

STATE OF CONNECTICUT
STATE ELECTIONS ENFORCEMENT COMMISSION

In the Matter of a Complaint by Christopher Suggs, West Haven

File No. 2014-020

FINDINGS AND CONCLUSIONS

The Complainant alleged separately first that the West Haven Town Clerk sent 2 voters the incorrect absentee ballots for the 2014 Democratic Town Committee primary, second that members of an opposition slate of candidates for Democratic Town Committee impermissibly paid for votes and third that said opposition slate produced a communication that lacked the required attribution under General Statutes § 9-621.¹

1. All of the allegations in this matter concern the March 4, 2014 Democratic Town Committee Primary ("DTC Primary") in the City of West Haven.

COUNT ONE: Incorrect Absentee Ballot

2. The Complainant here alleged that West Haven electors Dale and Waunice Scott applied for absentee ballots for the DTC Primary for the 5th Town Committee District, but incorrectly received absentee ballots for the 7th Town Committee district.
3. The Complainant, the Town Committee Chair at the time of this Complaint, further alleges that West Haven Town Clerk Deborah Collins intentionally sent the voters the incorrect ballot in order to take votes away from the slate of candidates that she opposed and that the Complainant supported.
4. The Respondent Town Clerk denied the allegations and asserted that while the Scotts were once in the 5th District, their address on Terrace Street had been located in 7th District since a mandatory redistricting that occurred in 2013.

¹ The following are the Commission's findings and conclusions based on those portions of the Complainant's statement of complaint which the Commission could reasonably construe as alleging facts amounting to a specific violation of those laws within the Commission's jurisdiction. Any statements within the Complaint not addressed herein either did not specifically allege a violation or alleged facts which if proven true would not have amounted to a violation within the Commission's jurisdiction.

5. The investigation here revealed that the records of the City of West Haven support the Town Clerk's assertion.
6. The records of the City of West Haven confirmed that the Scotts were once located in the 5th District, but portions of what was once the 5th District, including the portion of Terrace Ave upon which the Scott's property was located, were remapped into the 7th District.
7. Considering the aforesaid, the Respondent Town Clerk provided the Scotts with the correct absentee ballots.
8. Count One should be dismissed.

COUNT TWO: Vote Buying

9. In his second allegation, the Complainant alleged that a flyer was publicly posted in locations around West Haven promoting the challenge slate of candidates, including Gordon Bergman, Phil Bynum, Emilia Encarnacion, Troy Turner, and Rosemarie Gibbons, and promoting a voter registration event in which individuals could show up to one of two barbershops and get a free haircut in exchange for registering to vote.
10. General Statutes § 9-622 reads, in pertinent part:

The following persons shall be guilty of illegal practices and shall be punished in accordance with the provisions of section 9-623:

(1) Any person who, directly or indirectly, individually or by another person, gives or offers or promises to any person any money, gift, advantage, preferment, entertainment, aid, emolument or other valuable thing for the purpose of inducing or procuring any person to sign a nominating, primary or referendum petition or to vote or refrain from voting for or against any person or for or against any measure at any election, caucus, convention, primary or referendum;

(2) Any person who, directly or indirectly, receives, accepts, requests or solicits from any person, committee, association, organization or corporation, any money, gift, advantage, preferment, aid, emolument or other valuable thing for the purpose of inducing or procuring any person to sign a nominating, primary or referendum petition or to vote or refrain

from voting for or against any person or for or against any measure at any such election, caucus, primary or referendum;

11. General Statutes § 9-364a reads, in pertinent part:

Any person who influences or attempts to influence by force or threat the vote, or by force, threat, bribery or corrupt means, the speech, of any person in a primary, caucus, referendum convention or election; or wilfully and fraudulently suppresses or destroys any vote or ballot properly given or cast or, in counting such votes or ballots, wilfully miscounts or misrepresents the number thereof; and any presiding or other officer of a primary, caucus or convention who wilfully announces the result of a ballot or vote of such primary, caucus or convention, untruly and wrongfully, shall be guilty of a class C felony. (Emphasis added.)

12. The flyer at issue, entitled "Express Your Vote," promoted the "Row B" slate of the aforementioned candidates, and promoted an event in which voters could show up to one of two West Haven barbershops to receive a free haircut in exchange for registering to vote.
13. The investigation here revealed that the flyer at issue was produced by Phil Bynum, one of the five candidates mentioned in the Row B slate. Approximately 6-8 flyers were distributed and hung at public locations, such as local post offices.
14. The investigation revealed that Mr. Bynum, a newcomer to running for office, did not appear to appreciate the implications of offering money, goods, and/or services in exchange for registering to vote.
15. However, the investigation also revealed that there was insufficient evidence to support that the event ever took place insofar as the evidence does not show that any free haircuts were actually given out on that day. The evidence supports a finding that both barbershops had full slates of paying customers and that only one voter was registered in conjunction with the drive.
16. Considering the aforesaid, the Commission concludes that the evidence is insufficient to maintain that it was more likely or not that any electors were paid and/or bribed to vote in a certain way.
17. However, while the Commission cannot conclude that the Respondent violated any provision under the Commission's jurisdiction, this is only because the attempt to trade

registrations for valuable services in kind was never perfected. The Commission warns the Respondent to avoid such events in the future.

18. However, considering the aforesaid, the Commission will take no further action as to Count Two.

COUNT THREE: Missing Attribution

19. The Complainant's final allegation is that the aforementioned flyer was missing the attribution required in General Statutes § 9-621.
20. General Statutes § 9-621 reads, in pertinent part:

(a) 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, no group of two or more individuals acting together that receives funds or makes or incurs expenditures not exceeding one thousand dollars in the aggregate and has not formed a political committee shall make or incur any expenditure, and no candidate or committee shall make or incur any expenditure including an organization expenditure for a party candidate listing, as defined in subparagraph (A) of subdivision (25) of section 9-60J, 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 as a disclaimer (1) the words "paid for by" and the following: (A) In the case of such an individual, the name and address of such individual; (B) in the case of a committee other than a party committee, the name of the committee and its treasurer; (C) in the case of a party committee, the name of the committee; or (D) in the case of a group of two or more individuals that receives funds or makes or incurs expenditures not exceeding one thousand dollars in the aggregate and has not formed a political committee, the name of the group and the name and address of its agent, and (2) the words "approved by" and the following: (A) In the case of an individual, group or committee other than a candidate committee making or incurring an expenditure with the consent of, in coordination with or in consultation with any candidate, candidate

committee or candidate's agent, the name of the candidate; or (B) in the case of a candidate committee, the name of the candidate.

21. As stated above, the investigation here revealed that approximately 6-8 of the flyers were produced and posted in public areas, including but not limited to post offices. These flyers were created and produced by slate candidate Phil Bynum at a marginal cost that Mr. Bynum bore himself.
22. The official funding vehicle for the 5 candidates on the flyer, as indicated in their SEEC Form 1A and 1B candidate registration statements, was a slate committee called "Democrats for [West Haven]."²
23. The expenses incurred by Mr. Bynum, however little, inured to the slate committee. As such, the attribution should have read "Paid for by Democrats for West Haven, Brent Coscia, Treasurer" and "Approved by" the five slate candidates, which it did not.
24. Accordingly the Commission concludes that the slate committee failed to meet its obligations under General Statutes § 9-621.
25. Considering the aforesaid, it is the practice of the Commission that when, on the face of the allegations in the complaint, the individual or person issuing the communication is clear to the reasonable person (often including the complainant), and the alleged evidence does not support reasonable suspicion of any attempt to deceive the public, the complaint shall be resolved without a full investigation and instead with an instructive letter to the respondent.
26. In this case, since the flyer was included in other portions of the larger Complaint, a full investigation was conducted into the attribution issue as well. The Row B slate was clearly identified in the flyer and it was clear to the reasonable observer, including the Complainant, as is evidenced in the face of his Complainant. In keeping with its prior practice, the Commission staff will issue an instructive letter to all five candidates, as well as Mr. Coscia the treasurer of "Democrats for West Haven."
27. No further action is necessary as to Count Three.

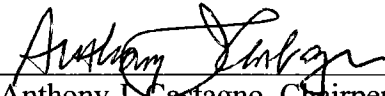
² Each Form 1B filing by the five candidates read "Democrats for WH," but there is no dispute that these candidates were designating the slate committee "Democrats for West Haven" as their funding vehicle.

ORDER

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

Count One: Dismissed.
Count Two: No further action
Count Three: No further action

Adopted this 18th day of January, 2017 at Hartford, Connecticut.



Anthony J. Castagno, Chairperson
By Order of the Commission