

State Elections Enforcement Commission  
20 Trinity Street  
Suite 101  
Hartford, CT 06106-1628

Re: Governor Dan Malloy  
Dan Malloy for Connecticut  
Connecticut Democrat State Central Committee

Dear Commissioners:

It is with particular disgust that I find myself forced to file a formal complaint regarding a knowing, outrageous violation of our state election law arising out of campaign mailer sent by the Connecticut Democrat State Central Committee (DSCC) benefitting Dan Malloy and his campaign for Governor.

The Democrats initially seemed to explore attempting to evade our clean election laws when they sought an advisory opinion from the Federal Election Commission to allow federal campaign funds, including hundreds of thousands of dollars in contributions from state contractors in what clearly looks more and more like a “pay-to-play” scheme, to be used for the Malloy campaign. Their sordid request attempted to pass off a straight Malloy advocacy mailer as a “Get Out The Vote” piece that they ridiculously claimed qualified as an “exempt party activity” under federal law.

However, rather than wait for that opinion from the FEC, the Democrats went ahead and spent money from their federal election account, money that is clearly illegal for use in statewide races, on a campaign piece for Malloy. According to the spokesman for the Connecticut Democratic Party, “we are forced to proceed based upon our good-faith interpretation of federal law,” based upon conflicting guidance from state and federal regulators. First, state regulators have rightly stated that federal funds, specifically those from banned contractor contributions, could not be used for Malloy’s campaign. Such a use, they have opined, is illegal. Second, the federal regulators have been asked, but have not provided any “guidance” as to the illegal scheme undertaken by Connecticut Democrats. If one regulator says no, and the other is thus far silent, there is no conflicting guidance – the answer is “no”. Finally, for Democrats to even mention a “good faith” interpretation of our state contractor ban that allows money to be used for Malloy’s campaign is beyond laughable – it is sadly a post facto attempt to excuse a blatant criminal act.

In reviewing the mail piece submitted to the FEC in the attempt to characterize a partisan campaign ad as exempt under federal law, the Democrats included the disclaimer “Paid for by the Connecticut Democratic State Central Committee”. Pursuant to federal regulations, this is the proper disclaimer for a mailing that does meet the criteria of party exempt activity. (11 CFR 110.11(e)). In reviewing the illegal mailer sent out in blatant disregard of our contractor ban, the disclaimer adds to that the website for state party, as well as the following “and not authorized by any *federal* candidate or candidate’s committee” (emphasis added). This is not the disclaimer for party exempt activity, the only possible use of federal funds for a state campaign. It is the disclaimer for messages not authorized by a candidate. However, that disclaimer provides it should only say not “authorized by any candidate” – it does not specify federal candidate. The assumption under the federal law, as it should be, is that such electioneering messages paid for by federal funds are intended *only* for federal candidates. The Democrat’s disclaimer also glaringly exposes that this particular message *was* authorized by a state candidate or his committee. I would charge that Dan Malloy knew of this message, approved of it, and agreed to have it paid for with federal funds that include illegal contractor contributions. Illegal contractor contributions that Malloy went far and wide to solicit and collect, that were made in direct response to the awarding of state contracts, and should be under any interpretation of our state laws, banned from a use that benefits his campaign.

Certain media reports have included a defense from the Democrats that they have “segregated” the illegal contractor contributions and are not using any of the pay-to-play proceeds to benefit the Malloy campaign. However, the Democrats have one federal account. The federal election system provides for one federal account. The funds in that federal account, including illegal contractor contributions, are comingled and indistinguishable. To claim they only spent “clean” money, when dirty money sits in the same account, is simply not an acceptable explanation for an illegal expenditure.

In filing his application to become a participating candidate under our Citizens Election Program, Dan Malloy signed an affidavit swearing that he would obey and abide by all state election laws. Failure to honor that pledge could result in his campaign as well as Malloy personally having to repay up to the full amount of the grant, \$6,500,400. By accepting federal funds, as well as contractor contributions contrary to the state prohibition, Malloy has violated that oath to obey all state election laws and regulations.

Our state was in the forefront of passing clean election laws and strict bans on contractor contributions to counter corruption, both real and perceived. Connecticut was a shining example of what could be done to strike dirty money out of politics. Now, Connecticut is once again a joke, a punch line where a politician can force state contractors to solicit contributions to benefit him with a wink that he “follows all the laws”. Dan Malloy follows apparently only follows those laws that can help him, and willingly ignores any that might present a hurdle.

I ask that the State Elections Enforcement Commission find a knowing violation of state and federal law, in that the DSCC spent federal funds illegally on a state race, that the funds included absolutely illegal contributions from state contractors that cannot under any circumstances be spent on the Malloy campaign, that both Dan Malloy and his campaign knowingly and willingly acceded to this illegal expenditure and accepted it in violation of our Citizens Election Program. I ask that the Commission issue an order that no federal account money may be spent to benefit the Malloy campaign, and that the cost of the illegal mailer be assessed against the Malloy campaign and it be ordered to repay that amount to the Citizens Election Fund.

I thank you in advance for your consideration of my claim, and trust that you will take the appropriate action to safeguard our state’s model clean election laws.

Sincerely,

Jerry Labriola, Jr.  
Chairman  
Connecticut Republican Party