

**STATE OF CONNECTICUT**  
**STATE ELECTIONS ENFORCEMENT COMMISSION**

Complaint of Michael Gongler of Cromwell,  
and Victor L. Harpley of Cromwell

File No. 2009-126

**FINDINGS AND CONCLUSIONS**

Complainants filed this complaint with the Commission pursuant to General Statutes § 9-7b, alleging that then candidates Stephen Bayley, Mark C. Corvo, William Yeske, Jr., all residents of Cromwell, violated the attribution requirements of § 9-621 (a) in an unspecified manner related to a flyer attached to the complaint (the "flyer").

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

1. At all times relevant hereto, the Respondents Stephen Bayley, Mark C. Corvo and William Yeske, Jr., all residents of Cromwell, were candidates for Cromwell's Board of Selectmen.
2. The Respondents were registered as candidates with the Cromwell Town Clerk's Office, registering either a candidate committee (SEEC Form 1 and 1A), in the case of Respondent Yeske, or exceptions thereto (SEEC Form 1 and 1B) in the case of Respondents Bayley and Corvo.
3. The flyer promoted the success of the Respondents' campaigns and included the attribution "Paid for by Bill Yeske Board of Selectmen/Al Diaz –Treasurer, Steve Bayley, Mark Corvo. Approved by Bill Yeske, Steve Bailey, and Mark Corvo."
4. The flyer was paid for by Respondent Yeske's candidate committee "Bill Yeske Board of Selectmen" and such payment was made in coordination with Respondents Bayley and Corvo.
5. At all times relevant hereto, General Statutes § 9-621 (a), provided, in relevant part:

... [N]o candidate or committee shall make or incur any expenditure ... for any written, typed or other printed communication ... which promotes the success or defeat of any candidate's campaign for nomination at a primary or election ... 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 .... 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.]

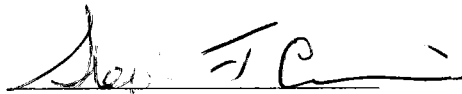
6. The Commission concludes that, pursuant to § 9-621 (a), the flyer's attribution should have also included the words "approved by" before the names of candidate Respondents Bayley and Corvo.
7. The Commission concludes that the authorship of the flyer was clear to the reasonable observer and notes that the Respondents have no history of violations of the election laws.

### **ORDER**

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

That no further action be taken.

Adopted this 21<sup>st</sup> day of September 2011 at Hartford, Connecticut

  
Stephen F. Cashman, Chairman  
By Order of the Commission