

STATE OF CONNECTICUT
STATE ELECTIONS ENFORCEMENT COMMISSION

In the Matter of a Complaint by
Jon D. Norris, Southbury

File No. 2011-077

FINDINGS AND CONCLUSIONS

Complainant Jon D. Norris brought this complaint pursuant to General Statutes § 9-7b alleging that H. William Davis III, then First Selectman of the Town of Southbury, had utilized public employees to promote his candidacy for reelection. Specifically, Norris alleged that Davis had directed two public employees to attend a “candidates forum” on public safety held at a residential facility in Southbury. Davis was unable to attend the meeting, but other candidates for the office of first selectman did attend the meeting. Two employees of the Town of Southbury also attended the meeting.

After the investigation of the Complainant’s allegations, the State Elections Enforcement Commission makes the following findings and conclusions:

1. The complainant alleged that Davis directed two Town of Southbury employees, his assistant Jennifer Naylor and Director of Public Works Tom Crowe, to attend the candidates’ forum hosted by the Heritage Village Safety Committee as representatives of his campaign. The complainant alleged that by sending these two public employees Davis utilized public funds to promote his own candidacy.
2. Complainant lodged his complaint with the Commission, based on his belief that Davis had used public funds to promote his candidacy in violation of state election law. General Statutes § 9-610 (d) addresses the use of public funds to promote a candidate’s candidacy.
3. General Statutes § 9-610 (d) comprises two different prohibitions on the use of public funds to promote the candidacy of a public official. First, § 9-610 (d) (1) prevents an incumbent within the three months preceding an election from using public funds “to mail or print flyers or other promotional materials” that are intended to promote the candidacy of the incumbent. General Statutes § 9-610 (d) (1). Second, § 9-610 (d) (2) bans any individual from authorizing the use of public funds during the 12-months preceding an election for any promotional campaign or advertisement that “features the name, face or voice of a candidate for public office” or promotes the nomination or election of a candidate.
4. Neither of these provisions apply in this instance. In this case, the individuals who attended the public safety forum did not do so to promote Davis’s candidacy. They attended to represent the town and to address a specific issue that the forum organizers planned to

discuss, namely the installation of a sidewalk on East Hill Road, which had been a topic of interest to the Heritage Village residents.

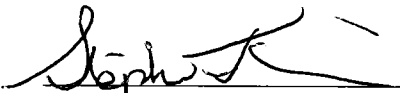
5. In her response to the complaint, Naylor said that she was asked to attend the meeting by Davis. At the meeting, she sat in the audience with Crowe and only spoke to inform the members of the committee about the potential installation of the sidewalk, including permitting, right-of-way, and funding issues associated with the project.
6. In his response, Crowe stated that he did not speak at the meeting but attended only at Naylor's request in case the committee members had any technical questions that he as the town's public works director might more easily be able to answer.
7. Based on the information provided by Naylor and Crowe as well as the event's organizers, it does not appear that the two Town of Southbury employees attended the forum to promote Davis's candidacy, but rather as representatives of the town to speak on a specific topic of interest to the Heritage Village Safety Committee.
8. The Commission concludes that the two town employees' attendance at the forum did not violate Connecticut's campaign finance statutes.

ORDER

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

That the matter be dismissed.

Adopted this 21 day of march of 2012 at Hartford, Connecticut.


Stephen F. Cashman
By Order of the Commission