

Evidence Card: Arguments Against Banning Lobbyist Fundraising

Team Policy Evidence Sheet

Tag Line

Court decisions striking down lobbyist contribution bans demonstrate they violate First Amendment protections

Verbal Citation

"Although an outright ban on contractor contributions can be justified as a means to address the appearance of corruption caused by Connecticut's recent corruption scandals, those scandals did not involve lobbyists and thus do not provide sufficient justification for an outright ban on lobbyist contributions." - U.S. Court of Appeals for the Second Circuit, Green Party of Connecticut v. Garfield, 2010 "The CFRA's ban on lobbyist contributions, therefore, is not closely drawn to achieve the state's anticorruption interest." - U.S. Court of Appeals for the Second Circuit, Green Party of Connecticut v. Garfield, 2010 "Thus, we hold that the CFRA's ban on lobbyist contributions, Conn. Gen. Stat. Â§ 9-610(g), violates the First Amendment." - U.S. Court of Appeals for the Second Circuit, Green Party of Connecticut v. Garfield, 2010 "The recent corruption scandals in Connecticut in no way involved lobbyists." - U.S. Court of Appeals for the Second Circuit, Green Party of Connecticut v. Garfield, 2010 "there is insufficient evidence to infer that all contributions made by state lobbyists give rise to an appearance of corruption." - U.S. Court of Appeals for the Second Circuit, Green Party of Connecticut v. Garfield, 2010

What the evidence says in context

In Green Party of Connecticut v. Garfield (2010), the U.S. Court of Appeals for the Second Circuit reversed the District Court's decision and struck down Connecticut's ban on lobbyist contributions to state political campaigns as a violation of the First Amendment. The appellate court found that while Connecticut's corruption scandals justified banning contractor contributions, those scandals did not involve lobbyists, providing insufficient justification for a lobbyist contribution ban. The court applied the "closely drawn" standard and found the lobbyist ban was not closely drawn to achieve the state's anticorruption interest. The decision recognized that lobbyist contributions are protected political speech and association under the First Amendment.

Impact

The Green Party v. Garfield decision provides a strong judicial precedent against lobbyist fundraising bans, demonstrating that courts apply strict constitutional scrutiny to such

restrictions. The ruling establishes that blanket bans on lobbyist contributions violate First Amendment protections for political speech and association. This case suggests that similar congressional restrictions on lobbyist fundraising would likely face constitutional challenges, as courts recognize lobbying as protected political activity requiring narrow rather than prohibitive regulation.

Webpage or Book Title

United States Court of Appeals for the Second Circuit

URL or page number

https://law.justia.com/cases/federal/appellate-courts/ca2/09-0599/09-0599-cv_opn-2011-03-27.html

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