

**STATE OF CONNECTICUT**  
**STATE ELECTIONS ENFORCEMENT COMMISSION**

In the Matter of a Complaint by Cheryl Jansen  
Shelton

File No. 2014-131

**FINDINGS AND CONCLUSIONS**

Complainant Cheryl Jansen of Shelton filed this Complaint pursuant to Connecticut General Statutes § 9-7b, alleging that Respondents Ben McGorty, candidate, and Anne Gaydos, treasurer, working on behalf of the *McGorty 2014* qualified candidate committee, had received a grant from the Citizens' Election Fund in excess of the amount to which the committee was entitled. After an investigation of the allegations made in the Complaint, the Commission makes the following findings and conclusions:

1. On June 1, 2014, Lawrence Miller, sitting legislator for the 122<sup>nd</sup> General Assembly district, died, creating a vacancy in the General Assembly. On June 6, 2014, Gov. Dannel Malloy issued the necessary writ to set July 22 as the date for a special election to choose Miller's successor in the General Assembly.
2. Respondent McGorty formed a candidate committee for the special election on June 12. He named Respondent Gaydos as the treasurer of that committee called *McGorty 2014 Special Election*.
3. On June 13, Respondent McGorty established *McGorty 2014*, a candidate committee to support his candidacy for the 122<sup>nd</sup> district seat in the November general election. He named Respondent Gaydos as the treasurer of that committee as well.
4. A candidate must have a single candidate committee for each election. *See* General Statutes § 9-604 (a). Even though both the July 22 special election and the November 4 general election occurred in 2014 and involved finding Miller's successor in the 122<sup>nd</sup> General Assembly seat, the two elections were separate and distinct events for the purposes of Connecticut's campaign finance statutes, meaning that McGorty was required to establish a candidate committee for each election.
5. Except for McGorty, different candidates vied for the General Assembly seat in each cycle. In the special election cycle, McGorty ran against a Democratic opponent, Arlene Liscinsky. In the November 4 election cycle, McGorty defeated Michael Vickerlli, an opponent for the Republican Party nomination, in the primary, and then two candidates in the November 4 election: Complainant Cheryl Jansen, who was a petitioning candidate, and Kelly Hanna of the Green Party.

6. Both McGorty candidate committees qualified for grants from the Citizens' Election Fund.
7. On July 2, the Commission approved a grant for *McGorty 2014 Special Election* totaling \$20,882.50.
8. On July 22, McGorty prevailed in the special election to replace Miller in the 122<sup>nd</sup> district General Assembly seat.
9. On July 23, the Commission approved a grant for *McGorty 2014* totaling \$11,140, which represents the amount available for a candidate in a primary.
10. McGorty won the primary on August 12, and by September 11 the Committee had submitted the necessary "rollover" paperwork reflecting how much cash-on-hand and goods the committee had to use in the general election.
11. On September 15, Commission staff authorized the release of a general election grant for *McGorty 2014* that totaled \$27,850.
12. General Statutes § 9-705 sets the grant amounts that qualified candidate committees receive based on several factors, including but not limited to: whether the candidate is engaged in a special election, primary or general election; whether the candidate represents a major party or a minor party, or has petitioned onto the ballot; whether the candidate faces opposition, and if so, whether the opposition is a major-party candidate, a minor-party candidate, or a petitioning candidate; and, if the candidate is in a primary election, whether the district is a "party-dominant" district which would entitle the candidate for a larger primary grant. See General Statutes § 9-705.
13. In this instance, Commission staff reviewed the grant applications of both the *McGorty 2014 Special Election* candidate committee and the *McGorty 2014* candidate committee for the general election to determine which grant amounts it should have received.
14. When tabulating the grant amount to award *McGorty 2014* for the general election, Commission staff mistakenly calculated the grant as if McGorty were facing another major-party candidate. Based on that scenario, the Commission staff authorized payment of a grant equaling \$27,850, which was the appropriate amount to award a committee for a major-party candidate facing a major-party opponent in a general election.
15. Instead, *McGorty 2014* should have received a grant of \$16,710, the proper grant amount for a major-party candidate facing a minor-party or petitioning candidate.


16. While *McGorty 2014* received an excessive grant for the November 2014 election neither the candidate nor the treasurer did anything that violated Connecticut's campaign finance statutes related to the receipt of that grant.
17. The reason that *McGorty 2014* received an excessive grant amount was an error made by Commission staff in calculating the proper grant amount.
18. The Commission's Campaign Disclosure & Audit Unit examined the financial disclosure reports and supporting documentation provided by the *McGorty 2014* candidate committee following the committee's selection as part of the post-election random audit process.
19. The Final Summary of Examination for the committee, which will be presented to the Commission at its February 2016 meeting, reflected no significant problems that would require additional investigation by the Commission's Enforcement Unit.<sup>1</sup>

### ORDER

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

That the Commission will dismiss this matter.

Adopted this 10<sup>th</sup> day of February, 2016 at Hartford, Connecticut.

  
Anthony J. Castagno, Chairperson  
By Order of the Commission

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<sup>1</sup> See Final Summary of Examination –*McGorty 2014* (State Elections Enforcement Comm'n, February 10, 2016).