

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

In the Matter of a Complaint by Timothy Curtis *et al.*  
Windsor

File No. 2015-090

**FINDINGS & CONCLUSIONS**

Complainants Timothy Curtis, Richard T. Reilly, and David J. Furie, all of Windsor, filed this complaint pursuant to Connecticut General Statutes § 9-7b alleging that a group calling itself “Concerned Citizens” had failed to include the proper attribution on a flyer in opposition to a series of referenda in Windsor. After investigating the allegations raised in the complaint the Commission makes the following findings and conclusions:

1. Complainants filed this complaint on July 24, 2015, alleging that an anonymous group had produced a flyer in opposition to referenda held on May 12, June 2, June 23, and July 14 of 2015 related to the school budget in Windsor. According to the complaint, shortly before each of the referenda dates, flyer were produced by “Concerned Citizens” and were distributed to residents in the town advocating that electors vote no on the proposed school budget. Complainants alleged that those flyers failed to include the name of the group, its agent, or the words “Paid for by” as required for certain expenditures under General Statutes § 9-621 (c).<sup>1</sup>
2. Complainants named numerous individuals as potential respondents but noted that, because the flyer was anonymous, there was no way to identify the proper respondent.<sup>2</sup>
3. The Commission’s investigation identified Rosemarie Miskavitch of Windsor as the individual who created the flyers. Ms. Miskavitch stated that she produced the flyers on her home computer and that the total cost of the flyers was less than \$200. While she worked alone in creating and paying for the flyers, Ms. Miskavitch acknowledged that another individual had assisted her in distributing the flyers after he saw her circulating them.<sup>3</sup>

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<sup>1</sup> Affidavit of Complaint, Timothy Curtis, Richard T. Reilly, and David J. Furie, Windsor, SEEC File No. 2015-090 (State Elections Enforcement Comm’n., July 24, 2015) (reflecting allegations related to flyers attributed to Concerned Citizens in Windsor).

<sup>2</sup> *Id.* (naming John Dunn, John Gamache, Rossi Miskavitch, James Walsh, and Kenneth Witkos, all of Windsor as potential respondents in the matter).

<sup>3</sup> See Letter from Rosemarie Miskavitch to Gilberto Oyola (Sept. 25, 2015) (explaining circumstances behind creation and distribution of flyers).

4. General Statutes § 9-621 (c) reads in pertinent part:

(c) No . . . group of two or more individuals who have joined solely to promote the success or defeat of a referendum question shall make or incur any expenditure for any written, typed or other printed communication which promotes the success or defeat of any referendum question unless such communication bears upon its face, as a disclaimer, the words "paid for by" and the following: . . . (4) in the case of such a group of two or more individuals, the name of the group and the name and address of its agent.

5. The main question here is whether a "group of two or more individuals who have joined solely to promote the success or defeat of a referendum question" incurred the expenditure for the flyers here, such that an attribution was required.
6. It is well established that pursuant to § 9-621, individuals who are not a "group of two or more individuals who have joined solely to promote the success or defeat of a referendum question" are not required to include attributions on advocacy communications concerning referenda.<sup>4</sup>
7. Ms. Miskavitch worked alone on the production of the flyers, but, as stated previously, a volunteer assisted her in the distribution of those flyers.
8. This case bears some similarities to another case where an individual created a flyer alone but received assistance in distributing the flyer. There the respondent created a flyer alone and then was assisted by other individuals in distributing the flyer. The Commission concluded that because the individuals had not jointly "incurred the expenditure for the flyer," the flyer did not need the attribution required under General Statutes § 9-621.<sup>5</sup> The same outcome should be reached here.
9. The evidence here does not support a conclusion that a "group of two or more individuals" incurred the expenditure for the flyer. As such, Ms. Miskavitch was not required to put an attribution on it.

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<sup>4</sup> See *McIntyre v. Ohio Elections Commission*, 541 U.S. 334 (1995). See also *In the Matter of a Complaint by Lynn Brewer*, Winsted, File No. 2012-133; *In the Matter of a Complaint of M. Kirk Carr, Jr.*, Clinton, File No. 2012-083; *In the Matter of a Complaint of Amy Primorac*, Monroe, File No. 2009- 064; *In the Matter of a Complaint of Arthur R. Thompson*, Deep River, File No. 2007-380; *In the Matter of a Complaint of Pamela Lang*, Middlefield, File No. 2006-168; *In the Matter of a Complaint of Tony Palermo*, Westbrook, File No. 2003-186; and *In the Matter of a Complaint by Old Saybrook Town Clerk Sarah Becker*, File No. 2001-191.

<sup>5</sup> See *In the Matter of a Complaint by Alex Rusckawich*, Wilton, File No. 2014-118A.

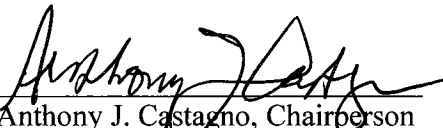
10. The Commission shall dismiss this matter.

**ORDER**

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

This case will be dismissed.

Adopted this 11<sup>th</sup> day of May, 2016 at Hartford, Connecticut.

  
Anthony J. Castagno, Chairperson  
By Order of the Commission