

STATE OF CONNECTICUT
STATE ELECTIONS ENFORCEMENT COMMISSION

Complaint of Louis A. DeCilio,
Stratford

File No. 2013-126

FINDINGS AND CONCLUSIONS

Complainant filed this complaint with the Commission pursuant to General Statutes §9-7b, alleging that there were “numerous violations” by *Daponte 2013* and *Daponte for Mayor 2013* pertaining to campaign finance reporting and filing requirements prior to the November 5, 2013 municipal election in the Town of Stratford.

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

1. Complainant filed this complaint alleging that there were “numerous violations” by *Daponte 2013* (hereinafter “Exploratory Committee”) and *Daponte for Mayor 2013* (hereinafter “Candidate Committee”) pertaining to campaign finance reporting and filing requirements prior to the November 5, 2013 municipal election in the Town of Stratford.
2. Complainant specifically alleged:
 - (1) That an individual made an an excessive contribution in the amount of \$1,300.00 to the Candidate Committee;
 - (2) That Respondents failed to terminate the Exploratory Committee and transition into a Candidate Committee in a timely manner; and,
 - (3) That a June 27, 2013 fundraiser that was attributed to the Exploratory Committee actually raised money for the Candidate Committee and therefore Respondent Daponte had more than one candidate committee in violation of the law.
3. By way of background, both the Exploratory Committee and Candidate Committee were registered by Respondent Beth Daponte for the November 5, 2013 municipal election in Stratford. Respondent Janice M. Andersen served as the Exploratory Committee treasurer and Candidate Committee deputy treasurer and Respondent Barry Davis served as the Candidate Committee treasurer. Respondents have no prior history with the Commission.

4. General Statutes § 9-604, provides in pertinent part:

...

(c) The chairman of a political committee formed to support a single candidate for public office shall, not later than seven days after filing a statement of organization with the proper authority under section 9-603, send the candidate a notice, by certified mail, of such filing. If a candidate (1) does not, within fourteen days after receiving such notice, disavow such committee, in writing, to the proper authority under section 9-603, or (2) disavows such committee within such period, but, at any time before such disavowal, accepts funds from the committee for his campaign, such committee shall be deemed to have been authorized by such candidate and shall constitute a candidate committee for the purposes of this chapter. ***No candidate shall establish, agree to or assist in establishing, or give his consent or authorization to establishing a committee other than a single candidate committee to promote his candidacy for any public office except that a candidate may establish an exploratory committee.*** The candidate shall designate on the statement of organization for the exploratory committee the type of office to which the candidate is determining whether to seek nomination or election, as follows: (A) The General Assembly, (B) a state office, or (C) any other public office. ***... Not later than fifteen days after a public declaration by the candidate of the candidate's intention to seek nomination or election to a particular public office, the candidate shall form a single candidate committee,*** ...[Emphasis added.]

5. General Statutes § 9-608, provides in pertinent part:

...

(f) ***If an exploratory committee has been established by a candidate pursuant to subsection (c) of section 9-604, the campaign treasurer of the committee shall file a notice of intent to dissolve it with the appropriate authority not later than fifteen days after the candidate's declaration of intent to seek nomination or election to a particular public office, ...***The campaign treasurer shall also file a statement identifying all contributions received or

expenditures made by the exploratory committee since the previous statement and the balance on hand or deficit, as the case may be. [Emphasis added.]

6. General Statutes § 9-611, provides in pertinent part:

(a) ***No individual shall make a contribution or contributions to, for the benefit of, or pursuant to the authorization or request of, a candidate*** or a committee supporting or opposing any candidate's campaign for nomination at a primary, ***or any candidate's campaign for election, to the office of*** (1) Governor, in excess of three thousand five hundred dollars; (2) Lieutenant Governor, Secretary of the State, Treasurer, Comptroller or Attorney General, in excess of two thousand dollars; (3) ***chief executive officer of a town, city or borough, in excess of one thousand dollars; ...***

(b) (1) ***No individual shall make a contribution or contributions to, or for the benefit of, an exploratory committee, in excess of three hundred seventy-five dollars,*** if the candidate establishing the exploratory committee certifies on the statement of organization for the exploratory committee pursuant to subsection (c) of section 9-604 that the candidate will not be a candidate for the office of state representative. ... [Emphasis added.]

7. General Statutes, § 9-622, provides in pertinent part, that the following persons shall be guilty of illegal practices:

...

(10) Any person who solicits, makes or receives a contribution that is otherwise prohibited by any provision of this chapter; ...

8. The following timeline was developed upon investigation:

(1) On May 7, 2013

Respondent Daponte filed an *Exploratory Committee Registration* (SEEC Form 4) with the Stratford Town Clerk's office forming the exploratory committee *Daponte 2013* for the November 5, 2013 election in Stratford.

(2) On July 1, 2013

Respondent Daponte filed a *Registration by Candidate – Candidate Committee Registration Statement* (SEEC Form 1) with the Stratford Town Clerk's office forming the candidate committee Daponte for Mayor 2013 for the November 5, 2013 election in Stratford.

(3) On July 9, 2013

Respondent Daponte filed an *Exploratory Committee – Notice of Intent to Dissolve* (SEEC Form 5) with the Stratford Town Clerk's office and declared that she was seeking the office of Mayor.

9. Allegation One regarded an alleged excessive contribution in the amount of \$1,300.00 to the Candidate Committee. Pursuant to § 9-611(a) (3) an individual may contribute up to \$1,000.00 to a candidate committee of a mayoral candidate and may contribute up to \$375.00 to an exploratory committee pursuant to § 9-611(b) (1). Upon investigation, it was determined that the individual identified by Complainant had made a \$300.00 contribution to the Exploratory Committee. Additionally, it was found that the same individual made two contributions to the Candidate Committee each in the amount of \$500.00 for an aggregate of \$1,000.00. The aforementioned aggregate total to *both* the Exploratory Committee and the Candidate Committee by a single individual was \$1,300.00.
10. The Commission concludes, for the reasons detailed in paragraph 9 above, Allegation One is not supported by the evidence in that the aggregate contributions to the Exploratory Committee and the Candidate Committee were permissible with the contribution limits for individuals pursuant to General Statutes § 9-611 (a) (3) & (b) (1). Specifically, an individual can give up to \$375.00 in the aggregate to a municipal exploratory committee *and* up to \$1,000.00 in the aggregate to that same candidate's mayoral candidate committee. General Statutes § 9-611 (a) (3) & (b) (1). The Commission therefore dismisses Allegation One alleging that Respondents received an excessive contribution in the amount of \$1,300.00 and/or that such an excessive contribution was made by an individual in violation of §§ 9-611 and 9-622.
11. Allegation Two regarded an alleged failure by Respondents to terminate the Exploratory Committee and form a Candidate Committee within 15 days of Respondent Daponte becoming a candidate. The allegation was based on either of two media reports appearing on May 9, 2013 and May 14, 2013 where it was reported that Respondent Daponte was running for mayor. Complainant alleged therefore that Respondent Daponte violated General Statutes §9-608 (f) by failing to dissolve her exploratory committee within 15 days of her public declaration "... *of the candidate's intention to seek nomination or election to a particular public office.*" General Statutes §9-608 (f).

12. After investigation, it was determined that the May 9, 2013 *Stratford Star.com* reported: “*The Democratic hopeful [Daponte] said she wants to run for mayor because there is an issue with what she called ‘transparency.’*” Further, the May 14, 2013 *Stratford Patch* reported: “*Democrat Beth Daponte has thrown her hat into the ring and formed an exploratory committee to challenge Republican incumbent Mayor John A. Harkins, the Stratford Star first reported last week. ... Daponte told the newspaper it benefits Stratford to elect a Democrat as its next mayor.*” Upon review, the Commission finds that *neither* of aforementioned media reports contain a discernable public declaration by Respondent of an intent to run for election to the office of mayor; rather each contains a statement of intent *attributed to her* by the media.
13. Consequently, the Commission finds that the media reports relied on by Complainant to form the basis of Allegation Two fail to satisfy the requirements of a public declaration of intent by Respondent Daponte that triggered the provisions of General Statutes § 9-608 (f) because there were no discernable declarations by Respondent Daponte regarding her intentions to seek a particular office. It follows that May 9, 2013 or May 14, 2013 were *not* the dates from which to measure the time of fifteen days in which the Respondents were required to form the Candidate Committee and file an intent to dissolve the Exploratory Committee.
14. The Commission, for reasons detailed in paragraph 13 above, therefore concludes that there was no violation of General Statutes § 9-608 (f) as alleged by Complainant under these circumstances and dismisses Allegation Two.
15. By written response to this complaint, Respondents assert that Respondent Daponte declared her mayoral candidacy at a June 27, 2013 campaign event, as detailed below, which was attended by various members of the community and a member of the press.
16. After investigation, the Commission finds no evidence contrary to Respondents’ timing of Respondent Daponte’s public declaration to seek the office of Mayor of Stratford. Furthermore, the Commission finds that the timeline, as detailed in paragraph 8 above, which demonstrates the July 1, 2013 registration of the Candidate Committee and the July 9, 2013 filing of a notice of intent to dissolve the Exploratory Committee is consistent with a June 27, 2013 announcement of a mayoral candidacy and the requirements of General Statutes § 9-608 (f).

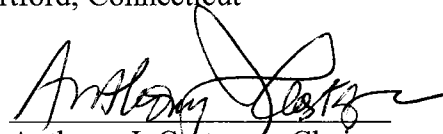
17. Allegation Three pertained a claim that the June 27, 2013 campaign event that was attributed to the Exploratory Committee actually raised money for the Candidate Committee and therefore Respondent Daponte simultaneously had two candidate committees in violation and of General Statutes § 9-604 (c). The aforementioned section provides that “...no candidate shall establish, agree to or assist in establishing, or give his consent or authorization to establishing a committee other than a single candidate committee to promote his candidacy for any public office except that a candidate may establish an exploratory committee.”
18. Upon investigation, it was determined that an invitation for the “Wines Around the World” campaign event of June 27, 2013 included the attribution: “*Paid for by Daponte 2013, Janice Anderson, Treasurer. Approved by Beth Daponte.*” Further, the Commission finds that the use of the Exploratory Committee as the funding source to host the aforementioned event *prior* to a public declaration by Respondent Daponte of her intent to seek a particular office was consistent with published and available Commission advice at the time and with the application of General Statutes §§ 9-604 (c) and 9-608 (f) generally.
19. Moreover, the Commission finds after investigation that the June 27, 2013 campaign event was properly reported by the Exploratory Committee on its termination report and further finds a lack of evidence that contributions to the Candidate Committee were received at this event or were otherwise impermissible under the circumstances. The Commission finds that the temporal overlap of the Exploratory Committee and the Candidate Committee under these circumstances were not evidence of simultaneous candidate committees administered by Respondents as Complainant alleged, but rather the facts detailed herein are evidence of *consecutive* campaign committees in support of a single individual.
20. The Commission concludes that because the transition between the Exploratory Committee and the Candidate Committee was consistent with the requirements of General Statutes §§ 9-604 (c) and 9-608 (f) as applied to the timeline and facts discussed herein no violation occurred under these circumstances. The Commission therefore dismisses Allegation Three.
21. The Commission for the facts and reasons detailed herein therefore dismisses this complaint.

ORDER

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

That the matter be dismissed.

Adopted this 16th day of April, 2014 at Hartford, Connecticut

A handwritten signature in black ink, appearing to read "Anthony J. Castagno", written over a horizontal line.

Anthony J. Castagno, Chairman
By Order of the Commission