

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

In the Matter of a Complaint by Ronald C. Evelyn,  
Windsor

File No. 2016-054

**AGREEMENT CONTAINING CONSENT ORDER**

This agreement by and between Jane M. Garibay, of the Town of Windsor, County of Hartford, State of Connecticut (hereinafter "Respondent") and the authorized representative of the State Elections Enforcement Commission is entered into in accordance with Section 9-7b-54 of the Regulations of Connecticut State Agencies and Section 4-177(c) of the General Statutes of Connecticut. In accordance herewith, the parties agree that:

1. Complainant alleged that certain individuals and groups violated campaign finance laws by advocating for the June 7, 2016 referendum in the Town of Windsor by, among other things, using public funds for advocacy; by failing to register as a referendum committee with the Windsor Town Clerk's office; and, by failing to provide disclaimers on signs and social media sites that advocated for the referendum.
2. Further, Complainant alleged that: individuals produced and disseminated flyers that were photographed and posted on social media advocating for a "yes" vote at the June 7, 2016 referendum, which did not include an attribution as required by General Statutes § 9-621.
3. To the extent that Complainant's allegations pertain to individuals other than Respondent, they are treated under separate dispositions.
4. General Statutes § 9-602, provides in pertinent part:
  - (a) ***Except with respect to an individual acting alone, or with respect to a group of two or more individuals acting together that receives funds or makes or incurs expenditures not exceeding one thousand dollars in the aggregate***, no contributions may be made, solicited or received and no expenditures, other than independent expenditures, may be made, directly or indirectly, in aid of or in opposition to the candidacy for nomination or election of any individual or any party or referendum question, ***unless (1) the candidate or chairman of the committee has filed a designation of a treasurer and a depository institution situated in this state as the depository for the committee's funds***, or (2) the candidate has filed a certification in accordance with the provisions of section 9-604. In

the case of a political committee, the filing of the statement of organization by the chairman of such committee, in accordance with the provisions of section 9-605, shall constitute compliance with the provisions of this subsection.

(b) No contribution in aid of or in opposition to the candidacy of any person or to any party or referendum question shall be made at any time, except to the committee's treasurer whose designation is on file with the proper authority, a solicitor or a candidate who is exempt from the requirement to form a candidate committee and has filed a certification.

[Emphasis added.]

5. General Statutes § 9-607, provides in pertinent part:

(g) (1) As used in this subsection, (A) "the lawful purposes of the committee" means: (i) For a candidate committee or exploratory committee, the promoting of the nomination or election of the candidate who established the committee, except that after a political party nominates candidates for election to the offices of Governor and Lieutenant Governor, whose names shall be so placed on the ballot in the election that an elector will cast a single vote for both candidates, as prescribed in section 9-181, a candidate committee established by either such candidate may also promote the election of the other such candidate; (ii) for a political committee, the promoting of a political party, including party building activities, the success or defeat of candidates for nomination and election to public office or position subject to the requirements of this chapter, or the success or defeat of referendum questions, provided a political committee formed for a single referendum question shall not promote the success or defeat of any candidate, and provided further a legislative leadership committee or a legislative caucus committee may expend funds to defray costs for conducting legislative or constituency-related business which are not reimbursed or paid by the state; and ***(iii) for a party committee, the promoting of the party, party building activities, the candidates of the party and continuing operating costs of the party***, and (B) "immediate family" means a spouse or dependent child of a candidate who resides in the candidate's household.

[Emphasis added.]

6. General Statutes § 9-621, provides in pertinent part:

(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.

[Emphasis added.]

7. General Statutes § 9-622, provides, in pertinent part, that the following persons shall be engaged in "illegal practices":

...

(10) ***Any person who*** solicits, makes or ***receives a contribution that is otherwise prohibited by any provision of this chapter;***

[Emphasis added.]

8. The Commission finds that Respondent was the agent for *Women for Windsor*. Further, the Commission finds that Respondent Garibay was responsible for forming and founding this group through use of social media such as Facebook and a website. *Women for Windsor* is a group that share its views regarding issues of public interest and discussion in the Town of Windsor.
9. The Commission further finds that the group established a bank account in June of 2013 and while it had no formal structure as to leadership, the keeping of minutes or record keeping, Respondent was responsible for continuing the group through its presence on social media. The Commission notes that the formation of *Women for Windsor* in 2013 predated the June 7, 2016 Windsor referendum and finds a lack of evidence that the group was formed solely to support or oppose a referendum.
10. The Commission finds therefore that *Women for Windsor* was, in relation to the June 7, 2016 referendum, a pre-existing entity and that was not formed for the sole purpose of supporting or opposing the aforementioned referendum. The Commission concludes therefore that *Women for Windsor* was *not* required to register with the Windsor Town Clerk's office as a political committee pursuant to General Statutes § 9-602. The Commission therefore dismisses this allegation.
11. Nevertheless, the Commission finds that *Women for Windsor* spent \$1,225.10 for advocating in support of the June 7, 2016 municipal referendum in Windsor. Specifically, the group spent \$200 for two banner ads in *Town News*, \$957.15 for signs, and \$67.95 to Vista Print for stickers. *Women for Windsor* was reimbursed in the amount of \$1,157.15 by the WDTC for the aforementioned expenditures.
12. Upon investigation, the Commission finds that the flyers in question read "*Referendum – June 7, 2016 Vote Yes.*" Further, the Commission finds that the flyers produced and disseminated by *Women for Windsor* did not contain an attribution. Pursuant to General Statutes § 9-621 (a) (1) (D), an entity, such as *Women for Windsor*, that makes an expenditure for a printed communication that advocates for a referendum must include on that communication an attribution with the words "paid for by" and the name and address of its agent.
13. The Commission concludes, for the reasons detailed above, that Respondent as agent of *Women for Windsor* failed to include an attribution on a flyer advocating for the June 7, 2016 referendum in Windsor and therefore violated General Statutes § 9-621.

14. Additionally, the Commission concludes that the WDTC's reimbursement of *Women for Windsor* in the amount of \$1,157.15 was impermissible pursuant to General Statutes § 9-607 (g) because *Women for Windsor* was not a registered political committee or otherwise eligible to receive such reimbursements from a political (town) committee.
15. Moreover, the Commission concludes that pursuant to General Statutes § 9-607 (g) and § 9-622 (10) *Women for Windsor* was prohibited from receiving the \$1,157.15 reimbursement from the WDTC as a political (town) committee as described above. The Commission concludes therefore that Respondent violated § 9-622 (10) by receiving a reimbursement on behalf of *Women for Windsor* from the WDTC that was prohibited pursuant to § 9-607 (g).
16. *Women for Windsor* asserts that any errors made in connection with advocating for a referendum, which was the subject of this complaint, were made due to a lack of information regarding the rules. Finally, they stress that they participated in the process in the public discussion due to a legitimate concern for the budget process in Windsor and their actions as described in this agreement were made in good faith.
17. Respondent admits all jurisdictional facts and agrees that this agreement and Order shall have the same force and effect as a final decision and order entered into after a full hearing and shall become final when adopted by the Commission.
18. Respondent waives:
  - a. any further procedural steps;
  - b. the requirement that the Commission's decision contain a statement of findings of fact and conclusions of law, separately stated; and,
  - c. all rights to seek judicial review or otherwise to challenge or contest the validity of the Order entered into pursuant to this agreement.
19. It is understood and agreed by the parties to this agreement that the Commission will consider this Agreement at its next available meeting and, if the Commission rejects it, the Agreement will be withdrawn and may not be used as an admission by either party in any subsequent hearing, if one becomes necessary.

**ORDER**

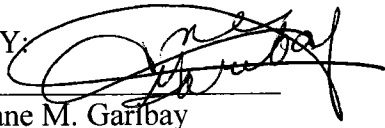
IT IS HEREBY ORDERED THAT the Respondentshall henceforth strictly comply with the requirements of General Statutes§ 9-621 and § 9-622 (10).

IT IS HEREBY FURTHER ORDERED THAT the Respondent shall pay a civil penalty, on behalf of Women for Windsor, in the amount of one hundred and fifty dollars (\$150.00) to the Commission on or before April 17, 2017.

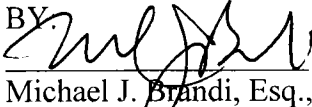
The Respondent on Behalf of:  
*Women for Windsor*

For the State of Connecticut:

BY:

  
Jane M. Garibay  
409 Broad Street  
Windsor, Connecticut


BY:

  
Michael J. Brandi, Esq.,  
Executive Director and General Counsel and  
Authorized Representative of the  
State Elections Enforcement Commission  
20 Trinity Street, Suite 101  
Hartford, Connecticut

Dated: 4/13/17

Dated: 4/17/17

Adopted this 19<sup>th</sup> day of April, 2017 at Hartford, Connecticut

  
~~Anthony J. Castagno~~, Chairman  
By Order of the Commission  
*Salvatore A. BRAMANTE Vice*

RECEIVED  
STATE ELECTIONS

APR 17 2017

ENFORCEMENT COMMISSION