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September 7, 2010

**BY OVERNIGHT MAIL**

Matthew S. Petersen, Chairman  
Federal Election Commission  
999 E Street NW  
Washington, DC 20463

AOR 2010-22

**Re: Connecticut Working Families Party**

Dear Chairman Petersen:

This firm represents the Working Families Party of Connecticut's State Committee, registered with the Federal Election Commission as the CT Working Families Federal PAC d/b/a Take Back Congress CT ("CT WFP"). We write to request an advisory opinion regarding the status of the CT Working Families Federal PAC d/b/a Take Back Congress CT as a State committee of a political party ("state party committee") under the Federal Election Campaign Act of 1971, as amended (the "Act") and Federal Election Commission regulations. A state party committee is an organization that, by virtue of the bylaws of a political party or the operation of state law is part of the official party structure and is responsible for day-to-day operations of the political party. See 2 U.S.C. § 431(15); 11 CFR 100.14(a). We submit that the CT WFP qualifies as a State committee of a political party because: (1) the CT WFP qualifies as a political party under Connecticut Law and the Act; (2) the CT WFP possesses an official party structure; and (3) the CT WFP is responsible for the day-to-day operations of a political party at the State level.

***(1) Qualification of the CT WFP as a Political Party***

The CT WFP is not affiliated with a national party, but qualifies under Connecticut law as a minor political party. See Letter from Theodore E. Bromley, *attached as Exhibit A*. The determination as to whether an unaffiliated State party organization qualifies as a State committee of a political party for the purposes of the Act first requires that the party organization itself meets the Act's definition of a "political party." See Advisory Opinion 2008-12 (Independence Party of Oregon). To qualify as a political party under the Act, the CT WFP must have at least one candidate for Federal office whose name is on the ballot as a candidate of the

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CT WFP. *See* Advisory Opinion 2007-23 (Independence Party of New York). An individual qualifies as a candidate if the individual, the individual's authorized committee, or other persons authorized by the individual, have received contributions aggregating in excess of \$5,000 or have made expenditures aggregating in excess of \$5,000. 11 CFR 100.3(a)(1); *see also* 2 U.S.C. § 431(2).

The CT WFP has already placed two candidates for federal office – Joseph D. Courtney and Rosa Delauro – on the 2010 Connecticut ballot. *See Exhibit A*. Those candidates are identified on the ballot as the candidates of the CT WFP. Joe Courtney, the CT WFP's nominee for Member of the U.S. House of Representatives from Connecticut's 2<sup>nd</sup> Congressional District, has received \$1,363,801 and has expended \$527,305 in the 2009-2010 election cycle. *See* Courtney, Joseph D., Candidate (H2CT02112) Summary Reports – 2009-2010 Cycle, available at [http://query.nictusa.com/cgi-bin/cancomsrs/?\\_10+H2CT02112](http://query.nictusa.com/cgi-bin/cancomsrs/?_10+H2CT02112). Rosa Delauro, the CT WFP's nominee for Member of the U.S. House of Representatives from Connecticut's 3<sup>rd</sup> Congressional District, has received \$893,339 and has expended \$891,910 in the 2009-2010 election cycle. *See* Delauro, Rosa, Candidate (H0CT03072) Summary Reports – 2009-2010 Cycle, available at [http://query.nictusa.com/cgi-bin/cancomsrs/?\\_10+H0CT03072](http://query.nictusa.com/cgi-bin/cancomsrs/?_10+H0CT03072). Because Joseph D. Courtney and Rosa Delauro are candidates within the meaning of the Act, and will be appearing on the CT WFP's ballot line for the federal offices of Member of the U.S. House of Representatives from Connecticut's 2<sup>nd</sup> and 3<sup>rd</sup> Congressional Districts in the November 2, 2010 General Election, the CT WFP qualifies as a political party.

## **(2) Official CT WFP Structure**

While national party affiliation is not needed to achieve State party committee status, in the absence of national party affiliation the State party organization must itself possess an official party structure by showing (a) the party organization's Constitution and Bylaws establish an official party structure; and (b) pursuant to Connecticut law, CT WFP has gained ballot status and has placed a candidate on the ballot. *See* Advisory Opinion 2008-12.

The CT WFP first obtained ballot status as the official Working Families Party of Connecticut in 2002, when twenty five candidates for state legislative office petitioned onto the ballot under the party designation of "Working Families." All twenty five candidates received more than one percent of the whole number of votes cast for all candidates for their offices, leading to the CT WFP's recognition as a minor party pursuant to Conn. Gen. Statutes § 9-451. As discussed above, the CT WFP retains its ballot status today, and has placed candidates on the ballot for the November 3, 2010 General Election. *See Exhibit A*.

In compliance with Conn. Gen. Statutes § 9-374, the CT WFP has submitted its Rules to Connecticut's Secretary of State. The CT WFP's Party Rules ("Rules"), attached hereto as Exhibit B, detail the organization, nominating authority, endorsing authority, officers, and operations of the CT WFP. The Rules establish an official party structure, consisting of individual and organizational members, a State Committee, and an Executive Committee.



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Working Families Party, Party Rules (“Rules”), Art. IV, Art. V, and Art. VI. The State Committee is the highest governing body of the Party, and the Executive Committee, elected by the members of the State Committee, is empowered to carry on the work of the State Committee in between meetings of the State Committee. Rules, Art. V Para. 1, Art. VI, Para. 2.

Because the CT WFP’s Rules establish an official party structure and because the party has placed candidates on the ballot in Connecticut, the CT WFP satisfies the second element required to qualify as a State committee of a political party.

***(3) Responsibility for Day-to-Day Operations of the CT WFP***

The State party organization must show that, by virtue of its Constitution, its bylaws, or by operation of State law, the organization is responsible for the day-to-day operations of the political party at the State level. *See* 2 U.S.C. § 431(15); *see also* 11 CFR 100.14(a); *see also* Advisory Opinion 2009-16 (Libertarian Party of Ohio) (“[In proving this element the organization must show that] the bylaws or other governing documents of the State party organization indicate activity commensurate with the day-to-day functions and operations of a political party at the State level.”).

The State Committee of the CT WFP is the party’s highest governing body, with the authority to convene meetings, allocate financial resources, establish committees, and endorse candidates in the name of the party. Rules Art. VII, Para. 1, Art.V., Para. 1. The CT WFP’s responsibility for the operations of the political party is commensurate with the responsibility of other State party committees that the Commission has previously recognized. Advisory Opinion 2008-12; *see also* Advisory Opinion 2007-23.



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***Conclusion***

Pursuant to Article V, Paragraph 1 of the Rules, the CT WFP has registered with the FEC as the CT Working Families Federal PAC d/b/a Take Back Congress CT. Because the CT WFP qualifies as a political party, possesses an official party structure, and is responsible for the day-to-day operations of the Working Families Party in the State of Connecticut, we respectfully request the Federal Election Commission's determination that the CT WFP qualifies as a State committee of a political party under the Act and FEC regulations.

Please do not hesitate to contact me if you need more information.

Sincerely,

A handwritten signature in black ink, appearing to read 'Alexander Rabb', with a long, sweeping underline that extends to the right.

Alexander Rabb

ACR:acr



EXHIBIT A



Office of Secretary of the State  
State of Connecticut  
P.O. Box 150470, Hartford, CT 06115-0470

*Susan Bysiewicz*  
Secretary of the State

*Lesley D. Mara*  
Deputy Secretary of the State

Mr. John Green  
Working Families Party  
State of Connecticut

Dear Mr. Green:

This letter is to certify that the Connecticut Working Families Party is a qualified minor party in the State of Connecticut pursuant to Conn. Gen. Stat. § 9-372. It has filed party rules pursuant to Conn. Gen. Stat. § 9-374, and is entitled to nominate candidates for certain offices pursuant to Conn. Gen. Stat. § 9-451.

At this time, the Connecticut Working Families Party has nominated the following candidates for election to federal office in the General Election to be held November 2, 2010:

- (1) Joe Courtney, 2nd District House of Representatives
- (2) Rosa Delauro, 3rd District House of Representatives

If you have any additional questions, please contact our office at (860) 509-6100.

Sincerely,

  
Theodore E. Bromley  
Staff Attorney

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Commercial Recording Division	(860) 509-6001 fax (860) 509-6069	State Capitol Office	(860) 509-6200 fax (860) 509-6209
Legislation and Election Administration Division	(860) 509-6100 fax (860) 509-6127	Deputy Secretary of the State	(860) 509-6212 fax (860) 509-6131
General Information	(860) 509-6000	Management & Support Services	(860) 509-6190 fax (860) 509-6175

Internet Home Page [www.sots.ct.gov](http://www.sots.ct.gov)  
30 Trinity Street, Hartford, CT 06106

EXHIBIT B

**WORKING FAMILIES PARTY**  
**Party Rules**

PARTY OF THE STATE  
LEGISLATIVE ELECTORAL  
ADMINISTRATION DIVISION

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**Article I. NAME**

The name of this party is Working Families (WFP).

**Article II. JURISDICTION**

The jurisdiction of the WFP shall be the State of Connecticut.

**Article III. INTERPRETATION**

Interpretation of this document shall be by majority vote of the co-chairs of the Executive Committee. Any such interpretation may be overruled by a majority vote of votes cast at a meeting of the State Committee.

**Article IV. MEMBERSHIP.**

There are two types of membership: Affiliated Organizations and Appointed Members.

**A. AFFILIATED ORGANIZATIONS**

1. Organizational membership shall be open to community organizations, unions and other groups which, by official act, undertake to join the WFP as an Affiliated Organization.
2. Each Affiliated Organization shall designate one or more delegates who may represent the Affiliated Organization at meetings of the Working Families Party State Committee.
3. Each Affiliated Organization shall pay membership dues in accordance with the dues formula established by these rules. Dues shall be on a calendar year basis.
4. The Executive Committee of the WFP reserves the right to reject the affiliation of any organization that the Executive Committee deems to be incompatible with the mission and goals of the WFP.
5. The Affiliated Organizations shall designate at least one community based organization, women's organization, labor organization, environmental organization, organization representing people of color, or other issue-based organization to serve as an appointed Affiliated Organization and shall assign a number of votes to each such appointed Affiliated Organization at the time of appointment.

**B. APPOINTED MEMBERS**

1. At the Annual Meeting in odd numbered years, the representatives of Affiliated Organizations shall appoint up to three individual members from each of Connecticut's Congressional Districts to the State Committee for a term of two years. Votes for such appointed members shall be on the basis of proportional voting of Affiliated Organizations.

2. The number of appointed members who are women must be at least equal to the number of appointed members who are men, and the number of appointed members who are people of color must be at least equal the number of appointed members who are white.
3. No appointed member shall be a member of the staff or an officer of an organization that is an organizational affiliate.
4. The State Committee may fill a vacancy in any appointed member position at any time.

**Article V. STATE COMMITTEE**

1. The State Committee is the highest governing body of the WFP. It shall have full authority to set goals and objectives for the WFP; allocate financial resources; establish standing or ad hoc committees; endorse issues and candidates in the name of the WFP.
2. The State Committee shall consist of the Affiliated Organizations, as represented by each Organization's designated representative(s), and individual appointed members.
3. Proportional voting by Affiliated Organizations on the State Committee is based on each organization's dues payment, except that organizations that are appointed to the State Committee shall be assigned a number of votes at the time of their appointment.
4. Dues rates may be set or altered by the State Committee at any time between the annual meeting and the first meeting of the State Committee of the following year.
5. All decisions of the State Committee shall be made by a simple majority vote of votes cast at a State Committee meeting, using the proportional voting formula established by these party rules.
6. The Executive Committee reserves the right to delay acceptance of any organization that affiliates with the WFP within two months of the WFP annual meeting.
7. Affiliated Organizations shall receive votes on the State Committee based on the following dues formula:

# Of Members	Dues	Votes
250 - 999	\$500	2
1,000 - 2,499	\$1,000	4
2,500 - 4,999	\$2,500	6
5,000 - 7,500	\$5,000	9
7,500 +	\$7,500	12

8. All dues payments from Affiliated Organizations must be made from the organization's political committee or from a source that is legally permitted to make contributions to the State Central Committee of a political party.
9. A statewide parent organization and local sub-organizations may each affiliate, but no related grouping may have more than 25 votes total.

10. Each appointed member shall cast 1 vote on the WFP State Committee.

#### **ARTICLE VI: EXECUTIVE COMMITTEE**

1. The State Committee shall elect from its own members an Executive Committee consisting of three organizational affiliates as co-chairs, a secretary, and a treasurer to carry on its work in between State Committee meetings.
2. The Executive Committee shall be elected for a term of two years and the election shall take place at the Working Families Party annual meeting in odd numbered years.
3. Vacancies in the Executive Committee may be filled at any time by a majority vote of the votes cast on the State Committee.

#### **ARTICLE VII: ENDORSEMENTS**

Endorsements by the Working Families Party may be made at any time by a majority vote of the votes cast on the State Committee.

#### **ARTICLE VIII: ANNUAL MEETING**

1. The State Committee shall convene an annual meeting that will take place between the 90<sup>th</sup> day prior to the November general election and the 65<sup>th</sup> day prior to the November General Election.
2. Notice of the Annual Meeting shall be mailed to all State Committee members at least 14 days prior to the date of such meeting.

#### **Article IX. AMENDMENTS**

These rules may be amended by a majority vote of the State Committee.