

**STATE OF CONNECTICUT  
STATE ELECTIONS ENFORCEMENT COMMISSION**

In the Matter of a Complaint by  
Edwin Vargas, Hartford

File No. 2011-109

**FINDINGS AND CONCLUSIONS**

Complainant brings this Complaint pursuant to Connecticut General Statutes § 9-7b, alleging that Hartford Mayor Segarra used public funds to promote his mayoral campaign with a back to school publication in a local newspaper within three months of the election, as prohibited by § 9-610(d)(1). The Complainant further alleges that the publication lacked an attribution, as required by § 9-621(a).

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

1. The publication provided by the Complainant appeared in the local newspaper *Identidad Latina* and was produced by the City of Hartford with municipal funds (the "publication").
2. The publication includes the seal of the City of Hartford above "Pedro E. Segarra, Mayor" and states, in relevant part, "Mayor Pedro E. Segarra Welcomes Students Back to Class."
3. The advertisement further reads, in relevant part, "Opens August 30. Be on time, in uniform, ready to learn!"
4. The advisement contains no statement regarding: 1) the candidacy or party affiliation of any elected official; (2) the record of any elected official; or (3) a solicitation for contributions or other support for any official's campaign for reelection, or promoting the support of any other candidate, political committee or political party.
5. General Statutes § 9-610(d), provides in relevant part:
  - (1) No incumbent holding office shall, during the three months preceding an election in which he is a candidate for reelection or election to another office, use public funds to mail or print flyers or other promotional materials intended to bring about his election or reelection.
  - (2) No official or employee of the state or a political subdivision of the state shall authorize the use of public funds for a

television, radio, movie theater, billboard, bus poster, newspaper or magazine promotional campaign or advertisement, which (A) features the name, face or voice of a candidate for public office, or (B) promotes the nomination or election of a candidate for public office, during the twelve-month period preceding the election being held for the office which the candidate described in this subdivision is seeking.

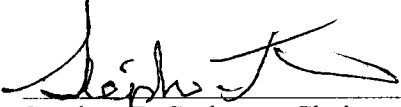
6. Under § 9-610(d)(1), printed materials or mailings authorized at public cost must expressly or implicitly advocate the election of a candidate in order for the Commission to find a violation. See, *In the Matter of a Complaint by Roger J. Roche*, Old Lyme, File No. 2007-390 and *In the Matter of a Complaint by Linda Goff*, New Hartford, File No. 2009-105.
7. The Commission has most recently applied a three part standard to determine whether printed materials produced at public cost are deemed to violate § 9-610(d)(1). Under the *Roche* standard, printed materials must indicate: (1) the candidacy or party affiliation of any elected official; (2) the record of any elected official; or must be (3) a solicitation for contributions or other support for any official's campaign for reelection, or promoting the support of any other candidate, political committee or political party. See, *In the Matter of a Complaint by Roger J. Roche*, Old Lyme, File No. 2007-390 and *In the Matter of a Complaint by Linda Goff*, New Hartford, File No. 2009-105.
8. The Commission applies this standard and concludes the advertisement, does not satisfy any of the three prongs of the analysis and therefore did not violate § 9-610(d)(1) and that no attribution was required.

### ORDER

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

That the complaint be dismissed.

Adopted this 16<sup>th</sup> day of November of 2011 at Hartford, Connecticut

  
Stephen F. Cashman, Chairman  
By Order of the Commission