



Legislative Testimony
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Written Testimony Supporting Senate Bill 761, An Act Permitting the Use of Citizens' Election Program Grant Funds to Offset a Participating Candidate's Child Care Costs, and Supporting Sections 1-4 of Senate Bill 883, An Act Concerning the Recommendations of the Governor's Council on Women and Girls

Senator Flexer, Representative Fox, Ranking Members Sampson and Mastrofrancesco, and distinguished members of the Government Administration and Elections Committee:

My name is Kelly McConney Moore, and I am the interim senior policy counsel for the American Civil Liberties Union of Connecticut (ACLU-CT). I am submitting this testimony in support of Senate Bill 761, An Act Permitting the Use of Citizens' Election Program Grant Funds to Offset a Participating Candidate's Child Care Costs, and in support of Sections 1-4 of Senate Bill 883, An Act Concerning the Recommendations of the Governor's Council on Women and Girls. Senate Bill 761 is virtually identical to sections 1-4 of Senate Bill 883, and we will discuss the two bills jointly and interchangeably.

The ACLU-CT believes strongly in removing barriers that prevent people from accessing the ability to run for elected office, particularly barriers that present a disproportionate hurdle to underrepresented groups. In the 2019-2022 General Assembly, only 33.5% of Connecticut state senators and representatives were women,¹ despite being 51% of the Connecticut population.² Similarly, as of 2020,

¹ See "One-Third of Connecticut legislators are women, reversing state trend, ranking 14th in U.S." Connecticut by the Numbers, Jan. 21, 2019, *available at* <https://ctbythenumbers.news/ctnews/tag/women#:~:text=In%20the%20House%2C%20which%20currently,specia1%20elections%20on%20February%2026.&text=In%202011%2C%20there%20were%2056%20women%2C%2029.9%20percent>.

² Kristina Vakhman, "Report: Connecticut legislature has gotten less diverse since 2015." Hartford Courant, Oct. 16, 2020, *available at* <https://www.courant.com/politics/hc-pol-connecticut-legislature-diversity-down-20201016-tyvlf6bulbvvhxhera2ctkybb3pi-story.html>.

BIPOC made up only 18% of the General Assembly, despite being 34% of Connecticut's population.³ And 63% of state lawmakers are in the Baby Boomer generation, which makes up 31% of the state population, while every other generation is underrepresented, millennials worst of all.⁴ In 2015, state legislators were, on average, 9 years older than the average Connecticut resident.⁵ Wealth is also a factor – workers are over half of the U.S. population but only 3% of state legislators across the country.⁶ When people have more than one of those identities, the barriers will likely be even greater – a fact borne out by the fact that only 7.5% of elected officials nationwide are women of color⁷ despite being 19% of the nation's population.⁸

These disparities should be signposts that barriers to running for office exist for women, people of color, young people, lower-income people, and people at the intersection of those identities. Connecticut has long realized this – this philosophy, in fact, undergirds the Citizens' Election Program (CEP).⁹ The program has led to steadily increasing numbers of women in office since it began.¹⁰ Several legislators – all, notably, women and Black men – credit their successful candidacies in part to

³ *Id.*

⁴ National Conference of State Legislatures, "Who We Elect, An Interactive Graphic," *available at* <https://www.ncsl.org/research/about-state-legislatures/who-we-elect-an-interactive-graphic.aspx#>.

⁵ National Conference of State Legislatures, "Legislators 2015: Average Age by Chamber Revised," *available at* https://www.ncsl.org/Portals/1/Documents/About_State_Legislatures/Age_Rev1.pdf.

⁶ Nicholas Carnes, "Working-class people are underrepresented in politics. The problem isn't voters." *Vox*, Oct. 24, 2018, *available at* <https://www.vox.com/policy-and-politics/2018/10/24/18009856/working-class-income-inequality-randy-bryce-alexandria-ocasio-cortez>.

⁷ "Women of Color in Elective Office 2021," Center for American Women and Politics, *available at* <https://cawp.rutgers.edu/women-color-elective-office-2021>.

⁸ "Demographic Divide," Represent Women, *available at* https://www.representwomen.org/demographic_divide#race.

⁹ Beth A. Rotman & Lisa Nightingale, "Amplifying Small-Dollar Donors in the *Citizens United* Era: Connecticut's Citizens' Election Program Shifted the Balance of Power to the People" at 5-7. Common Cause Connecticut, Sept. 2020, *available at* https://www.commoncause.org/wp-content/uploads/2020/09/CT_SmallDonorDollar_Report_WEB.pdf.

¹⁰ See "One-Third of Connecticut legislators are women, reversing state trend, ranking 14th in U.S." Connecticut by the Numbers, Jan. 21, 2019, *available at* <https://ctbythenumbers.news/ctnews/tag/women#:~:text=In%20the%20House%2C%20which%20currently,specia%20elections%20on%20February%2026.&text=In%202011%2C%20there%20were%2056%20women%2C%2029.9%20percent>.

CEP funding.¹¹ This success demonstrates how enormous barriers, like fundraising, can be upended with huge benefits to diversity of elected officials in the state.

Making public money available for campaigns, though, does not eliminate all the barriers faced by diverse potential candidates. A major one still facing candidates, particularly women, is paying for childcare necessitated by campaigning.¹² When campaign money can be spent on childcare, anecdotal evidence suggests that people, especially women, who would otherwise be excluded from running have more flexibility to pursue office.¹³ This makes sense, given that mothers are 40% more likely than fathers to have had negative impacts on their careers due to childcare issues.¹⁴ These impacts are even worse for women of color, whose families are twice as likely as white families to reduce their participation in the workforce due to childcare disruptions.¹⁵

Connecticut has made progress towards eliminating childcare as a barrier to running for office. The State Elections Enforcement Commission took a step in the right direction when it issued a declaratory ruling holding that reasonable and customary childcare expenses necessitated by the campaign and properly documented may be paid with campaign funds.¹⁶ This ruling, though, explicitly barred candidates from expending CEP funds on childcare. A superior court later ruled, in the same case, that CEP funds could be used for childcare to the same

¹¹ Beth A. Rotman & Lisa Nightingale, “Amplifying Small-Dollar Donors in the *Citizens United* Era: Connecticut’s Citizens’ Election Program Shifted the Balance of Power to the People” at 11-19. Common Cause Connecticut, Sept. 2020, available at https://www.commoncause.org/wp-content/uploads/2020/09/CT_SmallDonorDollar_Report_WEB.pdf.

¹² Danielle Kurtzleben, “If a parent’s day job is running for Congress, can the campaign pay for child care?” Apr. 22, 2018, available at <https://www.npr.org/2018/04/22/604339101/if-a-parents-day-job-is-running-for-congress-can-the-campaign-pay-for-child-care>.

¹³ See, e.g., Anna North, “This mom is pushing to use campaign funds for child care. It could help parents around the country.” Mar. 21, 2019, available at <https://www.vox.com/2019/3/21/18271287/parents-child-care-moms-campaign-funds-pereira>.

¹⁴ Leila Schochet, “The child care crisis is keeping women out of the workforce.” Center for American Progress, Mar. 28, 2019, available at <https://www.americanprogress.org/issues/early-childhood/reports/2019/03/28/467488/child-care-crisis-keeping-women-workforce/>.

¹⁵ Christina Novoa, “How child care disruptions hurt parents of color most.” Center for American Progress, Jun. 29, 2020, available at <https://www.americanprogress.org/issues/early-childhood/news/2020/06/29/486977/child-care-disruptions-hurt-parents-color/>.

¹⁶ SEEC Declaratory Ruling 2019-02, available at <https://seec.ct.gov/Portal/data/AdvisoryOpinions/DR201902UseofCampaignFunds.pdf>.

extent as other campaign funds.¹⁷ Given the conflict in these decisions and the unsettled nature of the law in this area, candidates are likely to be very hesitant to use CEP funds for childcare unless the General Assembly acts.

We therefore strongly support the policy set forth in Senate Bill 761. Allowing the use of campaign funds, including CEP funds, to cover childcare necessitated by campaigning is a clear-cut way to ensure more diversity among elected officials in Connecticut. Access to funding for childcare necessitated by campaigning would have an outsize benefit on women, particularly women of color, who are woefully underrepresented in elected office. This bill would not only remove a barrier to running for office but would also clarify the state of the law so that future candidates can expend funds without hesitation. We urge this Committee to report favorably on Senate Bill 761.

¹⁷ *Pereira v. SEEC*, No. HHB-CV-19-6054160-S (Sup. Ct. New Britain, Aug. 27, 2020), available at <http://civilinquiry.jud.ct.gov/DocumentInquiry/DocumentInquiry.aspx?DocumentNo=19402293>.