

STATE OF CONNECTICUT
STATE ELECTIONS ENFORCEMENT COMMISSION

Complaint of
Judy Aron, West Hartford

File No. 2008-074

FINDINGS AND CONCLUSIONS

The Complainant brings this complaint pursuant to Connecticut General Statutes § 9-7b and asserts that "the organization and ongoing PAC WH First has violated C.G.S. § 9-621 not providing [an] attribution on their website which clearly promotes voting 'yes' on the upcoming referendum."

After the investigation of the complaint, the Commission makes the following findings and conclusions:

1. The Complainant, a resident of West Hartford, Connecticut, alleges that the website for West Hartford For Investing Responsibly in a Strong Town (hereinafter "West Hartford FIRST") does not contain the proper attribution.
2. West Hartford FIRST is registered as an ongoing political committee with the town clerk of West Hartford. Christine Mozonski is the treasurer of that committee and thus, responsible for providing the proper attribution on all communications that fall within the ambit of General Statutes § 9-621.
3. General Statutes § 9-621 (c) provides in pertinent part as follows:

No business entity, organization, association, committee, or group of two or more individuals who have joined solely to promote the success or defeat of a referendum question and is required to file a certification in accordance with subsection (d) of section 9-605, shall make or incur any expenditure for any written, typed or other printed communication which promotes the success or defeat of any referendum question unless such communication bears upon its face the words "paid for by" and the following: (1) In the case of a business entity, organization or association, the name of the entity, organization or association and the name of its chief executive officer; (2) in the case of a political committee, the name of the committee and the name of its campaign treasurer; (3) in the case of a party committee, the name of the committee; or (4) in the case of such a group of two or more individuals, the name of the group as it appears on the certification filed in accordance with subsection (d) of section 9-605, and the name and address of its agent. [Emphasis added.]

4. In comparison, General Statutes § 9-621 (a) provides in relevant part as follows:

No individual shall make or incur any expenditure with the cooperation of, at the request or suggestion of, or in consultation with any candidate, candidate committee or candidate's agent, and no candidate or committee shall make or incur any expenditure for any written, typed or other

printed communication, or any web-based, written communication, which promotes the success or defeat of any candidate's campaign for nomination at a primary or election or solicits funds to benefit any political party or committee unless such communication bears upon its face (1) the words "paid for by" and the following [Emphasis added.]

5. Note the phrase "or any web-based, written communication" which does not appear in § 9-621 (c). The phrase was added to subsection (a) by Public Act 05-188. Its addition expanded the scope of subsection (a) to require explicitly an attribution on web based communications (which include websites) that promote the success or defeat of any candidate's campaign or solicit funds to benefit a political party.
6. The legislature did not, however, amend subsection (c), which concerns referendum communications, to include that phrase. As a result, § 9-621 (c) only requires an attribution on "written, typed or other printed communication[s]." A website, like the one at issue, that only promotes the success or defeat of a referendum question does not, therefore, require an attribution.
7. It is therefore concluded that even if West Hartford FIRST made an expenditure in connection with the website at issue, the lack of an attribution on that website would not violate General Statutes § 9-621 (c).

ORDER

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

That the case be dismissed.

Adopted this 16 th day of July, 2008 at Hartford, Connecticut.


Stephen F. Cashman, Chairperson
By Order of the Commission