



M. Jodi Rell
GOVERNOR
STATE OF CONNECTICUT

August 2, 2010

The Honorable Susan Bysiewicz
Secretary of the State
20 Trinity Street
Hartford, Connecticut 06106

Dear Secretary Bysiewicz:

I am returning to you without my signature Senate Bill 551, *An Act Concerning Clean Elections*.

The Citizens' Election Program (CEP) was enacted in 2005 at my initiative and I am as committed to the CEP today as I was when I first proposed it. This program, which was passed with bipartisan support, has been used successfully by both Republicans and Democrats and has restored integrity and dignity to Connecticut's election process. I am determined, therefore, to address the problems identified by the U.S. Court of Appeals and the District Court in a manner that will preserve and strengthen the CEP.

While leaving intact the majority of the CEP, the Courts found several provisions to be unconstitutional, including the ban on lobbyist contributions, the ban on solicitation by both lobbyists and state contractors and the "trigger" provisions that authorize supplemental grants to candidates in response to excess expenditures by non-participating candidates and independent expenditures by third parties. The court found that all of these provisions unconstitutionally violate the first amendment right to free speech.

SB 551 appropriately seeks to address the Courts' concerns by allowing lobbyists to make campaign contributions up to \$100 and permitting solicitation by lobbyists and state contractors in a limited manner. I disagree profoundly, however, with that section of the bill which doubles the grant amounts for the general election for participating gubernatorial candidates from \$3 million to \$6 million.

I am disappointed that the Legislature saw fit to potentially add \$6 million in public spending on gubernatorial races at a time when our economy continues to be weak, jobs continue to be lost and families continue to struggle. It begs an obvious question from the taxpayers: What is the Legislature thinking? They have taken a program that was intended to remove the taint of special interests and corruption from political campaigns and turned it into a welfare program for politicians.

In good conscience I cannot endorse an additional \$6 million in public funding that will likely be used by candidates to bombard each other – and the public – with a relentless series of negative television and radio messages from now until November. I know that a statewide campaign for public office can be run and can be won without excessive spending and with dignity and respect.

While I appreciate the General Assembly's desire to ensure that participating candidates are not disadvantaged because the Court has invalidated the supplemental grant provisions, in this difficult economy and facing a significant budget deficit for the biennium, we cannot afford to double the size of the grant that participating gubernatorial candidates will receive based upon speculation that they will be outspent by non-participating opponents. It is important to keep in mind that the 2010 gubernatorial election will be the most expensive ever held in our State's history and that the amount spent this cycle will become the "floor" to an automatically much higher ceiling for the 2014 election.

Furthermore, this bill inadequately addresses or completely ignores other issues raised by the courts. For example, it allows lobbyist contributions to participating CEP candidates to count as qualifying contributions. This one small change effectively *undermines* the very integrity of the CEP. Our Office of State Ethics lists 1044 lobbyists registered in the State. If, for example, 150 of the 1044 lobbyists each made a \$100 contribution to a candidate for State Senate, that candidate would then need to receive only nominal contributions of no more than \$5 from 300 residents of his Senate district in order to qualify for an \$85,000 CEP grant. *This is not the clean election model that I envisioned when I proposed the CEP.*

It is also inappropriate that the restrictions on lobbyist and contractor solicitations do not become effective until January 1, 2011. All other changes in SB 551 are effective upon passage, but the solicitation restrictions conveniently become effective after the November election – an election in which all legislative seats will be on the ballot. If the solicitation ban is critical to preserving the integrity of the CEP, it should become effective now.

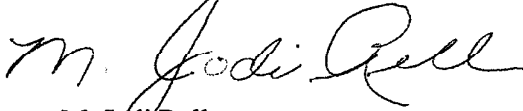
Finally, I note that while the bill provides additional funding for gubernatorial candidates because they may no longer apply for supplemental grants, it fails to address in like manner any candidates for other statewide offices – Lieutenant Governor, Treasurer, Comptroller, Secretary of the State and Attorney General – who are equally important to our democratic form of government and similarly prevented from applying for supplemental grants.

For the record, I first asked the General Assembly to address the unconstitutional provisions of the CEP by issuing a call for a special session for December 15, 2009. The day before that special session the legislative leaders pronounced that no action would be taken because they were "still working on solutions." Interestingly, though, a lobbyist fundraiser for one of their leadership PACs was held the same evening. It was suggested that a special session instead would be held in January or February, but again, no such session was held. The entire 2010 regular session expired with no action taken as well – evidence of a lack of leadership and commitment in terms of protecting this important program.

Now, with the primary election about to be held and the general election campaign set to begin in a matter of days, I once again urge the General Assembly to reconvene as soon as possible – this week, in fact – to enact a more fiscally prudent response to the Court’s decision – one that does not include increasing the size of the grants. Such a bill would repeal those provisions that the court found to be unconstitutional and enact a true severability clause, rather than a reversionary clause. It would preserve the integrity of the CEP and allow it to remain a viable option for candidates in both statewide and local races.

For the aforementioned reasons and pursuant to Section 15 of Article Fourth of the Constitution of the State of Connecticut and Article III of the Amendments to the Constitution of the State of Connecticut, I am returning Senate Bill 551 without my signature.

Very truly yours,

A handwritten signature in cursive script that reads "M. Jodi Rell". The signature is written in black ink and is positioned above the printed name and title.

M. Jodi Rell
Governor