

STATE OF CONNECTICUT
STATE ELECTIONS ENFORCEMENT COMMISSION

Complaint of Arthur Scialabba,
Norwalk

File No. 2011-125

FINDINGS AND CONCLUSIONS

The Complainant filed this complaint with the Commission pursuant to General Statutes § 9-7b, against the Respondent, Nora King, alleging she issued an e-mail invitation to a fundraiser at her residence for Andy Garfunkel, Democratic candidate for mayor of Norwalk, without including the attribution required by General Statutes § 9-621 (a).

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

1. At all times relevant hereto, Andy Garfunkel was the Democratic candidate for mayor of Norwalk.
2. The Respondent, Nora King, utilized a contact management program, under an existing personal thirty dollar monthly subscription, to issue an e-mail invitation to a fundraiser at her residence to solicit funds for Mr. Garfunkel's candidacy (the "e-mail invitation").
3. According to the Respondent, the cumulative value of her expenditures for the fundraiser exceeded \$200.00.
4. While clearly listing the Respondent, and identified host of the fundraiser, as the sender, the e-mail invitation did not include an attribution stating who paid for or approved the communication.
5. Based on the above, the Commission finds that, as is readily apparent on the face of the allegations in the instant Complaint, the reasonable observer would conclude that the Respondent issued the e-mail invitation.
6. 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 ... 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 [an attribution stating who paid for and approved the communication]. [Emphasis added.]

7. General Statutes § 9-601b (b) (5) defines “expenditure” to exclude, in relevant part:

The use of real or personal property, and the cost of invitations, food or beverages, voluntarily provided by an individual to a candidate ... in rendering voluntary personal services for candidate or party-related activities at the individual's residence, to the extent that the cumulative value of the invitations, food or beverages provided by the individual on behalf of any single candidate for nomination or election does not exceed two hundred dollars with respect to any single election....

8. The Commission notes that the Respondent’s expenditures in sending the e-mail invitation did not fall within so-called “house party” exception in § 9-601b (b) (5) because the aggregate value of expenditures for the fundraiser exceeded the \$200.00 exception to the definition.
9. Connecticut has no *de minimis* threshold for “expenditures” as defined in § 9-601b. See, *Seymour v. Elections Enforcement Commission*, 255 Conn Sup. 78, at 102, footnote 15.
10. State Elections Enforcement Commission Advisory Opinion No. 2010-05: *Propriety of Hyperlinks on Candidate Committee Website to Other Committee Websites, Certain Media Pieces and Commercial Websites* (May 26, 2010), in explaining candidate committee reporting requirements, identified various expenditures associated with candidate websites:

.... [C]ommittees must report any costs associated with a candidate committee website and hyperlinks - e.g., domain name registry, hosting costs, website maintenance and creation, bandwidth - as it would any other campaign committee expenditures in support of your candidacy. See, e.g., *In the Matter of a Complaint by Frank DeJesus*,

Hartford, File No. 2006-193 (civil penalty imposed for failure to report expenditure related to purchase and payment of web hosting services for website that, at various times, contained messages made for the purpose of influencing an election); *In the Matter of a Complaint by Joseph Klett*, Newington, File No. 2004-167 (finding website design services, Internet hosting and support services for candidate committee website were campaign expenditures necessitating reporting); Furthermore, as with any web-based communication promoting the success of your campaign, your candidate committee website must bear upon its face the appropriate attributions pursuant to General Statutes § 9-621 (a).

11. In the instant matter, the expenditure for the e-mail invitation also includes of a *pro rata* valuation of the monthly subscription cost for the contact management program, estimated by the Respondent at between one and thirty dollars.
12. Based on the above, the Commission concludes that the e-mail invitation should have contained an attribution pursuant to § 9-621 (a).
13. Based on the Commission's finding that the person issuing the e-mail communication was clear to the reasonable observer, and the absence of a prior history of violations, and noting the absence of any evidence of any intent to deceive or mislead the public, the Commission declines to investigate the matter further. See *In the Matter of a Complaint by Michael Gongler and Victor L. Hapley, Cromwell*, File No. 2009-126; *Complaint of Robert W. Prentice, Wallingford*, File No 2011-134.

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ORDER

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

That no further action be taken.

Adopted this 15th day of February, 2012 at Hartford, Connecticut

A handwritten signature in black ink, appearing to read "Stephen F. Cashman", written over a horizontal line.

Stephen F. Cashman, Chairman
By Order of the Commission