

STATE OF CONNECTICUT
STATE ELECTIONS ENFORCEMENT COMMISSION

In the Matter of a Complaint by Delano W. Peckham, East Haddam

File No. 2017-036

FINDINGS AND CONCLUSIONS

The Complainant, Delano W. Peckham, brings this Complaint pursuant to Connecticut General Statutes § 9-7b, alleging that the Respondent, Lance Lusignan, failed to include required attributions on advertisements advocating for the success or defeat of a referendum question. As detailed hereinafter, because no attribution was required on the advertisements in question, it is the Commission's determination that this matter should be dismissed. The following are the Commission's findings and conclusions:

1. The Complainant alleges that the Respondent paid for advertisements that failed to include attributions on advertisements advocating for the defeat of a June 6, 2017 referendum concerning the East Haddam municipal budget.
2. The advertisements in question were published in the *East Haddam News* and the Respondent admits that they advocated against passage of a June 6, 2017 budget referendum.
3. General Statutes § 9-621 (c) details both the entities required to include attributions on communications advocating for the success or defeat of a referendum question and the required content for such attributions. Specifically, that section provides:

No business entity, organization, association, committee, or 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: (1) In the case of a business entity, organization or association, the name of the business entity, organization or association and the name of its chief executive officer or equivalent, and in the case such communication is made during the ninety-day period immediately prior to the referendum, such communication shall also bear on its face the names of the five persons who made the five largest aggregate covered transfers to such business entity, organization or association during the twelve-month period immediately prior to such referendum. The communication shall also state that

additional information about the business entity, organization or association making such communication may be found on the State Elections Enforcement Commission's Internet web site; (2) in the case of a political committee, the name of the committee and the name of its treasurer; (3) in the case of a party committee, the name of the committee; or (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.

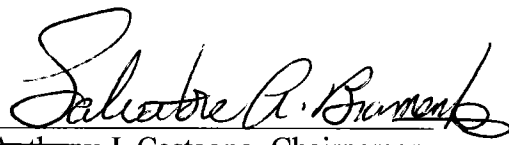
4. General Statutes § 9-621 (c) does not require an individual acting alone, as opposed to a group of two or more individuals, to include attributions on communications advocating for the success or defeat of a referendum question. See *In the Matter of a Complaint by Jennifer Day, East Hampton*, 2010-136.
5. In this case, the Commission finds that the advertisements were paid for out of the Respondent's personal bank account.
6. The Respondent asserts that he was acting alone in the preparation and distribution of such advertisements.
7. After a thorough investigation that included, among other things, financial records and independent witnesses, the Commission discovered no evidence to suggest that the Respondent worked with any other individual or group relating to the advertisements in question.
8. Accordingly, the Commission finds that the Respondent was acting alone when he prepared and paid for advertising in the *East Haddam News* concerning the June 6th budget referendum.
9. Therefore, as the Respondent was not required by General Statutes § 9-621 (c) to include by an attribution on the advertising he purchased in the *East Haddam News* concerning the June 6th budget referendum, this matter should be dismissed.

ORDER

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

That this matter be dismissed.

Adopted this 20 day of December, 2017 at Hartford, Connecticut.


~~Anthony J. Castagno, Chairperson~~
By Order of the Commission
SALVATORE A. BRAMANTE