

STATE OF CONNECTICUT
STATE ELECTIONS ENFORCEMENT COMMISSION

In the Matter of a Complaint by
Debra Germini Calamari, Chester

File No. 2007-272

FINDINGS AND CONCLUSIONS

Complainant as Town Clerk forwards this complaint pursuant to Connecticut General Statutes § 9-7b and as required by § 9-623 alleges that a group called "ChesterFirst" may have violated General Statutes § 9-602 and § 9-605 pertaining to expenditures advocating a position on a June 26, 2007 referendum in the Town of Chester.

After an investigation of the complaint, the following Findings and Conclusions are made:

1. The Town of Chester held a referendum on June 26, 2007 on two questions, pertaining to the appropriation of \$2,000,000 by the Town of Chester for the construction of a sewer system, and authorizing a related \$500,000 state grant agreement. Both referenda were defeated.
2. ChesterFIRST, Solar Clarity and Cummings & Good, local businesses, met on June 13, 2007 and agreed to jointly oppose the sewer referenda on June 26, 2007 in the Town of Chester.
3. Individuals from this group made expenditures between June 15th through June 21st for the purchase of balloons, postage stamps, and the 1600 copies of a letter mailed to registered voters in Chester for purposes of opposing the referendum.
4. Group member Janet Cummings Good was informed by the Chester Town Attorney on June 21, 2007 of possible violations of Connecticut General Statutes pertaining their activities and failure to register with the town regarding their advocacy.
5. Ms. Cummings Good contacted the Chester Town Clerk on June 22, 2007 and upon her instructions, filed as its agent a *Certificate of Exemption From Forming A Referendum Committee* (SEEC Form 6) on behalf of Chester FIRST, Solar Clarity and Cummings & Good.
6. As letter opposing the referendum was mailed by *ChesterFIRST, Solar Clarity and Cummings & Good* to all registered voters in Chester on June 23, 2007.
7. Connecticut General Statutes § 9-602, provides in pertinent part:
 - (a) Except with respect to an individual acting on his own, no contributions may be made, solicited or received and no expenditures may be made, directly or indirectly, in aid of or in opposition to the candidacy for nomination or election of any individual or any party *or referendum question*, unless (1) the

candidate or chairman of the committee has filed a designation of a campaign treasurer and a depository institution situated in this state as the depository for the committee's funds or (2) the candidate or, *in the event of a referendum question, a group of individuals has filed a certification in accordance with the provisions of section 9-604 or 9-605, as the case may be.* In the case of a political committee, the filing of the statement of organization by the chairman of such committee, in accordance with the provisions of section 9-605 shall constitute compliance with the provisions of this subsection.

[Emphasis added.]

8. Connecticut General Statutes § 9-605, provides in pertinent part:

(a) The chairperson of each political committee shall designate a campaign treasurer and may designate a deputy campaign treasurer. The campaign treasurer and any deputy campaign treasurer so designated shall sign a statement accepting the designation. The chairperson of each political committee shall file a statement of organization along with the statement signed by the designated campaign treasurer and deputy campaign treasurer with the proper authority, *within ten days after its organization*, provided that the chairperson of any political committee organized within ten days prior to any primary, election or referendum in connection with which it intends to make any contributions or expenditures, shall immediately file a statement. ...

(d) A group of two or more individuals who have joined solely to promote the success or defeat of a referendum question shall not be required to file as a political committee, make such designations in accordance with subsections (a) and (b) of this section or file statements pursuant to section 9-608, if the group does not receive or expend in excess of one thousand dollars for the entire campaign and the agent of such individuals files a certification with the proper authority or authorities as required under section 9-603 before an expenditure is made. The certification shall include the name of the group, or the names of the persons who comprise the group, and the name and address of the agent which shall appear on any communication paid for or sponsored by the group as required by section 9-621. *If the group receives or expends in excess of one thousand dollars, the agent shall complete the statement of organization and file as a political committee not later than three business days thereafter.* The agent shall provide the designated campaign treasurer with all information required for completion of the statements for filing as required by section 9-608. The filing of a certification under this subsection shall not relieve the group from compliance with the provisions of this

chapter, and the group shall be considered a political committee established solely for a referendum question for purposes of the limitations on contributions and expenditures.

[Emphasis added.]

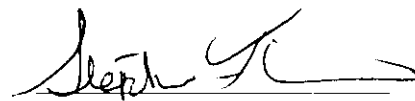
9. Ms. Cummings Good originally filed a Certificate Of Exemption From Forming A Candidate Committee (SEEC Form 6) with the Town Clerk on June 22nd because she believed the group would not expend in excess of \$1,000. After receiving acknowledgement of this complaint on or about June 30, 2006, she reviewed the group's expenditures and determined that they had spent \$1,414 in connection with the June 26th referendum.
10. Ms. Cummings Good on July 3, 2007 completed a *Certificate Of Exemption From Forming A Candidate Committee* (SEEC Form 3) designating a chairperson and herself treasurer of *ChesterFIRST, SolarClarity and Cummings & Good* for purposes of a durational committee to oppose the June 26, 2007 sewer referendum in the Town of Chester. In addition, she completed an *Itemized Campaign Finance Disclosure Statement* (SEEC Form 20) that disclosed the group's expenditures for the period of 06/13/2007 thru 06/26/2007, and filed both forms with the Commission due to the pending investigation.
11. *ChesterFIRST, SolarClarity and Cummings & Good* filed a *Certificate Of Exemption From Forming A Candidate Committee* (SEEC Form 6) with the Town Clerk on June 22, 2007, within nine days of their organization on June 13, 2002, as required by § 9-605, General Statutes.
12. Upon receipt of this complaint, the agent of the group reviewed its expenditures, realized that the group had exceeded \$1,000 in expenditures and within three days completed a *Certificate Of Exemption From Forming A Candidate Committee* (SEEC Form 3) as well as an *Itemized Campaign Finance Disclosure Statement* (SEEC Form 20) as provided by § 9-605.
13. Therefore, no violation of campaign finance laws occurred in this case.

ORDER

The following Order is issued on the basis of the aforementioned findings:

The complaint is hereby dismissed.

Adopted this 15th day of August, 2007 at Hartford, Connecticut.


Stephen F. Cashman,
Chairman