

Court and Legislature Reshape Connecticut's Pay-to-Play and Lobbying Laws

September 2010

The United States Court of Appeals for the Second Circuit on July 13, 2010, upheld some aspects of Connecticut's pay-to-play law and struck down other aspects as unconstitutional. *Green Party of Connecticut v. Garfield*, 2010 WL 2737134 (2nd Cir. 2010). Shortly thereafter, the state legislature passed S.B. 551 over the veto of Governor Rell and, in doing so, made some changes to the pay-to-play law. The impacts of the court opinion and the new statute are discussed in brief below.

First, the Second Circuit upheld the ban on contributions by state contractors and prospective contractors and their related persons. Thus, this aspect of the law has not changed, and the legislature left it undisturbed.

Second, the Second Circuit struck down the ban on the solicitation of contributions by state contractors and prospective contractors. The court indicated that this ban was a direct affront to free speech since it simply involved speech and did not involve monetary contributions in and of themselves. Accordingly, contractors and prospective contractors and related persons are free until the end of 2010 to solicit contributions for candidates. As a result of the new statute, however, the state is imposing a new and narrower solicitation ban on January 1, 2011.

Third, the Second Circuit struck down the ban on lobbyists' making or soliciting contributions. In response, the legislature amended the lobbyist rule in several ways. Instead of a ban, there is now a \$100 limit imposed on certain lobbyist contributions and the contributions of related persons. Although, in light of the Second Circuit's opinion, lobbyists now may solicit contributions, contribution solicitations by

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lobbyists are subject to a new and narrower solicitation ban on January 1, 2011. Further, the statute now bans the "bundling" of contributions by communicator lobbyists, their agents and members of their immediate families. Finally, the legislature also expanded the ban on contributions during legislative sessions to cover contributions from all lobbyists. The blackout period formerly applied only to lobbyist employers and their political action committees (PACs).

All of the statutory changes became effective upon the override of the Governor's veto, which was on August 13, 2010.