonpartisan, nonprofit citizen lobby that works to improve the way Connecticut's government operates. Common Cause has more than 400,000 members around the country and 36 state chapters. We have approximately 7200 members and activists in Connecticut.

I am here to testify for Common Cause in support of SB 421, HB 5428 and HB5471.

SB 421 is a bill that contains many reforms to the Citizens' Election Program that the committee, the caucuses, and the State Elections Enforcement Commission worked together to help strengthen the program with common sense changes, as well as ease administrative burdens on candidates and treasurers. HB 5428 is a more condensed version of SB 421. Specifically, Common Cause supports:

- **Repeal of 9-717 and proposed severability.** Common Cause believes the repeal of Section 9-717, also known as the "reversion clause," is the most important thing we can do right now if we are to provide greater electoral certainty for candidates planning to run under the Citizens' Election Program for 2010 statewide and legislative elections. Repeal of the reversion clause would allow the general severability clause found in Section 1-3 to apply to the Program should the State lose on appeal. This would allow the Citizens' Election Program to operate for 2010, thereby avoiding the dramatic consequence of the immediate loss of all of the election law progress we have enjoyed in CT since 2005.
- **Setting a Clear Date to determine whether a candidate has opposition.** This is a common sense fix that creates certainty for participating candidates to know whether they are opposed and what grant amount they have while they run for office under the program.



Several candidates in 2008 faced uncertainty until close to the deadline to fill a vacancy.

- **Lengthens the time for SEEC to review statewide candidate applications.** The CEP currently requires that the staff at Elections Enforcement have four days to review and approve an application to get a grant. Given the sheer volume of reporting needed to qualify for statewide races, with more contributions, the SEEC needs more time to process these adequately. Ten business days is a reasonable time frame.
- **Electronic Filing.** Common Cause supports mandatory electronic filing to facilitate participation and reporting under the CEP, and to ensure timely access for the public to this information.

Common Cause applauds members of this Committee for looking at a comprehensive way to address ways to respond to the Citizens United decision, including fixing our Citizens' Election program. We support Raised bill 5471 which takes some important steps to increase disclosure of independent expenditures and clarifying what constitutes coordination, so that as a state we can work to ensure that independent expenditures are truly independent.

We are pleased to see an expansion of the definition of the kinds of entities that could, and likely will engage in independent expenditures. Adding the definition of "entity" as a new designation will allow us to know more about who is engaging in this kind of activity, and it recognizes the variety of different kinds of groups who could become involved in this new avenue of political spending.

We think it is important to require all groups to disclose their activities. This bill takes a first step by requiring independent expenditures valued at more than \$1,000 to be reported. We support this threshold, but we believe that to ensure real transparency, these donations should be reported within 24 hours of the expenditure, so candidates know that it is coming. In addition, we think it is essential to make reporting mandatory to disclose electronically so that it is available in real time to the public. This information should be accessible and downloadable with user-friendly formats.

In addition, all entities that engage in independent expenditures should disclose their donors over \$100, so that we know who is really funding these expenditures. We will likely see, just like we see at the federal level, a number of shell groups forming with names like "People United for Reasonable Health Care" – when the effort is really funded by large pharmaceutical firms. Disclosing a group's donors electronically in



searchable databases will allow reporters, public interest groups, the public, and candidates to know more about who is really behind these expenditures.

Common Cause strongly supports the “stand by your ad” provision of this raised bill. Common Cause would go further, however. Because we will see shell groups, requiring the CEO of a coalition effort to appear in an ad doesn’t tell you much about who is behind the expenditure. Corporations or labor unions that collect money for political expenditures should provide attribution for their top three donors, in order to prevent evasion of disclosure by “Astroturf” entities.

Common Cause especially endorses the clarifying language regarding coordination that creates the rebuttable presumption for those making political expenditures to show that those expenditures were truly independent.

Common Cause especially endorses the clarifying language regarding coordination that creates the rebuttable presumption for those making political expenditures to show that those expenditures were truly independent. It also looks at the many ways that entities could coordinate expenditures and helps define what constitutes coordination to create a bright line to guide all those interested in engaging in this type of activity.

Without a doubt, the Citizens United case will dramatically shift the political landscape in Connecticut and at the federal level. These reforms, coupled with our very strong Citizens’ Election program that includes significant pay-to-play measures will make Connecticut the model state for how to protect the public from special interest dominance in elections.

Thank you for your time and consideration.