

STATE OF CONNECTICUT
STATE ELECTIONS ENFORCEMENT COMMISSION

In the Matter of a Complaint by John Q. Gale, *et al.*
Hartford

File No. 2014-080

FINDINGS AND CONCLUSIONS

Complainants John Q. Gale and Cynthia R. Jennings, both of Hartford, bring this Complaint pursuant to Connecticut General Statutes § 9-7b, alleging that Respondent Senator Eric Coleman improperly mailed correspondence to his constituents using the legislative mailing process to promote his candidacy for re-election in the 2nd senatorial district in the Connecticut General Assembly for the November 2014 General Election.

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

1. Eric Coleman (“Respondent”) represents the 2nd senatorial district in the Connecticut General Assembly.
2. In the August 12, 2014 primary, Respondent sought the nomination of the Democratic Party to run as its candidate in the November 4 election.
3. Complainants allege that Respondent violated General Statutes § 9-610 (d) (1) by sending mailers to constituents in his district under the auspices of General Statutes § 2-15a.
4. General Statutes § 2-15a , provides in pertinent part:

(a) Each member of the General Assembly *shall be entitled to send an annual mailing to each household in such member’s district, for informational purposes*. The mailing shall be conducted under the supervision of the Joint Committee on Legislative Management and in accordance with rules adopted by the committee.

(b) In even-numbered years, no such mailing may be sent after July fifteenth. A member shall be deemed in compliance with this subsection if the member delivers the mailing to the offices of the Joint Committee on Legislative Management no later than said July fifteenth. [Emphasis added.]

5. General Statutes § 9-610 (d) provides:

(d) (1) No incumbent holding office shall, during the three months preceding an election¹ in which he is a candidate for reelection or election to another office, use public funds to mail or print flyers or other promotional materials intended to bring about his election or reelection.²

6. Complainants stated in the sworn complaint that they received a legislative mailer from Respondent on July 15, 2014. *See* Complaint of John Q. Gale, SEEC File No. 2014-080 (July 17, 2014). Complainant Gale also sent additional information to the Commission, stating that he had received a subsequent mailer from respondent on or about July 18, 2014. *See* Email message from John Q. Gale to Scott Branfuhr (August 25, 2014).
7. According to documentation supplied by the Office of Legislative Management, the legislature paid \$4,032 to print 35,890 copies of Respondent's annual district-wide mailer. *See* Purchase Order from RR Donnelley & Sons to Legislative Management (dated June 26, 2014) (reflecting total cost to print Coleman "D-wide 4-color 36,500" of \$4,032.26). The district-wide mailer was mailed on July 14, 2014, and the first-class postage totaled \$7,792.14. In addition, the legislature paid \$2,948.36 to send 13,310 mailers via bulk mail on behalf of Respondent on July 11. *See* Legislative Services System, Legislators Postage (reflecting postage paid to send legislative mailers for Respondent). The July 11 mailer was authorized under the legislative rules, which allow a senator to send to up to 12,000 pieces of mail to their constituents a week, provided they have opted to use the bulk-mail permit instead of first-class postage. *See* Connecticut Legislative Guide, Office of Legislative Management, 2013 and 2014 Sessions, "Rules on Mailing Privileges," 197 (laying out regulations adopted under General Statutes § 2-15a regulating legislative mailings).
8. Complainants alleged that the mailers, which included several photographs of Respondent as well as narrative that explained some of the legislative highlights that he had supported in the past session, were promotional of the Respondent and therefore were impermissibly utilized in support of the Respondent's campaign.
9. The Commission has addressed past matters involving misuses of legislative mailers in the service for purposes outside their legislative mandate. *See, e.g., In the Matter of a Complaint by James F. Noonan Jr., Glastonbury*, File No. 2000-16 (involving incumbent

¹ The term "election," as defined in General Statutes § 9-1 (d), does not include primaries.

² General Statutes § 9-610 (d) (2) prohibits state-financed promotional campaigns featuring a candidate. Since this matter does not involve such a campaign, it will focus on the materials in question as "legislative mailers."

state senator who utilized mailer to influence electors to vote for proposed constitutional amendment); *In the Matter of a Complaint by John Mazurel, Wolcott*, File No. 2002-247 (addressing incumbent state representative who distributed 75-100 surplus legislative mailers along with campaign materials promoting his candidacy in violation of General Statutes § 9-610 (d) (1) [then § 9-3331 (d) (1)]); and *In the Matter of a Complaint by Christopher Healy, Wethersfield*, File No. 2008-123 (focusing on incumbent state representative who altered surplus legislative mailers and utilized them in his campaign for re-election). The mailers at issue here did not offend the normal scope of constituent mailers so as to merit additional scrutiny.

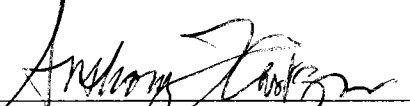
10. After investigation, the Commission finds that the mailers in question were sent no later than July 14, 2014, before the expiration of the permissible statutory period for these mailings in both §§ 2-15a and 9-610 (d) (1). Because the mailers were sent within the statutorily prescribed timeframe, they do not violate General Statutes § 9-610 (d) (1).
11. Based on the facts presented above, this matter should be dismissed.

ORDER

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

That the matter is dismissed.

Adopted this 18th day of November, 2014 at Hartford, Connecticut.


Anthony J. Castagno, Chairperson
By Order of the Commission