



STATE OF CONNECTICUT  
STATE ELECTIONS ENFORCEMENT COMMISSION

**ADVISORY OPINION 2014-03:**

**Application and Enforcement of Connecticut's Aggregate Contribution Limits from Individuals to Candidates and Committees after *McCutcheon***

At its regular meeting on May 14, 2014, the State Elections Enforcement Commission (the "Commission") voted to issue this Advisory Opinion concerning application and enforcement of Connecticut's aggregate contribution limits from individuals to certain committees, in light of the United States Supreme Court's recent decision in *McCutcheon v. Federal Election Commission*, 134 S. Ct. 1434 (2014). In the aftermath of *McCutcheon*, numerous organizations and individuals have asked Commission staff whether the Commission will continue to enforce the aggregate contribution limits from individuals to various committees in General Statutes § 9-611 (c).<sup>1</sup>

***Discussion:***

Connecticut law contains two types of contribution limits from individuals to committees: (1) *base limits*, which are the amounts a donor can give to a single candidate or committee during a certain time period; and (2) *aggregate limits*, which are the amounts a donor can contribute, *in total*, to all candidates or committees during such time period.

General Statutes § 9-611 (c) provides that an individual may not contribute more than thirty thousand dollars (\$30,000) in the *aggregate* to various committees for any single election or primary. General Statutes § 9-611 provides, in relevant part:

(a) No individual shall make a contribution or contributions to, for the benefit of, or pursuant to the authorization or request of, a candidate or a committee supporting or opposing any candidate's campaign for nomination at a primary, or any candidate's campaign for election, to the office of (1) Governor, in excess of three thousand five hundred dollars; (2) Lieutenant Governor, Secretary of the State, Treasurer, Comptroller or Attorney General, in excess of two thousand dollars; (3) chief executive officer of a town, city or borough, in excess of one thousand dollars; (4) state senator or probate judge, in excess of one thousand dollars; or (5) state representative or any other office of a municipality not previously included in this subsection, in excess of two hundred fifty dollars. The limits imposed by this subsection shall be applied separately to primaries and elections.

(b) (1) No individual shall make a contribution or contributions to, or for the benefit of, an exploratory committee, in excess of three hundred seventy-five

<sup>1</sup> See, e.g., Letter of April 29, 2014 from David Keating, President of the Center for Competitive Politics seeking clarity regarding the application and enforcement of General Statutes § 9-611 (c) during the upcoming 2014 election cycle.

dollars, if the candidate establishing the exploratory committee certifies on the statement of organization for the exploratory committee pursuant to subsection (c) of section 9-604 that the candidate will not be a candidate for the office of state representative. No individual shall make a contribution or contributions to, or for the benefit of, any exploratory committee, in excess of two hundred fifty dollars, if the candidate establishing the exploratory committee does not so certify.

(2) No individual shall make a contribution or contributions to, or for the benefit of, a political committee formed by a slate of candidates in a primary for the office of justice of the peace, in excess of two hundred fifty dollars.

*(c) No individual shall make contributions to such candidates or committees which in the aggregate exceed thirty thousand dollars for any single election and primary preliminary to such election.*

General Statutes § 9-611 (a) – (c) (emphasis added).

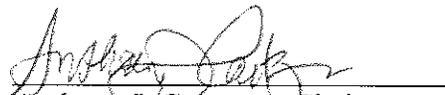
In *McCutcheon*, the United States Supreme Court struck down the *aggregate limits* in the federal campaign finance law, which restricted the amount an individual may contribute to all federal candidates, parties, and political action committees during a two-year cycle.

In light of the *McCutcheon* decision, which has called into question the application and enforceability of Connecticut's aggregate contribution limits from an individual to candidates or committees, the Commission will not enforce the aggregate contribution limits from individuals to various committees contained in General Statutes § 9-611 (c), unless and until it receives further guidance from the legislature or a court of competent jurisdiction.

The Commission notes, however, that the *McCutcheon* decision does not affect the "base" contribution limits from individuals (the amounts a donor can give to a single candidate or committee). Accordingly, the Commission will continue to apply and enforce these base contribution limits.

This constitutes an Advisory Opinion pursuant to General Statutes § 9-7b (a) (14). This Advisory Opinion is only meant to provide general guidance and addresses only the issues raised.

Adopted this 14<sup>th</sup> day of May, 2014 at Hartford, Connecticut by a vote of the Commission.

  
Anthony J. Castagno, Chair