

STATE OF CONNECTICUT
STATE ELECTIONS ENFORCEMENT COMMISSION

Complaint of Elizabeth-Ann Edgerton,
Monroe

File No. 2009-084

FINDINGS AND CONCLUSIONS

Complainant filed this complaint with the Commission pursuant to General Statutes § 9-7b, concerning a blogspot for a group of Monroe Board of Education candidates, www.MonroeBOE4U.blogspot.com, which contains a link to the Monroe Democratic Town Committee, a town committee. Complainant alleged that the website did not have the proper attribution; candidates on the website had failed to file a “slate” committee; and that the solicitation did not appear to capture complete donor information.

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

1. The “blogspot” known as *Monroe Board of Education 4 You* (hereinafter “BOE4U”) supported the election to the Board of Education of Terri Bhatt, Kelly Plunkett, Amy Primorac and Fran Welch at the municipal election in Monroe on November 3, 2009.
2. Each of the above mentioned candidates filed a *Registration by Candidate* (SEEC Form 1) and *Registration by Candidate Certification of Exemption from Forming a Candidate Committee* (SEEC Form 1B) indicating that they were one of a slate of candidates whose campaigns were being solely funded by the Monroe Democratic Town Committee (hereinafter “MDTC”).
3. The BOE4U blogspot had a solicitation to donate to their campaigns in the form of a hyperlink to the MDTC, their designated sole funding vehicle. The link said “Donate,” and by clicking on the link a potential donor when uploading a contribution would be lead to the web address www.monroedtc.com, the website of the MDTC.
4. State Elections Enforcement Commission Advisory Opinion 2010-05 provides that the use of candidate websites to communicate a campaign message to the electorate “...constitute permissible expenditures pursuant to both General Statutes and CEP Regulations.” See General Statutes § 9-607(g)(2)(B) and Regs., Conn. State Agencies § 9-607-1; see also *In the Matter of a Complaint by Frank DeJesus, Hartford, State Elections Enforcement Commission File No. 2006-193* (purchase and hosting of website containing a candidate’s “campaign messages” are campaign expenditures which must be so reported; civil penalty imposed for failure to report expenditure related to purchase and payment of web hosting services for website that, at various times, contained messages made for the purpose of influencing an election).
5. General Statutes § 9-604, provides in pertinent part:

...

(b) The formation of a candidate committee by a candidate and the filing of statements pursuant to section 9-608 shall not be required if the candidate files a certification with the proper authority required by section 9-603, not later than ten days after becoming a candidate, and any of the following conditions exist for the campaign: (1) ***The candidate is one of a slate of candidates whose campaigns are funded solely by a party committee or a political committee formed for a single election or primary and expenditures made on behalf of the candidate's campaign are reported by the committee sponsoring the candidate's candidacy;*** (2) the candidate finances the candidate's campaign entirely from personal funds and does not solicit or receive contributions, provided if said candidate personally makes an expenditure or expenditures in excess of one thousand dollars to, or for the benefit of, said candidate's campaign for nomination at a primary or election to an office or position, said candidate shall file statements according to the same schedule and in the same manner as is required of a campaign treasurer of a candidate committee under section 9-608; (3) the candidate does not receive or expend funds in excess of one thousand dollars; or (4) the candidate does not receive or expend any funds, including personal funds, for the candidate's campaign. ...

[Emphasis added.]

6. With regard to the allegation that the four candidates associated with BOE4U failed to file a "slate" committee the Commission finds that because each candidate in fact filed a *Certification of Exemption from Forming a Candidate Committee* (SEEC Form 1B) declaring solely that he or she was one of a slate of candidates funded by the MDTC, each candidate met the requirements General Statutes § 9-604(b)(1). The Commission concludes therefore that this allegation is not supported by the facts and should be dismissed.
7. Complainant also alleges that the BOE4U candidates were not capturing enough information (name, address, lobbyist status, occupation, employer, contractor status) regarding contributions on their blogspot.
8. General Statutes § 9-608, provides, in relevant part, as follows;

(c) Content of statements. (1) Each statement filed under subsection (a), (e) or (f) of this section shall include, but not be limited to: (A) An itemized accounting of each contribution, if any, ***including the full name and complete address of each contributor and the amount of the contribution;*** (B) in the case of anonymous contributions, the total amount received and the denomination of the bills; (C) an itemized accounting of each expenditure, if any, including the full name and complete address of each payee, including secondary payees whenever the primary or principal

payee is known to include charges which the primary payee has already paid or will pay directly to another person, vendor or entity, the amount and the purpose of the expenditure, the candidate supported or opposed by the expenditure, whether the expenditure is made independently of the candidate supported or is an in-kind contribution to the candidate, and a statement of the balance on hand or deficit, as the case may be; (D) an itemized accounting of each expense incurred but not paid, provided if the expense is incurred by use of a credit card, the accounting shall include secondary payees, and the amount owed to each such payee; (E) the name and address of any person who is the guarantor of a loan to, or the cosigner of a note with, the candidate on whose behalf the committee was formed, or the campaign treasurer in the case of a party committee or a political committee or who has advanced a security deposit to a telephone company, as defined in section 16-1, for telecommunications service for a committee; (F) for each business entity or person purchasing advertising space in a program for a fund-raising affair, the name and address of the business entity or the name and address of the person, and the amount and aggregate amounts of such purchases; (G) ***for each individual who contributes in excess of one hundred dollars but not more than one thousand dollars, in the aggregate, to the extent known, the principal occupation of such individual and the name of the individual's employer, if any***; (H) for each individual who contributes in excess of one thousand dollars in the aggregate, the principal occupation of such individual, the name of the individual's employer, if any; (I) ***for each itemized contribution made by a lobbyist, the spouse of a lobbyist or any dependent child of a lobbyist who resides in the lobbyist's household, a statement to that effect***; ...

[Emphasis added.]

9. General Statutes § 9-611, provides:

(a) No individual shall make a contribution or contributions to, for the benefit of, or pursuant to the authorization or request of, a candidate or a committee supporting or opposing any candidate's campaign for nomination at a primary, or any candidate's campaign for election, to the office of (1) Governor, in excess of three thousand five hundred dollars; (2) Lieutenant Governor, Secretary of the State, Treasurer, Comptroller or Attorney General, in excess of two thousand dollars; (3) chief executive officer of a town, city or borough, in excess of one thousand dollars; (4) state senator or probate judge, in excess of one thousand dollars; or (5) state representative or any other office of a municipality not previously included in this subsection, in excess of two hundred fifty dollars. The limits imposed by this subsection shall be applied separately to primaries and elections.

(b) (1) No individual shall make a contribution or contributions to, or for the benefit of, an exploratory committee, in excess of three hundred

seventy-five dollars, if the candidate establishing the exploratory committee certifies on the statement of organization for the exploratory committee pursuant to subsection (c) of section 9-604 that the candidate will not be a candidate for the office of state representative. No individual shall make a contribution or contributions to, or for the benefit of, any exploratory committee, in excess of two hundred fifty dollars, if the candidate establishing the exploratory committee does not so certify.

(2) No individual shall make a contribution or contributions to, or for the benefit of, a political committee formed by a slate of candidates in a primary for the office of justice of the peace, in excess of two hundred fifty dollars.

(c) No individual shall make contributions to such candidates or committees which in the aggregate exceed fifteen thousand dollars for any single election and primary preliminary thereto.

(d) No individual shall make a contribution to any candidate or committee, other than a contribution in kind, in excess of one hundred dollars except by personal check or credit card of that individual.

(e) No individual who is less than eighteen years of age shall make a contribution or contributions, in excess of thirty dollars to, for the benefit of, or pursuant to the authorization or request of: (1) A candidate or a committee supporting or opposing any candidate's campaign for nomination at a primary to any office; (2) a candidate or a committee supporting or opposing any candidate's campaign for election to any office; (3) an exploratory committee; (4) any other political committee in any calendar year; or (5) a party committee in any calendar year. Notwithstanding any provision of subdivision (2) of section 9-7b, any individual who is less than eighteen years of age who violates any provision of this subsection shall not be subject to the provisions of subdivision (2) of section 9-7b.

10. The Commission finds that by clicking on the hyperlink to donate to the BOE4U a potential contributor is directed to the MDTC website and that contributor certification and donor cards are provided by the MDTC. In addition, when individuals make contributions by credit card, the Commission at pages 18-19 of *A Guide for Party (Town and State Central) Committees* (Rev. 3/10) provides that the following information be collected:

- Contributor's full name;
- Contributor's name as it appears on the credit card;
- Residence address of contributor;
- Billing address on record with card issuer (if different than residence address);

- Contributor's e-mail address (applicable to credit card contributions over the Internet);
- Amount of contribution;
- Credit card number, including the three (3) or four (4) digit security code (found typically at back of card within signature field, CVV/CVV2);
- Credit card expiration date;
- Certification that contributor is (1) not a communicator lobbyist or member of the immediate family of a communicator lobbyist, and (2) not a principal of a state contractor or prospective state contractor (which includes spouse, dependent children over eighteen (18), and civil union partners) (see Party Committee Individual Contributor Certification Form);
- Principal occupation, if individual's aggregate contributions to the committee exceed one hundred dollars (\$100);
- Name of employer, if individual's aggregate contributions to the committee exceed fifty dollars (\$50);
- Donor must affirm the statement: "I am eighteen (18) years of age or older" (applicable to contributions exceeding thirty dollars (\$30));
- Donor must affirm the statement: "This contribution is made on my personal credit card for which I have a legal obligation to pay and intend to pay from my own personal funds; payment on this card is not made from the funds of a corporation, labor organization or any other entity; and
- Donor must affirm the statement: "I am either a United States citizen or a foreign national with permanent resident status in the United States."

The Commission finds that the MDTC met not only the statutory requirement but the Commission's recommended best practice as described above.

11. With regard to the allegation that the donor limits were not detailed for potential contributors, the Commission finds that while publishing such limits on each solicitation would be useful, they are not currently required by any provision of state campaign finance law.

12. General Statutes § 9-621, provides in pertinent part:

(a) 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* including an organization expenditure for a party candidate listing, as defined in subparagraph (A) of subdivision (25) of section 9-601 *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: (A) In the case of such an individual, the name and address of such individual; (B) in the case of a committee other than a party committee, the name of the committee and its campaign treasurer; or (C) in the case of a party committee, the name of the committee, and (2) the words "approved by" and the following: (A) In the case of an individual making or incurring an expenditure with the cooperation of, at the request or suggestion of, or in consultation with any candidate, candidate committee or candidate's agent, the name of such individual; or (B) in the case of a candidate committee, the name of the candidate. . . .*

[Emphasis added.]

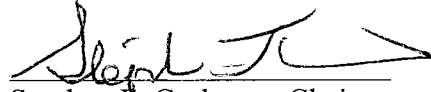
13. Amy Primorac, who serves as the webmaster of the MDTC, and was one of the candidates associated with BOE4U claims that she created the BOE4U blogspot with volunteered services and at no additional cost or beyond a small percentage of her monthly internet access fees. Nevertheless, even that small sum constitutes an expenditure.
14. Because the MDTC was the designated sole funding source for the campaign of Amy Primorac, the expenditure made by her should properly have been reported as an in-kind contribution to the MDTC. As such, the MDTC would be deemed to have made an expenditure through Amy Primorac. Although this is deemed to be an expenditure for attribution purposes it would need not be reported as an expenditure by the Treasurer, but simply as an in-kind contribution from the Respondent. The Treasurer of a committee is responsible for approving all expenditures.
15. The Commission finds that BOE4U blogspot had a solicitation to help pay for their campaigns and advocated support for the election to the Board of Education of Terri Bhatt, Kelly Plunkett and Amy Primorac. Therefore, the blogspot needed an attribution as required by General Statutes § 9-621. Furthermore, the Commission concludes that even though the blogspot was created by Ms. Primorac as an individual, it should have had the attribution "Paid for by the MDTC" followed by her name and address, as required by § 9-621, because the MDTC was the candidates' sole funding source, and all expenditures are required to originate therefrom.
16. Nevertheless, the fair market value of a hyperlink under these specific facts is nominal. The link was provided by an individual whose candidacy was being funded by the MDTC who volunteered her labor to develop the blogspot and the cost of the link was also minimal. An attribution was added immediately upon receipt of notice of complaint. Under these specific facts and circumstances, the Commission has determined to take no further action in this matter.

ORDER

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

That no further action be taken.

Adopted this 17th day of Nov. 2010 at Hartford, Connecticut

A handwritten signature in black ink, appearing to read "Stephen F. Cashman", written over a horizontal line.

Stephen F. Cashman, Chairman
By Order of the Commission