



Testimony on Senate Bill 914 (an act concerning disclosure of coordinated and independent political spending)

Submitted by Scott Shepard, Policy Director

February 27, 2019

Good afternoon. My name is Scott Shepard. I am the Policy & Research Director for the Yankee Institute for Public Policy, Connecticut's free-market think tank. I submit this note in opposition to **Senate Bill 914**.

The proposed legislation, which would add a category of "coordinated spender" to Connecticut's campaign finance laws, is unmanageably and unfairly broad, and raises First Amendment concerns. I testify today in particular to illustrate its unworkability, in ways that create potential traps particularly for lawmakers, but also for all citizens who engage in political discussion and activity in our state.

Consider the following scenario. An older candidate for reelection has grandchildren, one of whom is in college. Over fall break, the granddaughter goes to a friend's house. The friend's parents ask about her family and hear that the grandparent is a state assemblyperson up for reelection. The granddaughter and the friend's family discuss the grandparent's re-election, including campaign strategy and "if I were your grandparent, this is what I would do." The friend's parents regularly contribute to the state political organization of the party to which the grandparent belongs, which organization regularly provides some funds to support candidates from their party. This includes support for the grandparent's re-election.

As a result of this perfectly innocent, innocuous and – from the viewpoint of civic virtue, which requires an educated, engaged and garrulous and free-speaking populace – commendable set of circumstances, both the candidate and the parents have violated Connecticut law, with the granddaughter-student the vehicle of illegality.

That is a ludicrous outcome, but it is not a tendentious example. There are much simpler ways in which candidates could find themselves in trouble, simply from talking shop with friends of theirs who share their political views and so who might contribute to organizations that then might support the candidate by independent expenditure. Nothing in that entirely natural chain of events does or should corrupt the campaign process. It would in fact be far more corrupting for candidates and elected officials either to (a) refuse to talk to their friends, neighbors and constituents about political "shop," or (b) then insist on knowing about any "collateral" political contributions that those citizens might make.

Because this is the result that **Senate Bill 914** would seem to require, however, Yankee Institute opposes it.