

STATE OF CONNECTICUT
STATE ELECTIONS ENFORCEMENT COMMISSION

Complaint of David Engel,
Shelton

File No. 2009-119

FINDINGS AND CONCLUSIONS

Complainant filed the instant complaint with the Commission pursuant to General Statutes §9-7b, alleging that a flyer that his wife found on their mailbox was disseminated in violation of General Statutes § 9-621.

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

1. On October 26, 2009, Complainant's wife found a flyer that he characterized as a proganda piece or campaign piece on their mailbox. The flyer did not have an attribution indicating who paid for it.
2. The flyer was disseminated on 8 ½ by 11 plain white paper. The flyer addresses various issues in Shelton that involve the Mayor and in some instances the 1st Ward Alderman. The issues range from an explosion and a fire at the Shelton High School, the school budget, a debate amongst the Mayoral candidates and a federal trial involving a local developer and is critical of of incumbent Mayor Marl Lauretti.
3. The Complainant made reference in his complaint to the Democratic candidate for Mayor and the two Democratic candidates for 1st Ward Alderman; the Complainant also referenced the Citizens United Party- Shelton candidate for Mayor and the Citizens United Party- Shelton candidate for 1st Ward Alderman as possible authors of the flyer.
4. The Complainant inferred that one of the above mentioned candidates may have disseminated the flyer or caused the flyer to be disseminated because they were running for office against the incumbent Mayor and the incumbent 1st Ward Alderman. The Complainant was unable to produce any additional information to support his allegation that one of the above mentioned candidates had disseminated the flyer.
5. Each of the candidates referenced by the Complainant in his complaint and the candidates' treasurers were interviewed and each stated that he or she had no knowledge of the flyer and did not disseminate the flyer or did know who was responsible for disseminating the flyer. The investigation has revealed no evidence to the contrary.

6. 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.]

7. In the instant case, there is insufficient evidence to determine the identity of the person or persons who disseminated the flyer. Furthermore, there is insufficient evidence to determine what attribution, if any, was required on the flyer because it cannot be determined who paid for the flyer.

ORDER

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

That the matter be dismissed without prejudice.

Adopted this 23rd day of June 2010 at Hartford, Connecticut



Stephen F. Cashman, Chairman
By Order of the Commission