

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

In the Matter of a Complaint by  
Donna J. McCalla

File No. 2010-080

**FINDINGS AND CONCLUSIONS**

The Complainant filed this complaint with the Commission pursuant to General Statutes § 9-7b, alleging that a group of two or more individuals who disseminated advocacy materials regarding pending referenda in the Town of Hebron failed to correctly register an exemption from forming a political committee with the Hebron Town Clerk.

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

1. Complainant alleged that “Save Hebron Schools” (hereinafter the “Committee”) failed to correctly file a *Certification of Exemption from Forming a Referendum Committee* (SEEC Form 6) for a May 18, 2010 and June 1, 2010 referenda in the Town of Hebron.
2. Specifically, Respondent alleged that:
  - a. Regarding the May 18, 2010 referendum, the Committee advocated for the referendum prior to May 15, 2010 but failed to file an SEEC Form 6 with the Hebron Town Clerk until May 17, 2010; and,
  - b. Regarding the June 1, 2010 referendum, the Committee advocated against the referendum but failed to file an SEEC Form 6 with the Hebron Town Clerk until *after* June 1, 2010.
3. Upon investigation, the Commission finds that the Committee filed an initial SEEC Form 6 with the Hebron Town Clerk on May 12, 2011. The aforementioned filing identified the persons who composed the group, briefly described the subject matter of the May 18, 2011 referendum, indicated that they were in support of the referendum and was otherwise complete per the instructions of that form.
4. The Commission finds, for the reasons described in paragraph 3 above, the Committee by filing an SEEC Form 6 within 10 days of expenditures for the May 18, 2010 referendum satisfied the requirements of General Statutes § 9-602, and therefore dismisses the allegation in paragraph 2a.

5. The Commission finds that after the defeat of the May 18, 2010 referendum, the Town of Hebron held another referendum on June 1, 2010. The Commission further finds that on June 2, 2010, the Commission via certified mail received an amended SEEC Form 6 from the Committee, indicating that the group *opposed* the June 1<sup>st</sup> referendum. The amended registration statement additionally added an individual to the list of those who composed the group.

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

***(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. Each unsalaried town clerk shall be entitled to receive ten cents from the town for the filing of each such statement.***

7. General Statutes § 9-605 provides in pertinent part:

***(c) The chairman of each political committee shall report any addition to or change in information previously submitted in a statement of organization to the proper authority not later than ten days after the addition or change.***

8. The Commission finds that the report detailed in paragraph 5 was an attempt pursuant to General § 9-605 (c) by the Committee to amend its SEEC Form 6. Nevertheless, the Commission further finds that the Committee did *not* satisfy the filing requirements of § 9-603 (b) in as much as the June 1, 2010 Hebron referendum was a question to be voted upon by the electors of a single municipality and therefore the aforementioned filing should have been made with the Hebron Town Clerk's office as the proper authority.

9. The Commission concludes, for the facts and reasons detailed in paragraphs 8 above, that the Committee failed to correctly amend its SEEC Form 6 as alleged in paragraph 2b above when its membership and its position changed by filing an amended exemption with the Hebron Town Clerk as was required by General Statutes §§9-603 and 9-605.

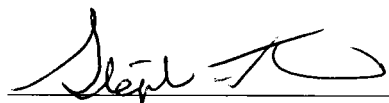
10. The Commission notes, that in response to this complaint, the agent for the Committee cooperated with the investigation and explained in detail his confusion as to the filing requirements, and his attempts to satisfy such requirements, however mistakenly, by filing with *both* the Hebron Town Clerk and the Commission as repositories.
11. In light of the facts and circumstances of this complaint and investigation, the Commission declines to take further action pertaining to the Committee, and its failure to provide its amended SEEC Form 6 pertaining to the June 1, 2010 to the Hebron Town Clerk.
12. Finally, the Commission upon adoption of this order will provide this order, along with the Committee's amended SEEC Form 6, to the Complainant and the Hebron Town Clerk's office.

**ORDER**

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

That no further action will be taken.

Adopted this 14<sup>th</sup> day of December 2011 at Hartford, Connecticut.



Stephen F. Cashman, Chairman  
By Order of the Commission