

STATE OF CONNECTICUT
STATE ELECTIONS ENFORCEMENT COMMISSION

Complaint of Christopher Healy,
Wethersfield

File No. 2010-133

FINDINGS AND CONCLUSIONS

The Complainant, Christopher Healy, Wethersfield, Connecticut filed this complaint with the Commission pursuant to General Statutes § 9-7b. The Complainant alleged that materials distributed by unidentified teachers to students in the Southington Connecticut public schools lacked the attribution required by General Statutes § 9-621(a), which requires a statement as to who paid for political communications. The Complainant alleges that the Connecticut Education Association and the Southington Educational Association authorized their members to distribute the attached communications in public schools.

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

1. At all times relevant hereto, the Complainant, Christopher Healy, served as chairman of the Connecticut Republican Party. The Complainant was provided with an opportunity to corroborate or provide any details for the allegations in his complaint.
2. The Complainant alleged that documents attached to the complaint (the "attachments") were distributed by unidentified teachers in the Southington Public Schools. However, he has not provided the basis for this belief, the source of his information, the identity of the unnamed teachers, or identified the source of the attachments.
3. The attachments appear to include printouts of Wikipedia articles, an open source online encyclopedia, portions of the CEA website and a SEA political action flyer.
4. The CEA and SEA deny having any prior knowledge of any distribution and state that neither the CEA nor the SEA authorized any distribution of the attachments to students by teachers.

5. Our investigation did not reveal that the CEA and SEA had any prior knowledge of any distribution or actually alleges that CEA or SEA authorized any distribution of the attachments to students by teachers.
6. The CEA and SEA state that any such attachment produced by the CEA or the SEA were solely for internal distribution by the CEA or the SEA to its own members. The investigation has revealed no evidence to the contrary.
7. General Statutes § 9-621(a) provides, in relevant part:

No individual shall make or incur any expenditure with the consent of, in coordination with or in consultation with any candidate, candidate committee or candidate's agent, no group of two or more individuals acting together that receives funds or makes or incurs expenditures not exceeding one thousand dollars in the aggregate and has not formed a political committee shall make or incur any expenditure, and no candidate or committee shall make or incur any expenditure ... 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 promotes or opposes any political party 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; (C) in the case of a party committee, the name of the committee; or (D) in the case of a group of two or more individuals that receives funds or makes or incurs expenditures not exceeding one thousand dollars in the aggregate and has not formed a political committee, the name of the group and the name and address of its agent, and (2) the words "approved by" and the following: (A) In the case of an individual, group or committee other than a candidate committee making or incurring an expenditure with the consent of, in coordination with or in consultation with any candidate, candidate committee or candidate's agent, the name of the candidate; or (B) in the case of a candidate committee, the name of the candidate.

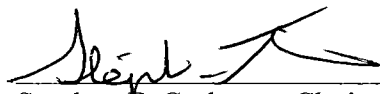
8. General Statutes § 9-601b provides, in relevant part, “[T]he term ‘expenditure’ means: anything of value, when made for the purpose of influencing the election, of any person”
9. General Statutes § 9-601b(2) excludes from the definition of expenditure, “A communication made by any corporation, organization or association to its members, owners, stockholders, executive or administrative personnel, or their families.”
10. Even assuming the Complainant’s allegation of distribution is true, there is no allegation or evidence that the printing or distribution of the attachments by unidentified teachers was made with consent of or in coordination with the CEA, SEA or any other persons.
11. The Commission concludes that allegations and evidence provided by the Complainant is insufficient to find a violation of § 9-621(a) or merit further investigation.

ORDER

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

That the matter be dismissed.

Adopted this 19th day of October, 2011 at Hartford, Connecticut



Stephen F. Cashman, Chairman
By Order of the Commission