

STATE OF CONNECTICUT
STATE ELECTIONS ENFORCEMENT COMMISSION

In the Matter of a Complaint by
Phillip T. Penn, Burlington

File No. 2012-052

FINDINGS AND CONCLUSIONS

Complainant brings this Complaint pursuant to Connecticut General Statutes § 9-7b, alleging that Martin Liutermoza advocated for the defeat of the Burlington School Budget that was voted on at the May 8, 2012 referendum in the Town of Burlington, but failed to register a political committee with the town clerk. After the investigation, the Commission makes the following findings and conclusions:

1. A Burlington School Budget proposal was voted on at a May 8, 2012 referendum in the Town of Burlington.
2. Lawns signs advocating defeat of the May 8, 2012 referendum and a “no” vote were disseminated in town prior to the vote. Additionally, the signs included the web address burlingtonbudget.com that was for a website advocating the defeat of the Burlington School Budget at the May 8, 2012 referendum.
3. Mr. Martin Liutermoza admits that he was responsible for the signs and website described in paragraph 2 above, and made expenditures for the same to oppose the May 8, 2012 referendum in the Town of Burlington.
4. Mr. Liutermoza did not file a statement of registration of a referendum committee *or* file statements of his expenditures in opposition to the May 8, 2012 Burlington School Budget referendum with the Burlington town clerk’s office.
5. General Statutes § 9-602 (a) provides, in pertinent part:

(a) *Except with respect to an individual acting on his own*, no contributions may be made, solicited or received and *no expenditures may be made, directly or indirectly, in aid of or in opposition to* the candidacy for nomination or election of any individual or *any* party or *referendum question*, unless (1) the candidate or chairman of the committee has filed a designation of a campaign treasurer and a depository institution situated in this state as the depository for the committee's funds or (2) the candidate or, in the event of a referendum question, a group of individuals has filed a

certification in accordance with the provisions of section 9-604 or 9-605, as the case may be. . . . [Emphasis added.]

6. General Statutes § 9-612 (d) provides, in pertinent part:

...
(d) *Any individual may make unlimited contributions or expenditures to aid or promote the success or defeat of any referendum question*, provided any individual who makes an expenditure or expenditures *in excess of one thousand dollars* to promote the success or defeat of any referendum question shall file statements according to the same schedule and in the same manner as is required of a campaign treasurer of a political committee under section 9-608. [Emphasis added.]

7. The Commission finds, upon investigation, that Mr. Liutermoza made the following expenditures totaling \$764.66 to advocate the defeat of the May 8, 2012 referendum in the Town of Burlington:

- a. \$42 – burlingtonbudget.com website hosting
- b. \$356.62 – 30 small lawn signs from eSigns
- c. \$113.29 – 4 large signs from Vistaprint
- d. \$252.75 – Google AdWords search

8. The Commission further finds that Mr. Liutermoza made the above expenditures for the website and signs detailed in paragraph 2 above independently and out of his own personal funds. The Commission concludes therefore that Mr. Liutermoza was *not* required to file a political committee with the Burlington town clerk's office pursuant to General Statutes § 9-602 (a).

9. Specifically, the Commission concludes that Mr. Liutermoza, *as an individual acting on his own* in making expenditures advocating the defeat of the May 8, 2012 Burlington School Budget referendum and pursuant to § 9-602 (a) was not required to register a political committee with the town clerk's office.

10. Additionally, the Commission finds that the expenditures detailed in paragraph 7 above made by Mr. Liutermoza to advocate the defeat of the May 8, 2012 Burlington School Budget referendum totaled 764.66 and therefore did *not* exceed the \$1,000 threshold for individual expenditure referendum reporting pursuant to General Statutes § 9-612 (d). The Commission concludes therefore that Mr. Liutermoza was *not* required to file a statement of his expenditures with the town clerk pursuant to § 9-612 (d), and therefore did not violate the aforementioned statute.

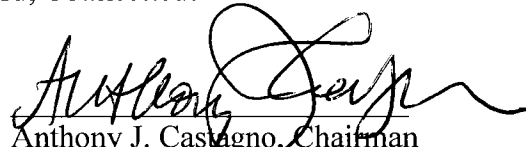
11. The Commission, for the reasons detailed herein, dismisses the Complainant's allegation.

ORDER

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

That the Complaint be dismissed.

Adopted this ²⁰~~13~~th day of February of 2013 at Hartford, Connecticut


Anthony J. Castagno, Chairman
By Order of the Commission