

STATE OF CONNECTICUT
STATE ELECTIONS ENFORCEMENT COMMISSION

In the Matter of a Complaint by Craig M. Minor
Bristol

File No. 2015-114

FINDINGS & CONCLUSIONS

Complainant Craig M. Minor of Bristol filed this complaint on August 31, 2015, per Connecticut General Statutes § 9-7b, alleging that Kenneth Cockayne, mayor of the City of Bristol, violated General Statutes § 9-610 (d) by allegedly directing a city employee to post information to a Facebook site called “Mayor’s Office Bristol CT,” which the complainant alleged was promotional of the mayor. After investigating the allegations raised in the complaint the Commission makes the following findings and conclusions:

1. Respondent Cockayne was the incumbent mayor of the City of Bristol, who sought reelection to that office in the 2015 municipal election cycle.¹
2. According to the complaint, on or about August 26, 2015, an item was posted to the Facebook site “Mayor’s Office Bristol CT.” That item was the reprinting of a letter to the editor drafted by Respondent Cockayne that was published in the Bristol Press.²
3. In the letter to the editor, Respondent stated that he wanted to “set the record straight” about his “beliefs and actions relative to the disposition of the former Memorial Boulevard School.”³
4. The letter described the recent actions that the city had taken related to the Memorial Boulevard School as well as Respondent’s actions as mayor to create a task force to review the city’s actions related to the school building. In the letter, Respondent also stated: “As Mayor, I will do everything in my power, locally to hold the line on Bristol taxes and be a loud voice on the state level when higher taxes are being raised and rammed down the throats of our residents.”⁴

¹ See ED-606 – Prescribed Form for Return of Votes Cast at a Municipal Election, City of Bristol (Connecticut Sec’y of the State, Nov. 5, 2015) (reflecting Cockayne’s candidacy as Republican candidate for mayor).

² See Complaint of Craig M. Minor, Bristol, File No. 2015-114 (State Elections Enforcement Comm’n., August 31, 2015).

³ See *id.*, (showing post to “Mayor’s Office Bristol CT” page at Facebook) (retrieved August 27, 2015).

⁴ *Id.*

5. General Statutes § 9-610 (d) comprises two prohibitions on the use of public funds to promote the candidacy of an incumbent. The first, codified at § 9-610 (d) (1), prevents an incumbent from using public funds “to mail or print flyers or other promotional materials” that are intended to promote the candidacy of that incumbent within the three months preceding an election.⁵ The second, found in the General Statutes at § 9-610 (d) (2), bans any individual from authorizing the use of public funds during the 12-months preceding an election for any promotional campaign or advertisement that features the name, face or voice of a candidate for public office or promotes the nomination or election of a candidate.⁶
6. Neither of the prohibitions outlined above would apply in this situation.
7. Respondent, or someone acting at his direction, posted Respondent’s letter to the editor to the Facebook site designated as “Mayor’s Office Bristol CT.” That letter was posted on or about August 26, 2015, within the three month window prohibited by General Statutes § 9-610 (d) (1), which began on August 4, 2015. But the statute prohibits only paying to “mail or print flyers or other promotional material;”⁷ it does not prohibit posts to Facebook pages that carry no cost for mailing or printing, even if they occur within that three-month window.
8. Likewise, the second provision under General Statutes § 9-610 (d) would not apply here because it prohibits the use of public funds for “promotional campaigns or advertisements,” which would not include a post to a Facebook timeline.⁸
9. In the past, the Commission has also used General Statutes §9-622 (5) for instances where public funds were used to defray costs that should have been borne by a candidate committee. General Statutes § 9-622 (5) defines an "illegal practice" as "defraying costs" from a candidate's candidate committee to another entity without notifying the candidate committee's treasurer of the defrayal.⁹
10. The Commission has applied this provision to scenarios where the labor of public employees was used to reduce costs that should have been apportioned to and paid for by a candidate committee.¹⁰ In this case, however, the Commission’s investigation did not identify costs

⁵ See General Statutes § 9-610 (d)(1).

⁶ See General Statutes § 9-610 (d)(2).

⁷ General Statutes § 9-610 (d)(1).

⁸ See General Statutes § 9-610 (d)(2).

⁹ See General Statutes § 9-622 (5) (prohibiting persons from defraying costs of campaign by paying for items without making those payments to committee treasurer).

¹⁰ Applying this defrayal-of-costs theory, the Commission has found that a state-employed university professor violated General Statutes § 9-622 (5) when he used state-employed graduate students to review polling data for a candidate committee. The professor had a private contract with the candidate committee and conducted the polling under the

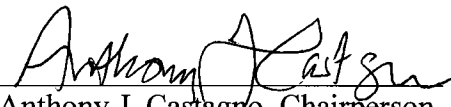
related to the posting of the Facebook item that should have been paid for by the candidate committee.

ORDER

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

That this matter will be dismissed.

Adopted this 13th day of January, 2016 at Hartford, Connecticut.


Anthony J. Castagno, Chairperson
By Order of the Commission

auspices of that contract. The professor, however, utilized state-university graduate students to perform tasks under the contract, without including the costs for their labor in the contract. The Commission reasoned that by using the labor of the students to fulfill his private contract with the candidate committee the professor improperly defrayed costs that should have been assigned to the candidate committee and paid for through the contract. *See* In the Matter of a Complaint by Jonathan Pelto, Storrs, File No. 2009-104 (State Elections Enforcement Comm'n, Jan. 26, 2011) (imposing civil penalty of \$2,000 against university professor who defrayed costs from candidate committee by using students to analyze polling data to fulfill private contract).