

RETURN DATE: July 27, 2010

THOMAS C. FOLEY and FOLEY FOR GOVERNOR, INC.,

Plaintiffs,

v.

STATE ELECTIONS ENFORCEMENT COMMISSION; ALBERT P. LENGE, in his official capacity as Executive Director and General Counsel of the State Elections Enforcement Commission; NANCY WYMAN, in her official capacity as State Comptroller; DENISE L. NAPPIER, in her official capacity as State Treasurer; FEDELE 2010 JOINT GUBERNATORIAL CAMPAIGN COMMITTEE; FEDELE 2010; and BOUGHTON FOR CT 2010,

Defendants.

SUPERIOR COURT

JUDICIAL DISTRICT OF HARTFORD

AT HARTFORD

JULY 9, 2010

VERIFIED COMPLAINT FOR PERMANENT INJUNCTION AND DECLARATORY JUDGMENT

INTRODUCTION

1. The Plaintiffs, Thomas C. Foley and Foley for Governor, Inc., bring this action to clarify the proper interpretation of the statutes governing Connecticut's Citizens' Election Program ("CEP"), Conn. Gen. Stat. § 9-700, et seq. The CEP provides for public financing of campaigns for state legislative and executive offices for those candidates who meet certain thresholds, including collection of specified amounts of "qualifying contributions." In return, participating candidates agree to limit their campaign spending to amounts specified in the CEP for each phase of the campaign – pre-primary, primary and general election. See §§ 9-702, 9-703. The CEP provides a set amount of public funding out of the Citizens' Election Fund ("CEF") for each phase of the campaign. For the gubernatorial primary, a participating,

qualified candidate receives an initial grant of \$1.25 million. See § 9-705(a)(1). In addition, the CEP allows participating candidates in the gubernatorial primary to receive supplemental matching grants, up to an additional \$1.25 million, based on funds received or spent by any non-participating candidates for the same office. See § 9-713.

2. In particular, the Plaintiffs seek a declaratory judgment, pursuant to Conn. Gen. Stat. § 52-29, that:

a. Conn. Gen. Stat. § 9-704(a)(1)(A), which governs qualifying contributions for the CEP, does not permit a candidate for Governor to avoid the \$100 individual maximum qualifying contribution limit by creating a joint campaign committee with a candidate for Lieutenant Governor and then relying on individual contributions previously made by the same donor to the campaign committees for the candidates for Governor and Lieutenant Governor that together exceed \$100;

b. Conn. Gen. Stat. § 9-709, which governs joint campaigning under the CEP by candidates for Governor and Lieutenant Governor, does not permit an endorsed candidate for Lieutenant Governor to form a joint campaign committee with a non-endorsed candidate for Governor; and

c. Conn. Gen. Stat. § 9-713, which governs supplemental matching grants under the CEP, does not permit the payment of additional monies to opposing participating candidates as a result of any contributions, loans or other funds received by, or expenditures made, or obligated to be made, by a nonparticipating candidate prior to the day following the close of a convention held pursuant to Conn. Gen. Stat. § 9-382 for the purpose of endorsing a candidate for Governor.

3. The Plaintiffs also seek a permanent injunction, pursuant to Conn. Gen. Stat. § 52-471, et seq., enjoining the:

a. Defendant State Elections Enforcement Commission (“SEEC”) from approving the request made by Defendant Fedele 2010 and Defendant Boughton for CT 2010 to form a joint gubernatorial campaign committee pursuant to Conn. Gen. Stat. § 9-709;

b. Defendant SEEC from accepting or designating as qualifying contributions for Defendant Fedele 2010, pursuant to Conn. Gen. Stat. § 9-704, any amounts that, in total, exceed \$100, based on contributions given by the same individual contributor to Defendant Fedele 2010 and Defendant Boughton for CT 2010;

c. Defendant SEEC from notifying Defendant Nancy Wyman, in her official capacity as State Comptroller, that Michael C. Fedele is a qualified participating candidate in the CEP, or that Defendant Fedele 2010 Joint Gubernatorial Campaign Committee, or Defendant Fedele 2010, is a qualified participating campaign committee, pursuant to Conn. Gen. Stat. § 9-706(d);

d. Defendant Wyman from drawing an order on Defendant Denise L. Nappier, in her official capacity as State Treasurer, for payment of any CEP grants to Defendants Fedele 2010 Joint Gubernatorial Campaign Committee, Fedele 2010 or Boughton for CT 2010, pursuant to Conn. Gen. Stat. § 9-706(d);

e. Defendant Nappier from disbursing any grants from the Citizens’ Election Fund, pursuant to Conn. Gen. Stat. § 9-705, to Defendants Fedele 2010 Joint Gubernatorial Campaign Committee, Fedele 2010, or Boughton for CT 2010;

f. Defendant Wyman from drawing an order on Defendant Nappier, in her official capacity as State Treasurer, for payment of any CEP supplemental matching grants,

pursuant to Conn. Gen. Stat. § 9-713, based on funds raised or spent by the Plaintiffs prior to the beginning of the primary campaign period, to Defendants Fedele 2010 Joint Gubernatorial Campaign Committee, Fedele 2010, or Boughton for CT 2010;

g. Defendant Nappier from disbursing any supplemental matching grants from the Citizens' Election Fund, pursuant to Conn. Gen. Stat. § 9-713, based on funds raised or spent by the Plaintiffs prior to the beginning of the primary campaign period, to Defendants Fedele 2010 Joint Gubernatorial Campaign Committee, Fedele 2010, or Boughton for CT 2010;

h. Defendant Fedele 2010 Joint Gubernatorial Campaign Committee from spending any such grant funds, if any such grant funds already have been disbursed prior to the entry of an injunction;

i. Defendant Fedele 2010 from spending any such grant funds, if any such grant funds already have been disbursed prior to the entry of an injunction; and

j. Defendant Boughton for CT 2010 from spending any such grant funds, if any such grant funds already have been disbursed prior to the entry of an injunction.

PARTIES

4. Plaintiff Thomas C. Foley is a resident of Greenwich and a Republican candidate for the office of Governor. Mr. Foley was endorsed as the candidate for that office at the state Republican Party convention in May. Mr. Foley is not participating in the CEP.

5. Plaintiff Foley for Governor, Inc., is the official campaign committee for Mr. Foley's gubernatorial candidacy.

6. Defendant SEEC is the statutorily-designated state agency responsible for ensuring the integrity of the state's electoral process. See Conn. Gen. Stat. §§ 9-7a & 9-7b. The SEEC administers and enforces the CEP. See Conn. Gen. Stat. §§ 9-7b, 9-3331, 9-701, 9-713 &

9-714. The SEEC's statutory duties with respect to the CEP include considering and approving the applications of individuals who wish to be participating candidates in the CEP and notifying the State Comptroller of such approvals and the grant amount(s) to be disbursed. See Conn. Gen. Stat. § 9-706.

7. Defendant Albert P. Lenge is the Executive Director and General Counsel of the SEEC. This action is brought against Mr. Lenge solely in his official capacity as the SEEC's Executive Director and General Counsel.

8. Defendant Nancy Wyman is Connecticut's State Comptroller. This action is brought against Ms. Wyman solely in her official capacity as Comptroller. As Comptroller, Ms. Wyman is responsible for ordering payment on CEF grant vouchers issued by the SEEC. See Conn. Gen. Stat. §§ 9-706(d), 9-708, 9-713 & 9-714.

9. Defendant Denise L. Nappier is Connecticut's State Treasurer. This action is brought against Ms. Nappier solely in her official capacity as State Treasurer. As State Treasurer, Ms. Nappier disburses grants and supplemental matching grants from the CEF. See Conn. Gen. Stat. §§ 9-706(d), 9-708, 9-713 & 9-714.

10. Defendant Fedele 2010 is the official campaign committee of Lieutenant Governor Michael C. Fedele, a Republican candidate for the office of Governor.

11. Defendant Boughton for CT 2010 is the official campaign committee of Mark D. Boughton, a Republican candidate for the office of Lieutenant Governor.

12. Defendant Fedele 2010 Joint Gubernatorial Campaign Committee is the official joint campaign committee formed pursuant to Conn. Gen. Stat. § 9-709 by Michael C. Fedele and Mark D. Boughton.

Potential Interested Parties

13. The following potential interested parties have been provided notice by certified mail, return receipt requested, of this action pursuant to Conn. Gen. Stat. §17-56(b): the Attorney General; Michael C. Fedele; Mark D. Boughton; and Oz Griebel.

FACTUAL ALLEGATIONS

A. The CEP

14. As set forth above, the CEP provides for public financing of campaigns for major legislative and executive state offices, including Governor and Lieutenant Governor. Conn. Gen. Stat. §§ 9-702 & 9-703. In exchange for public financing grants, participating candidates agree to limit their campaign spending to amounts specified in the Act. See *id.* For the office of Governor, the CEP provides for an initial grant of \$1.25 million for any participating major party candidate. For the office of Lieutenant Governor, the CEP provides for an initial grant of \$375,000 for any participating major party candidate. See § 9-705.

15. In order to participate in the CEP, a candidate must obtain a specified amount of “qualifying contributions” based on the office for which he is running. See Conn. Gen. Stat. §§ 9-702(b) & 9-704. “Qualifying contributions” are monetary contributions of at most one hundred dollars each from qualified electors. § 9-704. Candidates for governor must receive an aggregate of \$250,000 from at least 2500 individuals. § 9-704(a)(1). The amount of any contributions from a single individual in excess of one hundred dollars “shall not be considered in calculating such amounts.” § 9-704(a)(1)(A).

16. All candidates who participate in the CEP agree to limit the expenditures of the “candidate’s committee” to the qualifying contributions and the financing received through the

system for each phase of a campaign – pre-primary, primary and general election. Conn. Gen. Stat. §§ 9-702(c), 9-705(j).

17. The CEP permits candidates for Governor and Lieutenant Governor to campaign jointly under certain, carefully-prescribed circumstances. Conn. Gen. Stat. § 9-709. If a candidate for Governor and Lieutenant Governor decide to campaign jointly, the CEP considers expenditures “made to aid or promote the success of both a candidate for nomination or election to the office of Governor and a candidate for nomination or election to the office of Lieutenant Governor jointly . . . expenditures to aid or promote the success of a candidate for nomination or election to the office of Governor.” § 9-709(a).

18. Section 9-709 deems the “party-endorsed candidate” for Governor and the “party-endorsed candidate” for Lieutenant Governor to be campaigning jointly upon the happening of certain events – the primary; if no primary is held, the fourteenth day following the close of the party convention; or a joint declaration by the party-endorsed candidates. *Id.*

19. However, only “[a]ny *other* candidate” for Lieutenant Governor, i.e., “other” than the “party-endorsed candidate” may campaign jointly with a candidate for Governor besides the “party-endorsed candidate,” “upon a declaration by the candidates that they shall campaign jointly.” *Id.* (emphasis added).

20. Under the CEP, participating candidates receive an additional public subsidy, supplemental matching grants, in response to funds received or spent made by non-participating candidates, including candidates who are ineligible or unable to qualify for public financing. Conn. Gen. Stat. § 9-713.

21. If a non-participating candidate receives contributions or spends more than an amount equal to the participating candidate’s expenditure limit, then the participating candidate

is eligible to receive up to four additional grants, each worth 25% of the full grant. *Id.* The excess expenditure grants are distributed whenever the non-participating candidate receives contributions or makes expenditures exceeding 100%, 125%, 150%, and 175% of the expenditure limit for that particular office. *Id.*; see also SEEC, Understanding Connecticut Campaign Finance Laws: A Guide for 2008 General Assembly Candidates Participating in the Citizens' Election Program ("2008 SEEC CEP Guide"), at 65-66.

22. The participating candidate receives the full value of the supplemental grant immediately, meaning that even if a non-participating candidate spends only \$1 over the expenditure limit, the participating candidate opponent receives an immediate 25% supplemental grant. Conn. Gen. Stat. § 9-713; 2008 SEEC CEP Guide, at 65-66.

23. Specifically, the CEP provides:

If the State Elections Enforcement Commission determines that contributions, loans or other funds have been received, or that an expenditure is made, or obligated to be made, by a nonparticipating candidate who is opposed by one or more participating candidates *in a primary campaign or a general election campaign*, which in the aggregate exceed one hundred per cent of the applicable expenditure limit *for the applicable primary or general election campaign period*, as defined in subdivision (1) of subsection (b) of section 9-712, the commission shall process a voucher not later than two business days after the commission's determination and the State Comptroller shall draw an order on the State Treasurer for payment, by electronic fund transfer directly into the campaign account of each such participating candidate, not later than three business days after receipt of an authorized voucher from the commission.

Id. (emphasis added).¹

24. Section 9-712(b)(1) defines an excess expenditure as "an expenditure made, or obligated to be made, by a nonparticipating or a participating candidate who is opposed by one

¹ Section 9-713 includes three additional identical provisions that allow for three additional supplemental grants when a nonparticipating candidate receives or spends funds in a primary campaign or a general campaign, which in the aggregate exceed one hundred and twenty-five percent, one hundred and fifty percent, and one hundred seventy-five percent of the primary or general election campaign period. Conn. Gen. Stat. § 9-713(b)-(d).

or more other participating candidates *in a primary campaign or a general election campaign*, which is in excess of the amount of the applicable limit on expenditures for said participating candidates *for said campaign.*” Conn. Gen. Stat. § 9-712(b)(1) (emphasis added).

25. The CEP defines the “primary campaign” as:

the period beginning on the day following the close of (A) a convention held pursuant to section 9-382 for the purpose of endorsing a candidate for nomination to the office of Governor, Lieutenant Governor, Attorney General, State Comptroller, State Treasurer or Secretary of the State or the district office of state senator or state representative, or (B) a caucus, convention or town committee meeting held pursuant to section 9-390 for the purpose of endorsing a candidate for the municipal office of state senator or state representative, whichever is applicable, and ending on the day of a primary held for the purpose of nominating a candidate for such office.

Conn. Gen. Stat. § 9-700(11) (emphasis added).

B. The Republican Gubernatorial Race

26. The Connecticut Republican Party held its convention for the purpose of endorsing candidates for numerous statewide offices, including Governor, on May 21-22, 2010. Thus, by statute, the Republican primary campaign period for the Office of Governor began on May 23, 2010.

27. At the Convention, the Republican Party endorsed Plaintiff Foley as its candidate for Governor and Boughton as its candidate for Lieutenant Governor. However, Fedele and Oz Griebel also each garnered enough support at the Convention to qualify for the Republican primary for Governor.

28. Plaintiff Foley is not participating in the CEP.

29. Upon information and belief, on July 8, 2010, the SEEC approved the joint application submitted by Fedele and Boughton for Defendants Fedele 2010, Boughton for CT

2010 and Fedele 2010 Joint Gubernatorial Campaign Committee, and Fedele and Boughton individually, to participate in the CEP. Griebel is not participating in the CEP.

30. By statute, following the SEEC's approval, the SEEC must notify the Defendant Wyman of that approval and the amount of the CEP grant that Defendants Fedele 2010 Joint Gubernatorial Campaign Committee and/or Fedele 2010 is entitled to receive. § 9-706(d).

31. Section 9-706(d) further requires the Defendant Wyman to "draw an order on the State Treasurer for payment of any such approved amount to the qualified candidate committee" from the CEF "[n]ot later than two business days" after being notified by the SEEC of such approval. § 9-706(d) (emphasis added).

32. According to his July 1, 2010, CEP grant application, Fedele's campaign committee, Fedele 2010, had raised only \$228,232 in individual contributions, which is not enough to meet the \$250,000 threshold to qualify for the CEP.

33. On that same day, Fedele and Boughton formed a joint campaign committee and combined the contributions each had received through their separate campaign committees in an attempt to reach the \$250,000 threshold required by the CEP, even though Fedele is not a "party-endorsed candidate," and Boughton is.

34. Upon information and belief, in order to qualify for CEP grant funds, Fedele is relying on contributions made on or before June 30, 2010, by the same donor to his campaign committee and to Boughton's campaign committee, Boughton for CT 2010. Absent such reliance, Fedele would not qualify for grant funds under the CEP.

35. The CEP states that the amount of any contributions from a single individual in excess of \$100 shall not be considered in calculating whether a gubernatorial candidate has met the \$250,000 threshold to qualify for CEP funds. However, on June 16, 2010, the SEEC issued

an opinion of counsel stating that it would accept, as qualifying contributions, donations given by the same contributor to the Fedele and Boughton campaign committees prior to Boughton's committee being absorbed into Fedele's committee even if those contributions exceeded \$100.

36. The effect of this ruling is to raise the individual qualifying contribution limit under the CEP from \$100 to \$200 from the statutory maximum of \$100. Upon information and belief, a number of Fedele's "qualifying contributions" are transferred maximum contributions from donors to the Boughton campaign.

37. The SEEC also recently has indicated, in response to an inquiry from counsel for the Plaintiff Foley for Governor, Inc., that it will include any funds received or spent by Foley's campaign *prior* to the day following the close of the Connecticut Republican Convention in its determination of whether the funds Foley's campaign spent or received "in the aggregate exceed one hundred per cent of the applicable expenditure limit for the applicable primary campaign," § 9-713, for purposes of disbursing supplemental matching grants to the Fedele 2010 campaign committee.

38. On July 2, 2010, the Plaintiffs requested a formal opinion of counsel concerning the SEEC determination discussed in the previous paragraph.

39. The SEEC also recently has indicated that it will permit Fedele and Boughton to be deemed as campaigning jointly under § 9-709, even though Fedele is not a "party-endorsed candidate," and Boughton is.

40. On July 6, 2010, the Plaintiffs requested a formal opinion of counsel concerning the SEEC determination discussed in the previous paragraph.

COUNT ONE: DECLARATORY JUDGMENT

1-40. Paragraphs 1-40 are hereby incorporated by reference and made paragraphs 1-40 of Count One as if fully set forth therein.

A. Qualifying Contributions

41. Conn. Gen. Stat. § 9-704(a)(1)(A), which governs qualifying contributions for the CEP, does not permit a candidate for Governor to avoid the \$100 individual maximum qualifying contribution limit by creating a joint campaign committee with a candidate for Lieutenant Governor and then relying on individual contributions previously made by the same donor to the campaign committees for the candidates for Governor and Lieutenant Governor that together exceed \$100.

42. No court has had occasion to declare whether § 9-704(a)(1)(A) permits a candidate for Governor to avoid the \$100 individual maximum qualifying contribution limit by creating a joint campaign committee with a candidate for Lieutenant Governor and then relying on individual contributions previously made to the campaign committees for the candidates for Governor and Lieutenant Governor by the same donor that together exceed \$100.

43. In the absence of any court ruling, the opinion of counsel issued by the SEEC creates substantial uncertainty and/or a substantial question as to the legality of such conduct.

44. The Plaintiffs have a legal or equitable interest in the proper resolution of this substantial uncertainty and/or substantial question because they will be harmed by the SEEC's approval of Fedele as a participating candidate, and Fedele 2010 Joint Gubernatorial Campaign Committee as a participating joint campaign committee, in the CEP, in that:

a. Defendant Fedele 2010 Joint Gubernatorial Campaign Committee and/or Defendant Fedele 2010 will receive grant funds from the CEP that they, and/or Defendant

Boughton for CT 2010, will use to oppose Plaintiff Foley's candidacy for Governor, thereby impacting Foley's First Amendment rights to free speech, association and to run for elective office; and

b. Plaintiff Foley for Governor, Inc., will be forced to expend additional sums in response to the grant funds received by those Defendants.

B. Joint Campaigning

45. Conn. Gen. Stat. § 9-709, which governs joint campaigning under the CEP by candidates for Governor and Lieutenant Governor, does not permit an endorsed candidate for Lieutenant Governor to form a joint campaign committee with a non-endorsed candidate for Governor.

46. No court has had occasion to declare whether § 9-709 permits an endorsed candidate for Lieutenant Governor to campaign jointly with a non-endorsed candidate for Governor.

47. The indication by the SEEC that it will permit Fedele and Boughton to be deemed as campaigning jointly under § 9-709, even though Fedele is not a "party-endorsed candidate," and Boughton is, creates substantial uncertainty and/or a substantial question as to the legality of such conduct.

48. The Plaintiffs have a legal or equitable interest in the proper resolution of this substantial uncertainty and/or substantial question because they will be harmed by the SEEC's approval of Fedele as a participating candidate in the CEP, and Fedele 2010 Joint Gubernatorial Campaign Committee as a participating joint campaign committee, in that:

a. Defendant Fedele 2010 Joint Gubernatorial Campaign Committee and/or Defendant Fedele 2010 will receive grant funds from the CEF that they, and/or Defendant

Boughton for CT 2010, will use to oppose Plaintiff Foley's candidacy for Governor, thereby impacting Foley's First Amendment rights to free speech, association and to run for elective office; and

b. Plaintiff Foley for Governor, Inc., will be forced to expend additional sums in response to the grant funds received by those Defendants.

C. Supplemental Matching Funds

49. Conn. Gen. Stat. § 9-713, which governs supplemental matching grants under the CEP, does not permit the payment of additional monies to opposing participating candidates as a result of any contributions, loans or other funds received by, or expenditures made, or obligated to be made, by a nonparticipating candidate prior to the day following the close of a convention held pursuant to Conn. Gen. Stat. § 9-382 for the purpose of endorsing a candidate for nomination to the office of Governor.

50. No court has had occasion to declare whether § 9-713 permits the payment of supplemental matching grants to participating candidates based on contributions, loans or other funds received by, or expenditures made, or obligated to be made, by a nonparticipating candidate prior to the day following the close of a convention.

51. The informal response by the SEEC to an inquiry from counsel for the Plaintiff Foley for Governor, Inc., that it will include any funds received or spent by Foley's campaign *prior* to the day following the close of the Connecticut Republican Convention in its determination of whether the funds Foley's campaign spent or received "in the aggregate exceed one hundred per cent of the applicable expenditure limit for the applicable primary campaign," § 9-713, for purposes of disbursing supplemental matching grants to the Fedele 2010 campaign

committee, creates substantial uncertainty and/or a substantial question as to the legality of such conduct.

52. The Plaintiffs have a legal or equitable interest in the proper resolution of this substantial uncertainty and/or substantial question because they will be harmed by any potential supplemental matching grants to Defendant Fedele 2010 Joint Gubernatorial Campaign Committee and/or Fedele 2010, in that:

a. Defendant Fedele 2010 Joint Gubernatorial Campaign Committee and/or Defendant Fedele 2010 potentially will receive supplemental matching grant funds from the CEF that they, and/or Defendant Boughton for CT 2010, will use to oppose Plaintiff Foley's candidacy for Governor, thereby impacting Foley's First Amendment rights to free speech, association and to run for elective office; and

b. Plaintiff Foley for Governor, Inc., will be forced to expend additional sums in response to the supplemental matching grant funds received by those Defendants.

COUNT TWO: INJUNCTIVE RELIEF

1-52. Paragraphs 1-52 are hereby incorporated by reference and made paragraphs 1-52 of Count Two as if fully set forth therein.

53. In the absence of permanent injunctive relief, the Plaintiffs likely will suffer irreparable harm from the previously-described SEEC approval for which they have no adequate remedy at law. Specifically:

a. Upon notice from the SEEC and/or Defendant Lenge of the approval of Fedele as a qualified participating candidate under the CEP, and Defendant Fedele 2010 Joint Gubernatorial Campaign Committee as a participating joint campaign committee, Defendant Wyman will order payment of, and Defendant Nappier will disburse grant funds to, Defendant

Fedele 2010 Joint Gubernatorial Campaign Committee and/or Defendant Fedele 2010 from the CEF that Defendant Fedele 2010 Joint Gubernatorial Campaign Committee, Defendant Fedele 2010 and/or Defendant Boughton for CT 2010 will use to oppose Plaintiff Foley's candidacy for Governor, thereby impacting Foley's First Amendment rights to free speech, association and to run for elective office;

b. Plaintiff Foley for Governor, Inc., will be forced to expend additional sums in response to the grant funds received by those Defendants;

c. Upon notice from the SEEC and/or Defendant Lange, Defendant Wyman will order payment of, and Defendant Nappier will disburse supplemental matching grant funds to Defendant Fedele 2010 Joint Gubernatorial Campaign Committee and/or Defendant Fedele 2010 from the CEF that Defendant Fedele 2010 Joint Gubernatorial Campaign Committee, Defendant Fedele 2010 and/or Defendant Boughton for CT 2010 will use to oppose Plaintiff Foley's candidacy for Governor, thereby impacting Foley's First Amendment rights to free speech, association and to run for elective office; and

d. Plaintiff Foley for Governor, Inc., potentially will be forced to expend additional sums in response to the supplemental matching grant funds received by those Defendants.

53. The balance of equities weighs substantially in the Plaintiffs' favor, further justifying injunctive relief, because the Plaintiffs will suffer greater harm if a permanent injunction is not granted than will the Defendants if one is. In particular, Plaintiff Foley's First Amendment rights to free speech, association and to run for elective office will be negatively impacted and Plaintiff Foley for Governor, Inc., will be forced to expend additional sums in response to the potential supplemental matching grant funds received by Fedele 2010. Moreover,

Defendants SEEC, Lenge, Wyman and Nappier will suffer no harm at all – they simply will not have to undertake the statutory duties described above.

PRAYER FOR RELIEF

WHEREFORE, the Plaintiffs respectfully seek the following relief:

1. A judgment declaring:

a. Conn. Gen. Stat. § 9-704(a)(1)(A), which governs qualifying contributions for the CEP, does not permit a candidate for Governor to avoid the \$100 individual maximum qualifying contribution limit by creating a joint campaign committee with a candidate for Lieutenant Governor and then relying on individual contributions previously made to the campaign committees for the candidates for Governor and Lieutenant Governor that together exceed \$100.

b. Conn. Gen. Stat. § 9-709, which governs joint campaigning under the CEP by candidates for Governor and Lieutenant Governor, does not permit an endorsed candidate for Lieutenant Governor to form a joint campaign committee with a non-endorsed candidate for Governor.

c. Conn. Gen. Stat. § 9-713, which governs supplemental matching grants under the CEP, does not permit the payment of additional monies to opposing participating candidates as a result of any contributions, loans or other funds received by, or expenditures made, or obligated to be made, by a nonparticipating candidate prior to the day following the close of a convention held pursuant to Conn. Gen. Stat. § 9-382 for the purpose of endorsing a candidate for Governor.

2. A temporary and permanent injunction enjoining the:

a. Defendant State Elections Enforcement Commission ("SEEC") from approving the request made by Defendant Fedele 2010 and Defendant Boughton for CT 2010 to form a joint gubernatorial campaign committee pursuant to Conn. Gen. Stat. § 9-709;

b. Defendant SEEC from accepting or designating as qualifying contributions for Defendant Fedele 2010, pursuant to Conn. Gen. Stat. § 9-704, any amounts that, in total, exceed \$100, based on contributions given by the same individual contributor to Defendant Fedele 2010 and Defendant Boughton for CT 2010;

c. Defendant SEEC from notifying Defendant Nancy Wyman, in her official capacity as State Comptroller, that Michael C. Fedele is a qualified participating candidate in the CEP, or that Defendant Fedele 2010 Joint Gubernatorial Campaign Committee, or Defendant Fedele 2010, is a qualified participating campaign committee, pursuant to Conn. Gen. Stat. § 9-706(d);

d. Defendant Wyman from drawing an order on Defendant Denise L. Nappier, in her official capacity as State Treasurer, for payment of any CEP grants to Defendants Fedele 2010 Joint Gubernatorial Campaign Committee, Fedele 2010 or Boughton for CT 2010, pursuant to Conn. Gen. Stat. § 9-706(d);

e. Defendant Nappier from disbursing any grants from the Citizens' Election Fund, pursuant to Conn. Gen. Stat. § 9-705, to Defendants Fedele 2010 Joint Gubernatorial Campaign Committee, Fedele 2010, or Boughton for CT 2010;

f. Defendant Wyman from drawing an order on Defendant Nappier, in her official capacity as State Treasurer, for payment of any CEP supplemental matching grants, pursuant to Conn. Gen. Stat. § 9-713, based on funds raised or spent by the Plaintiffs prior to the beginning of the primary campaign period, to Defendants Fedele 2010 Joint Gubernatorial Campaign Committee, Fedele 2010, or Boughton for CT 2010;

g. Defendant Nappier from disbursing any supplemental matching grants from the Citizens' Election Fund, pursuant to Conn. Gen. Stat. § 9-713, based on funds raised or

spent by the Plaintiffs prior to the beginning of the primary campaign period, to Defendants Fedele 2010 Joint Gubernatorial Campaign Committee, Fedele 2010, or Boughton for CT 2010;

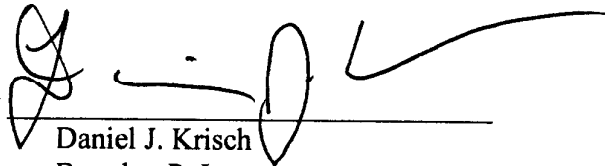
h. Defendant Fedele 2010 Joint Gubernatorial Campaign Committee from spending any such grant funds, if any such grant funds already have been disbursed prior to the entry of an injunction;

i. Defendant Fedele 2010 from spending any such grant funds, if any such grant funds already have been disbursed prior to the entry of an injunction; and

j. Defendant Boughton for CT 2010 from spending any such grant funds, if any such grant funds already have been disbursed prior to the entry of an injunction.

PLAINTIFFS,
THOMAS C. FOLEY AND FOLEY FOR
GOVERNOR, INC.

By



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