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STATE OF CONNECTICUT
STATE ELECTIONS ENFORCEMENT COMMISSION

ENFORCEMENT
COMMISSION

In the Matter of a Complaint by
Arthur W. Mocabee, Jr., Bristol

File No. 2007-340

AGREEMENT CONTAINING
HENCEFORTH ORDER FOR VIOLATIONS
OF CONNECTICUT GENERAL STATUTES
§§ 9-616 and 9-621

This agreement by and between William Lodovico of the City of Bristol, County of Hartford, hereinafter referred to as 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. Ellen Zoppo-Sassu is the Democratic candidate for Mayor in the November 6, 2007 Bristol municipal election. Ellen for Mayor is her candidate committee, which is duly registered with the Bristol Town Clerk. The Respondent is the duly authorized treasurer of Ellen for Mayor.
2. In July 2007, prior to a July 23, 2007 meeting of the Bristol Democratic Town Committee, Ellen for Mayor posted materials, which are the subject of this complaint on its website at www.ellenformayor.com. Featured on its homepage was a link titled "The Team." This website page at www.ellenformayor.com included candidate biographies for Cliff Block, Richard Kilby, Kevin McCauley, Bruce Lydem, and Craig Minor, each of whom are candidates for town council at the November 6, 2007 municipal election.
3. Ellen for Mayor pays for and maintains the website www.ellenformayor.com. At the bottom of the page featuring the other candidate's biographies it states: "*These candidates are being profiled as a campaign in-kind contribution.*" Also included, was the attribution: "*This website approved by Ellen Zoppo-Sassu – Paid for by Ellen for Mayor Committee, Bill Lodovico Treasurer.*"
4. The website did not indicate that it was paid for by any candidate committee other than Ellen for Mayor, and each of the other candidates had a duly registered candidate committee with the Bristol Town Clerk at the time the information appeared on www.ellenformayor.com.

5. Connecticut General Statutes § 9-610, provides in pertinent part:

...

(b) A candidate committee may pay its pro rata share of the expenses of operating a campaign headquarters and of preparing, printing and disseminating any political communication on behalf of that candidate and any other candidate or candidates. Notwithstanding the provisions of subdivision (1) of subsection (a) of section 9-616, a candidate committee may reimburse a party committee for any expenditure such party committee has incurred for the benefit of such candidate committee.

[Emphasis added.]

6. Connecticut General Statutes § 9-616, provides in pertinent part:

(a) A candidate committee shall not make contributions to, or for the benefit of, (1) a party committee, (2) a political committee, (3) a committee of a candidate for federal or out-of-state office, (4) a national committee, or (5) another candidate committee except that (A) a pro rata sharing of certain expenses in accordance with subsection (b) of section 9-610 shall be permitted, and (B) 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, an expenditure by a candidate committee established by either such candidate that benefits the candidate committee established by the other such candidate shall be permitted. [Emphasis added.]

7. A candidate committee cannot make a contribution to another candidate committee, pursuant to Conn. Gen. Stat. § 9-616. The provision of space for biographies of five other candidates running for local office, which appeared on Ellen Zoppo-Sassu's candidate website, had value and constituted a contribution to those candidates, each of whom had their own candidate committee.

8. Pursuant to § 9-610, General Statutes, a candidate committee may pay its pro rata share for advertising expenses with other candidates or candidate committees. Absent each candidate committee paying its pro rata share for the expenditure for other candidates biographies on the Ellen for Mayor website, the provision of space to the other candidates by Respondent constituted a violation of § 9-616, General Statutes.

9. There is no evidence that the expenditure was shared in this case, however, the expenditures at issue are so small they are difficult to quantify. They would be calculated based upon a percentage of the web hosting charge, typically a monthly fee.

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

(a) No individual shall make or incur any expenditure with *the cooperation of, at the request or suggestion of, or in consultation with any candidate*, candidate committee or candidate's agent, and no candidate or committee shall make or incur any expenditure 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 solicits funds to benefit any political party or committee unless such communication bears upon its face *(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 campaign treasurer; or (C) in the case of a party committee, the name of the committee, and (2) the words "approved by" and the following: (A) In the case of an individual making or incurring an expenditure with the cooperation of, at the request or suggestion of, or in consultation with any candidate, candidate committee or candidate's agent, the name of such individual; or (B) in the case of a candidate committee, the name of the candidate.* No candidate or candidate committee or exploratory committee established by a candidate shall make or incur any expenditure for a mailing to promote the success of said candidate's campaign for nomination at a primary or election or the defeat of another candidate's campaign for nomination at a primary or election, unless the mailing contains a photograph of the candidate conducting the mailing and said candidate's name in a font that is not less than the size of the font used for the narrative of the mailing. [Emphasis added.]

11. With respect to the allegation concerning the attribution requirement, this implicates the relatively new requirement of the added "approved by" language that resulted from changes in the law enacted pursuant to P.A. 05-188, effective January 1, 2006.
12. In this instance, each of the other candidates featured on the website provided his own biography to the Ellen for Mayor committee for inclusion on the website. Accordingly, under the facts of this case, therefore, the attribution should have read: "Paid for by Ellen for Mayor Committee, Bill Lodovico, Treasurer, (as it did) and approved by Cliff Block, Richard Kilby, Kevin McCauley, Bruce Lydem, and Craig Minor." The website did indicate it was approved by Ellen Zoppo-Sassu. Again, if properly funded, the website should have also indicated it was paid for, in part, by the five other candidate committees
13. Respondent's omission of "approved by" and the names of the additional candidates appearing in the biographies included on the Ellen for Mayor website constituted violations of Conn. Gen. Stats. § 9-621.

14. Three individuals associated with Ellen for Mayor attended the Bristol seminar presented by Commission staff on July 31, 2007, and realized that there may be legal implications for the manner in which the website was structured. They followed up with Commission staff and were seeking additional advice when the complaint was filed on August 17, 2007.
15. The Commission concludes that there was a concerted effort, willingness, and attempt by Respondent to comply with the requirements of Chapter 155, in a new and uncharted area.
16. 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 after a full hearing and shall become final when adopted by the Commission. Respondent shall receive a copy hereof as provided in Section 9-7b-56 of the Regulations of Connecticut State Agencies.
17. It is understood and agreed that this agreement will be submitted to the Commission at its next meeting and, if it is not accepted by the Commission, it is withdrawn by the Respondent and may not be used as an admission in any subsequent hearing, if the same becomes necessary.
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. Upon Respondent's compliance with the Order hereinafter stated, the Commission shall not initiate any further proceedings against him pertaining to this matter.

ORDER

IT IS HEREBY ORDERED THAT the Respondent shall henceforth strictly comply with the requirements of Conn. Gen. Stats. §§ 9-616 and 9-621.

For the State of Connecticut

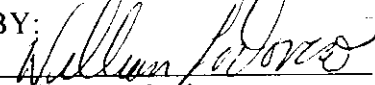
DATED: _____

BY:

Joan M. Andrews, Esq.
Director of Legal Affairs &
Enforcement and
Authorized Representative of
the Commission
20 Trinity Street, Suite 101
Hartford, Connecticut

DATED: 11/7/07

The Respondent

BY: 

William Lodovico
120 Maxine Road
Bristol, Connecticut

Adopted this 14th day of November 2007 at Hartford, Connecticut by a vote of the Commission.

Stephen F. Cashman, Chairperson
By Order of the Commission

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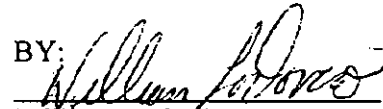
DATED: 11/8/07

BY: 

John M. Andrews, Esq.
Director of Legal Affairs &
Enforcement and
Authorized Representative of
the Commission
20 Trinity Street, Suite 101
Hartford, Connecticut

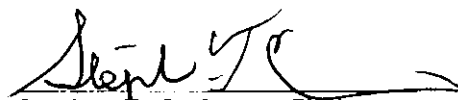
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