Roy Ochiogrosso
The Office of Governor Dannel P. Malloy
State Capitol
210 Capitol Ave.
Hartford, CT 06106

May 10, 2012

Dear Mr. Ochiogrosso:

Demos commends Connecticut for passing one of the strongest campaign-finance disclosure bills in the United States and recommends that the Governor promptly sign the bill into law. This is an important bill that will bring much-needed transparency to financing for political campaigns.

In 2010, the Supreme Court's *Citizens United v. FEC* decision eliminated a federal law that prohibited business corporations from making independent expenditures in elections from their corporate treasuries. Since then, there has been a massive influx of private and corporate money into elections at every level of state and federal government. Disclosure laws in place at the time that decision was handed down were full of loopholes and did not anticipate the flood of corporate money that *Citizens United* would unleash. Lawmakers, shareholders, and the voting public have been in the dark regarding the sources of the increased political spending.

Connecticut's new disclosure legislation has taken a tremendous stride toward restoring the transparency necessary for fair elections and will provide much-needed information to voters and shareholders.

The Supreme Court has made clear on numerous occasions, including in *Citizens United* itself, that disclosure laws are on firm constitutional footing. In *Buckley v. Valeo*, the Court explained that disclosure laws were consistent with the First Amendment, because the government has a legitimate interest in "provid[ing] the electorate with information" about the sources of election-related spending. In the 2003 case, *McConnell v. FEC*, the Court upheld the federal disclosure

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provisions in the McCain–Feingold Act applying a similar analysis. The Court concluded that disclosure laws advanced the "First Amendment interests of individual citizens seeking to make informed choices in the political marketplace." Both of these decisions were reaffirmed by the Roberts Court in the recent *Citizens United* decision. The majority in *Citizens United* noted that disclosure laws "impose no ceiling on campaign-related activities" and "do not prevent anyone from speaking."

Another recent Supreme Court case, *Doe v. Reed*, upheld a Washington state law that required the disclosure of signatures on a referendum. Justice Scalia provided a powerful defense of disclosure in his concurrence:

> ... harsh criticism, short of unlawful action, is a price our people have traditionally been willing to pay for self-governance. Requiring people to stand up in public for their political acts fosters civic courage, without which democracy is doomed. For my part, I do not look forward to a society which, thanks to the Supreme Court, campaigns anonymously ... and even exercises the direct democracy of initiative and referendum hidden from public scrutiny and protected from the accountability of criticism. This does not resemble the Home of the Brave.

Connecticut has taken an important first step toward restoring the transparency necessary for fair and democratic elections. This bill will close many of the loopholes in existing disclosure laws that allow business corporations and wealthy individuals to spend anonymously in Connecticut elections. Demos strongly encourages the Governor to sign this bill into law and take the lead in restoring transparency and accountability in our election system.

Sincerely,

Miles Rapoport

Demos President and Former Secretary of the State of Connecticut