

STATE OF CONNECTICUT
STATE ELECTIONS ENFORCEMENT COMMISSION

In the Matter of a Complaint by Dwight Blint
New Britain

File No. 2013-118

FINDINGS AND CONCLUSIONS

Complainant Dwight Blint of New Britain filed this Complaint pursuant to Connecticut General Statutes § 9-7b, alleging that Respondent Timothy O'Brien, then-mayor of the City of New Britain, impermissibly used the city's automated public-notice system to promote his candidacy. After an investigation of the allegations made in the Complaint, the Commission makes the following findings and conclusions:

1. Complainant alleged that Respondent O'Brien used the City of New Britain's public-notice system to promote his own candidacy on August 23, 2013, less than 3 months before the November 5, 2013 election where Respondent was running for re-election as mayor of New Britain.
2. According to the complaint, Respondent used the city's automated, telephonic, public-notice system to invite recipients of the call to a "Substance-Free Family Day" that was occurring in a city park the following day.
3. The event was coordinated by the City of New Britain's Community Services Department, which includes subdivisions that provide human services such as youth and family services, public health services, veterans' services, and well as building permitting.
4. In addition to notifying recipients of the time and general nature of the event, Respondent, who read the message that was sent to recipients, also identified himself as "Mayor Tim O'Brien" at the beginning and end of the message.
5. General Statutes § 9-610 (d) places limits on the use of public assets by incumbents to promote their candidacy for re-election. Specifically, General Statutes § 9-610 (d) (1) prohibits incumbents from using public funds to mail or print flyers or other promotional materials that promote that incumbent's re-election in the 3-month period before the election in which the incumbent stands as a candidate. *See* General Statutes § 9-610 (d) (1) (placing 3-month moratorium on use of public funds to create and send mailers by incumbents before election). General Statutes § 9-610 (d) (2) places a limit on the use of a candidate's name, face, or voice in a promotional campaign or advertisement that is broadcast or printed in certain media during the 12-months prior to an election where that candidate is running. *See* General Statutes § 9-610 (d) (2) (banning use of candidates' names, faces, or voices in

promotional materials that are distributed or displayed via television, radio, movie theater, billboard, bus poster, newspaper, or magazine).

6. Even though the phone message featured the voice and name of the Respondent's and also occurred within the 3-month window before an election, the phone message did not involve the printing or mailing of promotional materials that is prohibited in General Statutes § 9-610 (d) (1) and did not involve a promotional campaign or advertisement that was distributed via the enumerated means specifically banned in General Statutes § 9-610 (d) (2).
7. As the phone message here does not fall under either of the restrictions in General Statutes § 9-610 (d), that statutory provision would not apply.

ORDER

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

That the matter be dismissed.

Adopted this 17th day of March, 2015 at Hartford, Connecticut.



Anthony J. Castagno, Chairperson
By Order of the Commission