

**STATE OF CONNECTICUT
STATE ELECTIONS ENFORCEMENT COMMISSION**

In the Matter of a Complaint by
Patrick DeAngelis, Town of Wethersfield

File No. 2008-222

FINDINGS AND CONCLUSIONS

Complainant brings this Complaint pursuant to Connecticut General Statutes § 9-7b, alleging that on or around December 4, 2008, Respondent Thomas Gormley announced his intention to form an exploratory committee without registering such with the State Elections Enforcement Commission ("SEEC").

1. At all times relevant to the instant Complaint, the Respondent was the incumbent First Selectman in the Town of Middlebury.
2. On or about December 4, 2008, Respondent was quoted in the Waterbury Republican-American newspaper as declaring his intent to form an exploratory committee to determine whether he should run for re-election to the office of First Selectman.
3. The Complainant filed the instant complaint based upon said article, a portion of which was included in the Complaint:

First Selectman Thomas Gormley's former campaign manager is organizing an exploratory committee to consider Gormley's re-election in 2009. 'We're out there looking to see who would be interested,' said John Cookson, who is also chairman of the Industrial and Economic Development Commission. 'Gov. (M. Jodi) Rell did the same thing, so why can't we? Jan. 1 is coming, and the election is only 10 months down the road.' The announcement comes almost a year to the day Gormley first took office. Gormley said the committee will allow him to get a pulse on the community. 'We can put our feelers out there and see where we're at,' Gormley said Thursday.

4. General Statutes § 9-604 provides in pertinent part:

(a) Each candidate for a particular public office or the position of town committee member shall form a single candidate committee. . . .

(c) . . . No candidate shall establish, agree to or assist in establishing, or give his consent or authorization to establishing a committee other than a single candidate committee to promote his candidacy for any public office except that a candidate may establish an exploratory committee. The candidate shall designate on the statement of organization for the exploratory committee the type of office to which the

candidate is determining whether to seek nomination or election, as follows: (A) The General Assembly, (B) a state office, or (C) any other public office. The candidate may also certify on the statement of organization that the candidate will not be a candidate for the office of state representative. Not later than fifteen days after a public declaration by the candidate of the candidate's intention to seek nomination or election to a particular public office, the candidate shall form a single candidate committee, except that in the case of a candidate establishing an exploratory committee for purposes including aiding or promoting the candidate's candidacy for nomination or election to the General Assembly or a state office, the candidate shall form a single candidate committee not later than fifteen days after the date that the campaign treasurer of such exploratory committee is required to file a notice of intent to dissolve the committee under subsection (f) of section 9-608. As used in this subsection, "state office" has the same meaning as provided in subsection (c) of section 9-610. (Emphasis added.)

5. General Statutes § 9-601, provides in pertinent part:

(3) **"Political committee" means** . . . (C) an exploratory committee, . . .

(5) **"Exploratory committee" means** a committee established by a candidate for a single primary or election (A) **to determine whether to seek nomination or election to** (i) the General Assembly, (ii) a state office, as defined in subsection (c) of section 9-610, or (iii) **any other public office**, . . .

(11) **"Candidate" means** an individual who seeks nomination for election or election to public office whether or not such individual is elected, and for the purposes of this chapter and sections 9-700 to 9-716, inclusive, an individual shall be deemed to seek nomination for election or election if such individual has (A) been endorsed by a party or become eligible for a position on the ballot at an election or primary, or (B) solicited or received contributions, made expenditures or given such individual's consent to any other person to solicit or receive contributions or make expenditures with the intent to bring about such individual's nomination for election or election to any such office. "Candidate" also means a slate of candidates which is to appear on the ballot in a primary for the office of justice of the peace. For the purposes of sections 9-600 to 9-610, inclusive, and section 9-621, "candidate" also means an individual who is a candidate in a primary for town committee members. . . . (Emphasis added.)

6. 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.)

7. 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,** . . . (Emphasis added.)

8. General Statutes § 9-603, provides in pertinent part:

(a) **Statements** filed by party committees, political committees formed to aid or promote the success or defeat of a referendum question proposing a constitutional convention, constitutional amendment or revision of the Constitution, individual lobbyists, and those *political committees and candidate committees formed to aid or promote the success or defeat of any candidate for the office of Governor, Lieutenant Governor, Secretary of the State, State Treasurer, State Comptroller, Attorney General, judge of probate and members of the General Assembly, shall be filed with the State Elections Enforcement Commission.* . . .

(b) **Statements** filed by political committees formed solely to aid or promote the success or defeat of a referendum question to be voted upon by the electors of a single municipality and those political committees or candidate committees formed to

aid or promote the success or defeat of any candidate for public office, other than those enumerated in subsection (a) of this section, or the position of town committee member shall be filed **only with the town clerk of the municipality in which the election or referendum is to be held.** . . . (Emphasis added.)


9. Pursuant to General Statutes §§ 9-603 & 9-605, exploratory committees organized to determine whether to seek nomination or election to a municipal office must, within ten days of organization, file a Statement of Organization (a.k.a. "Registration Statement") with the Town Clerk of the municipality in which the election for said office is to be held.
10. There is no evidence that the Respondent undertook any action to "organize" an exploratory committee, within the meaning of General Statutes § 9-605.
11. There is no evidence that the Respondent solicited or received contributions or made expenditures directly or indirectly in furtherance of any candidacy, to seek nomination, election or re-election to any public office; as such, no obligation to register a committee was triggered under General Statutes §§ 9-602 or 9-604.
12. After considering the aforesaid, no violation of General Statutes §§ 9-602, 9-603, 9-604 or 9-605 is found under the facts and circumstances of this case.

ORDER

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

That the Complaint be dismissed.

Adopted this 11th day of February of 2009 at Hartford, Connecticut


Stephen F. Cashman, Chairman
By Order of the Commission