

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

In the Matter of a Complaint by  
Andrew Lockwood, New London

File No. 2010-126

**FINDINGS AND CONCLUSIONS**

Complainant Andrew Lockwood filed this complaint pursuant to General Statutes § 9-7b alleging that the 2010 candidate committee of Ernest Hewett, "Hewett Campaign 2010," had benefited from expenditures paid for by the gubernatorial candidate committee of Dannel Malloy, had reused campaign paraphernalia from prior election cycles, and had offered incorrect addresses for contributors when it applied for a grant from the Citizens' Election Fund. The Commission investigated these allegations while concurrently auditing Hewett Campaign 2010 as part of its random audit of certain 2010 General Assembly candidate committees.

After the investigation of the Complainant's complaint, the Commission makes the following findings and conclusions:

1. Andrew Lockwood filed this complaint on October 23, 2010, lodging four allegations against the Hewett qualified candidate committee, namely:
  - that the Hewett committee had utilized office space paid for by another candidate committee;
  - that the Hewett committee had utilized telephone service paid for by another candidate committee;
  - that the Hewett committee reused lawn signs from the prior campaigns; and
  - that the Hewett committee supplied incorrect addresses for several contributors it had identified on its application for public campaign financing.
2. Ernest Hewett formed a candidate committee on January 11, 2010, naming Ronald W. Nossek as the committee's campaign treasurer and Jasmine A. Hewett as deputy treasurer. *See* SEEC Form 1 – Registration by Candidate ("Hewett Campaign 2010," Jan. 11, 2010).
3. On July 9, 2010, Hewett returned Form CEP 10 to the SEEC, indicating his intent to abide by the expenditure limits of the Citizens' Election Program. Hewett signed and initialed the document indicating his acceptance of the provisions of the voluntary program as did Nossek in his role as campaign treasurer and Jasmine Hewett as deputy treasurer. *See* SEEC Form CEP-10 (July 9, 2010).

4. Candidate committees may neither make expenditures on behalf of nor accept contributions from other candidate committees. *See* General Statutes § 9-616. Candidate committees participating in the Citizens' Election Program may accept no contributions from political committees or party committees. *See* General Statutes § 9-706 (limiting participating candidate committees to using only "qualifying contributions").
5. Certain types of committees may make organization expenditures on behalf of participating candidate committees. Party committees, for instance, may make expenditures up to \$3,500 to benefit state representative candidate committees, in certain discrete areas, including for office space and telephone service as long as it results in "no additional cost" to the committee. *See* General Statutes § 9-601 (25) (E).
6. During the course of the investigation, the Commission confirmed that, following the primary election in 2010, the Hewett campaign shared office space and telephone service with the Malloy gubernatorial candidate committee.
7. Hewett said that following the primary he contacted the state central committee and asked if he could use some of the office space that the Malloy committee then had in New London, the costs of which as well as the phone service were borne by the State Central Democratic Party.
8. Hewett said that someone at the state Democratic central committee headquarters authorized his use of the space, although he could not remember who had given him permission to use the space.
9. Amber Paige, the financial director for Democrat State Central Committee, said that the state party committee was not aware that a state representative candidate was using the space in New London.
10. A committee that makes an organization expenditure must provide a statement itemizing details of the expenditure to the Commission at the same time that it files a financial disclosure statement. *See* General Statutes § 9-608 (c) (5). At the same time that the committee files that statement, it must also provide the committee for which it made the expenditure with an itemized accounting of the expenditure. *Id.*
11. In the 2010 election cycle, the statute required participating candidate committees before terminating to report all organization expenditures that they had received. *See* General Statutes § 9-608 (c) (6) (Rev. to 2011). In the 2011 legislative session, the General Assembly relieved candidate committees of this duty to report organization expenditures.

12. The Hewett candidate committee attempted multiple times to secure an organization-expenditure statement from the DSCC, but the party committee never provided that accounting to the candidate committee as required under General Statute § 9-608 (c) (5).
13. As part of its termination report, the Hewett candidate committee made a good-faith estimate of the value of the headquarter space and telephone service, estimating the value at \$700.
14. The campaign treasurer of the candidate committee that received the benefit of the organization expenditure fulfilled as best he could his obligation to report the amount of the organization expenditure before terminating the committee.
15. The Commission concludes that the candidate committee committed no violations in relation to the use of headquarter space or telephone service as alleged in the complaint.
16. The complainant alleged that the candidate committee utilized old lawn signs from prior campaigns in the 2010 election cycle.
17. As a candidate committee participating in the Citizens' Election Program, the Hewett committee operated under voluntary expenditure limits that included limitations on the amount of "prior assets" from previous campaigns that the committee could use in the present campaign. *See* General Statutes § 9-705 (j) (5) (delineating reductions to participating candidates' grants if candidate committee has in its "control and custody" lawn signs that exceed statutory limits). *See also* Advisory Opinion 2008-02 "Treatment of Prior assets used by Candidate Committee in Current Election Cycle" (State Elections Enforcement Comm'n, Sept. 4, 2008).
18. In this case, the lawn signs from which the candidate committee allegedly gleaned some benefit were in possession of the candidate's supporters, not in the possession of the candidate committee, but rather appear to have been kept by the . As such, the use of the lawn signs from prior campaigns may not be attributed to the candidate committee.<sup>1</sup>
19. The complainant alleged that the candidate committee's application for a grant from the Citizens' Election Fund had included incorrect or insufficient addresses for several contributors.

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<sup>1</sup>General Statutes § 9-705 (j)(5) directs: "No reduction in either the primary campaign or general election campaign for a qualified candidate committee's grant shall be taken for any lawn sign that is not in the custody or control of the qualified candidate committee."

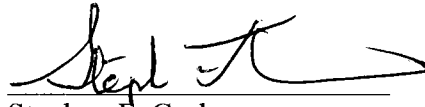
20. The Commission carefully reviews each grant application it receives to determine if it meets the standards to justify awarding a grant to the committee.
21. In this instance, the Commission reviewed the grant application from Hewett Campaign 2010, rejected any contributors that did not meet the prerequisites for “qualifying contributions,” and then assessed the grant application. *See* General Statutes § 9-704 (defining “qualifying contributions” under Citizens’ Election Program guidelines); General Statutes § 9-706 (laying out grant application approval process and prerequisites).
22. Any contributions that did not meet the definition of “qualifying contribution” were set aside and did not count toward the qualifying thresholds established under the Citizens’ Election Program.
23. These non-qualifying contributions were not impermissible under Connecticut’s campaign finance statutes but rather they simply did not meet the definition of a qualifying contribution under the Citizens’ Election Program.
24. Rejecting the non-qualifying contributions under the Citizens’ Election Program adequately addresses their shortcomings.

**ORDER**

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

That the complaint be dismissed.

Adopted this 18<sup>th</sup> day of January of 2012 at Hartford, Connecticut.



Stephen F. Cashman  
By Order of the Commission