

**STATE OF CONNECTICUT
STATE ELECTIONS ENFORCEMENT COMMISSION**

In the Matter of a Complaint by
Rafael Mojica, Bridgeport

File No. 2007-228

FINDINGS AND CONCLUSIONS

Complainant brings this complaint pursuant to Connecticut General Statutes §9-7b, and alleges that Leticia Colon & Ezequiel Santiago (hereinafter "Respondents") violated Conn. Gen. Stat. §9-600 et seq. Specifically, Complainant alleges that Respondents made expenditures on behalf of their candidacies when they produced and distributed a flyer announcing that they would be running for councilmen of the 131st District in the November 2007 election prior to filing the campaign finance registration statement, in violation of Conn. Gen. Stat. §9-602.

After the investigation of the Complainant's complaint, the Commission makes the following findings and conclusions:

1. Complainant is the current councilman for the 131st District along with Respondent Colon.
2. Complainant alleged that the Respondents' campaign made expenditures in connection with their candidacies for councilmen for the 131st District on or about June 3, 2007. Such expenditure concerned the production and distribution of a campaign flyer where candidates announced that they were running as candidates for councilman in the November 2007 election for the 131st District.
3. On June 8, 2007, the "Colon & Santiago 2007" slate committee filed political committee registration (SEEC Form 3, 1 and 1B) with the Town Clerk of Bridgeport. Respondents filed exemption from forming a candidate committee with the Town Clerk of Bridgeport designating the "Colon & Santiago 2007" committee as their sponsoring committee for the councilman election in November 2007.
4. Connecticut General Statutes §9-601 provides in pertinent part:

(11) "Candidate" means an individual who seeks nomination for election or election to public office whether or not such individual is elected, and for the purposes of this chapter ... an individual shall be deemed to seek nomination for election or election if such individual has (A) been endorsed by a party or become eligible for a position on the ballot at an election or primary, or (B) **solicited or received contributions or made expenditures or given such individual's consent** to any other person to solicit or receive contributions or make expenditures with the intent to bring about such individual's nomination for election or election to any such office...
5. Connecticut General Statutes §9-602 provides in pertinent part
 - (a) Except with respect to an individual acting on his own, **no contributions may be made, solicited or received and no 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 campaign treasurer** and a depository institution situated in this state as the depository for the committee's funds or (2) the candidate or, in the event of a referendum question, a group of individuals has filed a certification in accordance with the provisions of section 9-604 or 9-605, as the case may be. 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.

6. Connecticut General Statutes §9-604 provides in pertinent part:

- (a) **Each candidate** for a particular public office or the position of town committee member shall form a single candidate committee for which he shall designate a campaign treasurer and a depository institution situated in this state as the depository for the committee's funds and **shall file a committee statement** containing such designations, **not later than ten days after becoming a candidate**, with the proper authority as required by section 9-603....
- (b) **The formation of a candidate committee by a candidate and the filing of statements** pursuant to section 9-608 **shall not be required if the candidate files a certification with the proper authority required by section 9-603, not later than ten days after becoming a candidate**, and any of the following conditions exist for the campaign: (1) **The candidate is one of a slate of candidates whose campaigns are funded solely by a party committee or a political committee formed for a single election or primary and expenditures made on behalf of the candidate's campaign are reported by the committee sponsoring the candidate's candidacy**; (2) the candidate finances the candidate's campaign entirely from personal funds and does not solicit or receive contributions, provided if said candidate personally makes an expenditure or expenditures in excess of one thousand dollars to, or for the benefit of, said candidate's campaign for nomination at a primary or election to an office or position, said candidate shall file statements according to the same schedule and in the same manner as is required of a campaign treasurer of a candidate committee under section 9-608; (3) the candidate does not receive or expend funds in excess of one thousand dollars; or (4) the candidate does not receive or expend any funds, including personal funds, for the candidate's campaign. If the candidate no longer qualifies for the exemption under any of these conditions, the candidate shall comply with the provisions of subsection (a) of this section, not later than three business days thereafter and shall provide the candidate's designated campaign treasurer with all information required for completion of the treasurer's statements and filings as required by section 9-608. If the candidate no longer qualifies for the exemption due to the condition stated in the candidate's certification but so qualifies due to a different condition specified in this subsection, the candidate shall file an amended certification with the proper authority and provide the new condition for the candidate's qualification not later than three business days following the change in circumstances of the financing of the candidate's campaign. The filing of a certification under this subsection shall not relieve the candidate from compliance with the provisions of this chapter.

7. Connecticut General Statutes §9-605 provides in pertinent part:

(a) The chairperson of each political committee shall designate a campaign treasurer and may designate a deputy campaign treasurer. The campaign treasurer and any deputy campaign treasurer so designated shall sign a statement accepting the designation. The **chairperson of each political committee shall file a statement** of organization along with the statement signed by the designated campaign treasurer and deputy campaign treasurer with the proper authority, within ten days after its organization, provided that the chairperson of any political committee organized **within ten days prior to any primary, election** or referendum in connection with which it intends to make any contributions or expenditures, shall immediately file a statement.

8. The flyer in question was produced and printed with a personal computer and paper already available at home. Respondents allegedly spent, at the most, \$20.00.

9. The earliest identifiable expenditure to promote Respondents' candidacies was made on or about June 3, 2007. Respondents had ten days from that time to file campaign finance registration statements designating their committee and the other designations required by §§ 9-604(a) and 9-605.

10. The Respondents each filed exemptions from forming a candidate committee (SEEC 1 and 1B) forms, and the Colon & Santiago 2007 political committee filed its campaign finance registration statements (SEEC Form 3) within the ten day period of the purported expenditure, as permitted by Conn. Gen. Stat. §9-604(a) and 9-605.

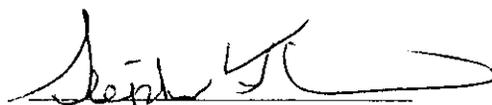
11. It is concluded that there was no violation of Connecticut General Statutes §§9-602(a), 9-604(a) or 9-605 under the facts of this case.

ORDER

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

That the complaint be dismissed.

Adopted this 15th day of August of 2007 at Hartford, Connecticut.



Stephen F. Cashman, Chairperson
By Order of the Commission