

STATE OF CONNECTICUT
STATE ELECTIONS ENFORCEMENT COMMISSION

In the Matter of a Complaint by
Nancy DiNardo, Hartford

File No. 2012-159

FINDINGS AND CONCLUSIONS

The Complainant filed this Complaint pursuant to Connecticut General Statutes § 9-7b. The Complainant alleges that Voters for Good Government, Inc. (“VFGG”) failed to timely file an independent expenditure report for an expense opposing the election of a candidate for the General Assembly in the 2012 general election. The time period of the alleged lateness corresponds to the state of emergency caused by Storm Sandy. The Commission has already established a policy direction against the investigation or enforcement of late disclosure filings for such period.

After a preliminary investigation of the Complaint, the Commission makes the following findings and conclusions:

1. VFGG filed an Independent Expenditure Statement (SEEC Form 26) with the State Elections Enforcement Commission on Friday November 2, 2012 at 6:44 P.M. (the “Statement”). Among other reports of independent expenditures, the Statement reports that VFGG made an expenditure in opposition to the incumbent candidate for Senate District 18, Senator Andrew Maynard, on November 2, 2012.
2. The Complainant alleges that, on November 1, 2012, certain identified individuals received mailings by VFGG that opposed Andy Maynard’s candidacy (the “Communications”).
3. Based on a comparison with the alleged dates of the mailings of the Communications, the Complainant alleges that any expenditure for the Communications must have been made no later than either October 30 or October 31, depending on the date of receipt of the specific Communications.
4. Based on the above estimates, the Complainant alleges that the relevant information in the Statement, insofar as it concerns any expenditure for the Communications, was filed, at least, approximately two to three days late.
5. General Statutes § 9-612 (e) (2), setting forth the filing schedule for independent expenditure reports concerning candidates for the General Assembly, provides, in relevant part:

Any individual, entity or committee that makes or obligates to make
an independent expenditure or expenditures to promote the success or

defeat of a candidate for the office of Governor, Lieutenant Governor, Secretary of the State, State Treasurer, State Comptroller, Attorney General, state senator or state representative, which exceeds one thousand dollars, in the aggregate, during a primary campaign or a general election campaign, as defined in section 9-700, on or after January 1, 2008, shall file a report of such independent expenditure to the State Elections Enforcement Commission. The report shall be in the same form as statements filed under section 9-608, except that such report shall be filed electronically ... *If the individual, entity or committee makes or obligates to make such independent expenditure or expenditures ninety days or less before the day of a primary or election, the person shall file such report not later than twenty-four hours after such payment or obligation.* The report shall be filed under penalty of false statement. [Emphasis added.]

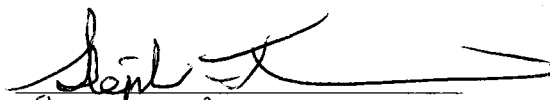
6. The Commission finds that, even if the Complainant's allegations form reasonable suspicion concerning the timely reporting of specific information, the period of suspected lateness essentially corresponds to the state-wide period of civil emergency caused by Storm Sandy, which was formally declared by Governor Malloy on October 27, 2012. In response to the civil emergency, Governor Malloy issued numerous Executive Orders, which provided blanket extensions for deadlines impacting a range of government filing deadlines, including, but not limited to, voter registration, motor vehicle filings, and tax filings. See Governor Malloy's Executive Orders Nos. 21-28, dated October 28, 2012 through November 5, 2012.
7. In harmony with such Executive Orders, the Commission has already established a policy direction against investigation or enforcement of late disclosure filings for such a period. See Minutes of the State Election Enforcement Commission for the Regular Meeting of November 14, 2012, Miscellaneous Resolutions No. 2 and 3. As reflected in Resolution 2, such a policy has even extended to a functional blanket waiver of an otherwise statutorily mandated late filing fee, providing that such filers comply within a twenty-one day warning period.
8. The Commission concludes that, consistent the with above policy direction and Executive Orders concerning the impact of Storm Sandy, the allegations in the Complaint do not merit further investigation or enforcement.

ORDER

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

That no further action be taken.

Adopted this 19th day of December, 2012 at Hartford, Connecticut.

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

Stephen F. Cashman, Chairperson
By Order of the Commission