

**STATE OF CONNECTICUT
STATE ELECTIONS ENFORCEMENT COMMISSION**

In the Matter of a Complaint by Maryli Secrest, Bridgeport

File No. 2015-117B

FINDINGS AND CONCLUSIONS

The Complainant here alleges that the “Ganim for Bridgeport” candidate committee produced and entirely paid for an electioneering communication mailer that failed to include the appropriate “Paid For” language required by General Statutes § 9-621 (a).

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

1. At all times relevant to the instant Complaint, Respondent Thomas Gaudett was the campaign treasurer for the “Ganim for Bridgeport” candidate committee, the primary funding vehicle for Joseph Ganim’s 2015 campaign for mayor of Bridgeport.
2. On or about September 16, 2015 a primary was held in the City of Bridgeport for the Democratic nomination to various municipal offices in the November General Election.
3. The Complainant here alleges in Count Two that on or about August 29, 2015 the “Ganim for Bridgeport” candidate committee produced and entirely paid for an electioneering communication mailer that failed to include the appropriate “Paid For” language required by General Statutes § 9-621 (a).
4. General Statutes § 9-621 (a) reads:

(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 9-601, *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.*

5. The Respondent here did not deny that he failed to include the appropriate attribution on any of the copies of this particular mailer and apologizes for the oversight. He asserts that other mailers authorized by committee did include the appropriate attributions and provided evidence in support.
6. The electioneering communication is a four-color, two sided mailer. One side of the mailer is a series of nine photographs of the candidate, Joseph Ganim with various individuals, along with some copy. The other side includes the postal information, some additional copy promoting candidate Ganim, as well as pictures and address information for the campaign's offices.
7. Pursuant to General Statutes § 9-621 (a), the mailer should have included the words: "Paid for by Ganim for Bridgeport, Thomas Gaudett, Treasurer." This attribution was missing from the mailer.
8. However, the Commission notes that the mailer contains three different prominent references to the "Ganim for Bridgeport" candidate committee, including, importantly, the on the tope of the return address for the mailer.

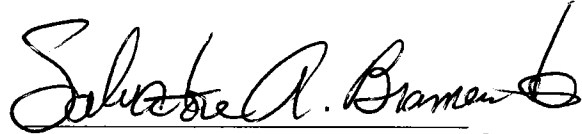
9. In prior matters, where the author of the communication is clear to the reasonable observer and there is no evidence of any attempt to deceive the public for a first time alleged violator, the commission has declined to take further action against the respondent who paid for the mailer. See, e.g., *In the Matter of a Complaint by Curtis W. Dowling, Andover*, File No. 2015-028 *In the Matter of a Complaint by Pete Bass, New Milford*, File No. 2012-158 & 162; *In the Matter of a Complaint by Michael Gongler and Victor I. Harpley, Cromwell*, File No. 2009-126; *In the Matter of a Complaint by John D. Norris, Southbury*, File No. 2011-108, *In the Matter of a Complaint by Arthur Scialabba, Norwalk*, File No. 2011-125, *In the Matter of a Complaint by Robert W Prentice, Wallingford*, File No 2011-134; *In the Matter of a Complaint by Arthur Scialabba, Norwalk*, File No. 2012-011.
10. Here, the Commission finds that the committee issuing the communication was clear to the reasonable observer. Moreover, the Respondent lacks any prior history of violations in this area.
11. Considering the aforesaid, including but not limited to the absence of any evidence of any intent to deceive or mislead the public, the Commission declines to take any further action with regard to this allegation.

ORDER

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

That no further action is taken.

Adopted this 16th day of May, 2018 at Hartford, Connecticut.


~~Anthony J. Castagno, Chairperson~~ Salvatore
By Order of the Commission Bramante