STATE OF CONNECTICUT
STATE ELECTIONS ENFORCEMENT COMMISSION

In the Matter of a Complaint by
Wesley Lubee, Wallingford

File No. 2009-103

FINDINGS AND CONCLUSIONS

Complainant brings this Complaint pursuant to Connecticut General Statutes § 9-7b and alleges that Respondent Michael Glidden, treasurer of the "Save Our Charter PAC" Referendum Committee, violated General Statutes § 9-608 by failing to report expenditures incurred during the quarterly reporting period ending September 30, 2009. After the investigation, the Commission makes the following findings and conclusions:

1. Included on the November 3, 2009 ballot in the Town of Wallingford was a referendum question relating to the revision of the Town of Wallingford Charter.

2. On or about September 22, 2009, Respondent Christopher Diorio filed with the office of the Wallingford Town Clerk a Political Committee (PAC) Registration (SEEC Form 3) on behalf of the referendum committee "Save Our Charter PAC." Respondent Diorio and Respondent Glidden were identified as the chairman and treasurer, respectively. The committee was registered as a single referendum committee formed by a group of two or more individuals, whose purpose was to oppose the aforementioned referendum.

3. On October 2, 2009 the committee filed a quarterly Itemized Campaign Finance Disclosure Statement (SEEC Form 20) covering the quarter ending September 30, 2009, as required by General Statutes § 9-608 (a). The Statement disclosed receipt of four contributions totaling $900 during the period. No other contributions or expenditures (made and/or incurred, but not paid) were disclosed.

4. The Complainant alleges that the committee incurred expenditures for lawn signs during the above filing period, but failed to report such activity on the October 2, 2009 Statement.

5. The Respondents do not generally deny the Complainant's allegation. They admit that on or about September 22, 2009 a volunteer for the committee, with the authorization of the Respondents, placed an order for lawn signs advocating a "No" vote in the upcoming referendum. It was the understanding between the volunteer and the Respondents that the volunteer would be reimbursed by the committee for the full cost of the lawn signs.

6. On or about October 2, 2009 the lawn signs were delivered to the campaign and the volunteer's credit card was charged $1,410 at that time. On or about October 9, 2009 Respondent Glidden reimbursed the volunteer from committee funds in the above amount.

7. On or about October 27, 2009, "Save Our Charter PAC" timely filed an Itemized Campaign Finance Disclosure Statement (SEEC Form 20) covering the period from October 1, 2009 through October 20, 2009, which was required to be filed no later than seven days prior to the referendum. Included in the October 27, 2009 Statement was a disclosure of the $1,410 reimbursement for the lawn signs.

8. General Statutes § 9-608 (a) provides, in pertinent part:

> (a) (1) Each campaign treasurer of a committee, other than a state central committee, shall file a statement, sworn under penalty of false statement with the proper authority in accordance with the provisions of section 9-603, (A) on the tenth calendar day in the months of January, April, July and October, . . . [and] (B) on the seventh day preceding each regular state election, . . . The statement shall be complete as of the last day of the month preceding the month in which the statement is required to be filed, except that for the statement required to be filed on the seventh day preceding the election, primary or referendum, the statement shall be complete as of seven days immediately preceding the required filing day. The statement shall cover a period to begin with the first day not included in the last filed statement. . . .
>
> (c) (1) Each statement filed under subsection (a), (e) or (f) of this section shall include, but not be limited to: . . . (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;* . . . . (Emphasis added.)

9. The Commission finds that the expenditure for the lawn signs was incurred on September 22, 2009, the date on which campaign volunteer obligated to pay for the signs and on which the committee obligated to reimburse the volunteer. Accordingly, the expenditure incurred but not paid—the reimbursement due to the volunteer—should have been reported in the October 2, 2009 Statement.

10. Considering the aforesaid, the Commission concludes that Respondent Michael Glidden, as treasurer of the "Save Our Charter PAC" referendum committee violated

General Statutes § 9-608 (c) by failing to timely report an expenditure incurred, but not paid by the committee.

11. The Respondents assert that they were new to organizing and running a referendum committee and attempted to assiduously follow the SEEC's "Guide to Financing a Referendum Question." The Respondents assert that the committee's failure to report the above expenditure was not done out of a bad faith attempt to hide the expenditure for the lawn signs, but rather was borne out of a misunderstanding of the reporting requirements related to authorized expenditures by volunteers to third-party vendors. The Respondents thought that the committee did not incur any obligation until the day the volunteer was charged, an event that occurred during the subsequent reporting period.

12. While the Respondents' assessment of their reporting requirement was incorrect in this instance, the investigation revealed a pattern generally supporting the Respondent's assertions that they were new to running such a committee and were very mindful of complying with the relevant law. The Respondents made multiple contacts with Commission staff as early as June 3, 2009 through until at least September 30, 2009. While the question of what to do with the specific expenditure for the lawn signs does not appear in the records of these contacts, there is evidence here of an abundance of good faith effort on their part.

13. While the Commission considers the Respondents' failure to timely make a disclosure required under General Statutes § 9-608 serious, it also recognizes the Respondents' record of good faith attempts to comply with their requirements under Chapter 155 of the General Statutes. Moreover, it is relevant that this disclosure error occurred in the context of a referendum question, and did not concern any campaign or candidate. Finally, it is also relevant that while the disclosure was not timely, it was eventually made three weeks later, and, importantly, *before* the referendum occurred. The Respondents are henceforth warned that they must endeavor to strictly comply with the requirements of § 9-608 and to accurately and timely report *all* expenditures incurred, whether paid or not, in the future. However, considering the aforesaid, the Commission will take no further action as to these Respondents in this matter.

ORDER

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

That no further action be taken.

Adopted this _____ day of _____ of 20___ at Hartford, Connecticut

_____
Stephen F. Cashman, Chairman
By Order of the Commission