
Elicker 2021

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To the honorable Democracy Fund Chair Sergio Rodriguez,
members of the Board, and Executive Director Alyson Heimer:

The Elicker for Mayor campaign asks the Democracy Fund to uphold the law and prohibit any deposit of funds from Dr. Karen Dubois-Walton's exploratory committee into her participating mayoral committee. The Democracy Fund Ordinance expressly prohibits a participating candidate from accepting "contributions" and "deposits of money" from any "political committee" as defined by CGA Statute 9-601a—including any exploratory committee—by statute and ordinance.

Dr. Karen Dubois-Walton's attempt to transition funds is illegal and a gross disregard for the spirit of the Democracy Fund. It is a clear violation of the law, explicitly prohibited by the Democracy Fund Ordinance. Her attempt to double dip from individual donors, while simultaneously touting her participation in the Democracy Fund, destroys the grassroots limits that keep big money out of politics.

The December 5, 2012 memorandum by former Democracy Fund Administrator and attorney Ken Krayeske has made it clear for the past decade that a participating candidate in the Democracy Fund cannot accept any monies, contributions, or deposits from an exploratory committee.

The Elicker Campaign urges the Fund to uphold the law and reject Dr. Karen Dubois-Walton's attempt to deposit more than \$70,000 from her exploratory committee into her participating candidate committee. The language of the December 5, 2012 memo is *as clear and precise as* the law that underlies this decision: exploratory committees may not deposit funds into a participating mayoral committee. The Elicker Campaign sees no reason to depart from this established 2012 decision and asks that the Board protect the integrity of the Democracy Fund. The December 5, 2012 decision states in relevant part:

The Ordinance defines a "contribution" as any money or anything of value given for the purpose of influencing the election, including any "deposit of money" (Ord. Sec. 2-822(7)). When dealing with "contributions" as defined by the Ordinance specifically, Ordinance Sec. 2-825(a) states:

a participating candidate and his or her mayoral committee may only accept contributions from individuals and from a New Haven party town committee, and ***may not accept contributions from "political committees"*** or "business entities" as those terms are defined in Connecticut General Statutes, Section 9-601(a). The contribution limits of this ordinance take precedence over state-imposed limits. Only contributions from registered voters of the City of New Haven shall be considered matchable contributions under this ordinance. (emphasis added)

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For reference sake, C.G.S. §9-601(a)(3) defines a “political committee” as:

(A) a committee organized by a business entity or organization, (B) persons other than individuals, or two or more individuals organized or acting jointly conducting their activities in or outside the state, (C) **an exploratory committee**, (D) a committee established by or on behalf of a slate of candidates in a primary for the office of justice of the peace, but does not mean a candidate committee or a party committee, (E) a legislative caucus committee, or (F) a legislative leadership committee.
(emphasis added)

The statutory inclusion [of] exploratory committee within the definition of political committee, when coupled with the reference to that in the Ordinance, disallows the roll over of funds from an exploratory committee to a primary or general mayoral committee.

So while the Democracy Fund ordinance does not use the words “exploratory committee” more than once, the framers of the ordinance did not want funds generated by an exploratory committee to come into a candidate’s primary or general election committee.

The Democracy Fund Ordinance is clear: the Dubois-Walton exploratory committee cannot deposit any funds into her participating mayoral committee. The Ordinance expressly prohibits her attempt to deposit the more than \$70,000 left over from her exploratory committee and receive any grant from the Democracy Fund.

Her committee must choose between participating in the Democracy Fund and abiding by grassroots contributions from individuals only, limited to \$390, or she must choose not to participate in public financing.

The Democracy Fund must not depart from the language of the ordinance, established law, and the clear legal opinion that its own Administrator rendered a decade ago.

Sincerely,

Kimberly Agyekum
Campaign Manager,
Elicker 2021