

STATE OF CONNECTICUT
STATE ELECTIONS ENFORCEMENT COMMISSION

Complaint of Mario Testa,
Bridgeport

File No. 2011-083

FINDINGS AND CONCLUSIONS

Complainant filed the instant complaint with the Commission pursuant to General Statutes §9-7b, alleging that on or about June 21, 2011, BarnumsPost.com was responsible for a billboard opposing the re-election of Bridgeport Mayor Bill Finch but failed to register a committee or disclose its independent expenditure as required by § 9-612, and that that the web pages promoting candidates at the website included on the aforementioned billboard failed to provide disclaimers as required by § 9-621.

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

1. Complainant alleged that a bill board located at Washington and Main Streets in the City of Bridgeport contained the following “Anyone but Finch! – BarnumsPost.com” and included the following attribution: *Paid for BarnumsPost.com Sharon London, Treasurer.*
2. Complainant alleged that the individual or entity responsible for billboard, described in paragraph 1 above, failed to register as a committee and failed to disclose its independent expenditure as required by General Statutes § 9-612. Furthermore, Complainant alleged that the web pages promoting candidates at the website address “Barnumspost.com,” which was included on the aforementioned billboard, failed to provide disclaimers as required by § 9-621.
3. General Statutes § 9-612, provides in pertinent part:

...

(e) (1) *Any individual*, entity or committee *acting alone may make unlimited independent expenditures*. Except as provided in subdivision (2) of this subsection, *any such individual*, entity or committee *that makes or obligates to make an independent expenditure or expenditures in excess of one thousand dollars, in the aggregate, shall file statements according to the same schedule and in the same manner as is required of a campaign treasurer of a candidate committee under section 9-608.*
[Emphasis added.]

4. General Statutes § 9-608, provides in pertinent part:

(a) (1) Each campaign treasurer of a committee, other than a state central committee, ***shall file a statement***, sworn under penalty of false statement with the proper authority in accordance with the provisions of section 9-603, (A) ***on the tenth calendar day in the months of January, April, July and October***, provided, if such tenth calendar day is a Saturday, ***Sunday*** or legal holiday, ***the statement shall be filed on the next business day***, ... [Emphasis added.]

5. The Commission finds that Sharon London in response to this complaint provided evidence that she paid for the billboard discussed herein with personal funds on behalf of Barnumspost.com, and that she solely owns the aforementioned website. Upon investigation, the Commission does not find evidence to contradict the aforementioned assertions by Ms. London.
6. General Statutes § 9-602 (a), exempts from its requirements of designating a treasurer and depository institution, “an individual action alone,” who makes an expenditure opposing a candidate. Because the Commission finds that Ms. London, as detailed in paragraph 5 above, was acting alone, the Commission concludes that she was *not* required to follow the requirements of § 9-602 (a), and register a committee. The Commission therefore dismisses the allegation pertaining to a failure to register a committee in violation of § 9-602.
7. The Commission finds, upon investigation, that Ms. London *did* file an *Independent Expenditure Statement (INDIVIDUALS)* (SEEC Form 22) in connection with Barnumspost.com, with the City of Bridgeport Town Clerk on July 11, 2011. Further, the Commission finds that the aforementioned SEEC Form 22 reported two expenditures (April 18 & May 26, 2011) for web advertising in the amount of \$250.00 each and an expenditure (June 6, 2011) for outdoor advertising in the amount of \$3,500. Finally, the Commission finds that July 10, 2011 was a Sunday, and that the next business day was therefore Monday, July 11, 2011.
8. The Commission, for the reasons detailed in paragraph 7 above, finds that Ms. London’s July 11, 2011 SEEC Form 22 was filed with the Bridgeport City Clerk’s office on the first day required by General Statutes § 9-608 after her initial independent expenditure of \$250.00 on April 18, 2011.¹ The Commission concludes therefore that Ms. London’s filing of the SEEC Form 22 with the Bridgeport City Clerk disclosing expenditures in opposition to a candidate as detailed herein was timely filed pursuant to §§ 9-612 and 9-608.

¹ The Commission notes that because July 10, 2011 fell on a Sunday, pursuant to § 9-608 the filing was due on the next business day, Monday, July 12, 2011.

9. The Commission, for the reasons detailed in paragraphs 7 and 8, dismisses the allegation pertaining to Barnumspost.com's and Ms. London's alleged failure to disclose an independent expenditure as required by General Statutes § 9-612.
10. The Complainant alleges that the web site Barnumspost.com fails to incorporate disclaimers on its web pages as required by General Statutes § 9-621.
11. General Statutes § 9-621, provides in pertinent part:

(a) 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 including an organization expenditure for a party candidate listing, as defined in subparagraph (A) of subdivision (25) of section 9-601, 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.

[Emphasis added.]

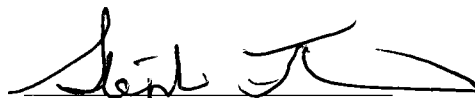
12. Pursuant to General Statutes § 9-621, an individual who makes an “expenditure” “...with the consent of, in coordination with or in consultation with any candidate, candidate committee or candidate's agent” to support or oppose a candidate, must have an attribution or disclaimer.
13. The Commission finds, upon investigation, that Ms. London and BarnumsPost.com *did* contain advertisements by two candidate committees during the time period relevant to this complaint. Additionally, the Commission finds that Ms. London admits that the two candidates thus supported by the inclusion of their advertisements on the BarnumsPost.com website did *not* pay for such advertisements.
14. The Commission, for the reasons detailed in paragraphs 12 and 13 above, concludes therefore that pursuant to General Statutes § 9-621, the in-kind contributions of free advertising to two candidate committees by Ms. London and BarnumsPost.com were expenditures in consultation with the respective candidate committees and therefore should have included attributions. Specifically, § 9-621 required that the aforementioned attributions include the words “paid for by,” the name and address of Ms. London, and the words “approved by,” and the name of the respective candidate.
15. The Commission concludes because the expenditures for advertisements on BarnumsPost.com for two candidate committees, were in consultation with those candidates, Ms. London failed to comply with the requirements of General Statutes § 9-621 regarding attributions for political advertising.
16. In light of the facts and circumstances of this complaint, where there were efforts by Ms. London to disclose her independent expenditures by timely filing a SEEC Form 22 with the Bridgeport City Clerk pertaining to the costs for the billboard and website advertising described herein, the Commission is going to dismiss this complaint, take no further action, and deems Ms. London on notice of the requirements of General Statutes §§ 9-612, 9-608 and 9-621 as detailed herein.

ORDER

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

That the matter be dismissed ~~with no further action taken.~~ *sc.*

Adopted this 23rd day of May, 2012 at Hartford, Connecticut



Stephen F. Cashman, Chairman
By Order of the Commission