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NEWSLETTER

Pay-to-Play Spotlight: Think Twice Before Contributing in Connecticut

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Over the past few months, there has been much discussion in the press about the extent to which Connecticut's state pay-to-play law applies to federal political contributions.

In late 2013, Connecticut Governor Daniel Malloy began actively fundraising for the Connecticut Democratic Party's federal account. The Governor and state party's fundraising efforts were controversial at the time because many of the federal account contributors were connected to state contractors and prohibited under the state's pay-to-play law from directly contributing to the Governor or the state party's non-federal account.

This expansive fundraising effort attracted the attention of not only the press and political opponents, but also state enforcement officials. There was concern that the Connecticut Democratic Party would use funds from its federal account—financed, in part, by state contractor contributions—to support state candidates.

Such concern led the Connecticut State Elections Enforcement Commission (SEEC) to issue an unsolicited advisory opinion earlier this year. In the advisory opinion, the SEEC emphasized the federal campaign finance law does not "create a loophole" for state contractor funds to be used to finance state campaign activities. Despite the words of caution, the advisory opinion did not clearly indicate the extent to which Connecticut's pay-to-play law could apply to federal political contributions.

Given the lack of clarity, several state contractors and their executives have, according to local media, filed complaints against themselves in the hopes of getting a definite ruling from the SEEC that state

Authors

Michael E. Toner
Partner
202.719.7545
mtoner@wiley.law

D. Mark Renaud
Partner
202.719.7405
mrenaud@wiley.law

contractors may contribute to a political party's federal account. The SEEC has not yet resolved these matters. Wiley Rein will keep you updated in future issues of *Election Law News* about the results of these actions.