

STATE OF CONNECTICUT
STATE ELECTIONS ENFORCEMENT COMMISSION

FILED SEEC

In the Matter of a Complaint by
Eugene V. Boomer, Chaplin

File No. 2007-412

2008 JAN 10 P 12:17

AGREEMENT CONTAINING CONSENT ORDER
FOR VIOLATION OF CONNECTICUT GENERAL STATUTES § 9-621(a)

This agreement, by and between Diane Cox, of the Town of Chaplin, County of Windham, State of Connecticut (hereinafter referred to as the 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. Respondent is the Chairperson of the Chaplin Democratic Town Committee and was at all times relevant to this Complaint.
2. The Complainant filed this complaint against the Respondent for allegedly distributing an election communication via electronic mail that failed to contain the "Paid for" and "approved by" attributions as required by Connecticut General Statutes § 9-621(a).
3. Connecticut General Statutes § 9-621(a), 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.]

4. Respondent sent an election communication in the form of an e-mail addressed to at least 28 separate e-mail addresses. The "From" header indicated that Diane Cox was the sender. The subject was "election day." The date stamp on the e-mail indicated that it was sent on November 5, 2007 at 11:25 a.m., one day before Election Day. The body of the e-mail advocated for the election of First Selectman candidate Bob Dubos and Selectman candidate Irene Schein. The body also advocated against opposition candidates Eugene Boomer and "Bill" Rose, imploring the recipient to avoid a "return to the days of a Boomer administration at Town Hall." The e-mail does not contain an attribution indicating who paid for it or by whom the message was approved.
5. Respondent admits that she was the sender of the e-mail.
6. The Chaplin Democratic Town Committee was the designated sole funding source for the campaign of Robert Dubos for First Selectman of the Town of Chaplin. As such, Dianne Cox was acting both as an individual and as an "agent" of the candidate for purposes of her advocacy in the e-mail and was required to follow the mandates of § 9-621(a), Connecticut General Statutes concerning individuals and "agents" of candidates, including, but not limited to, attributing the communication with the words "Paid for and approved by Dianne Cox" followed by her address.
7. It is concluded that Respondent violated § 9-621(a) of the Connecticut General Statutes because she sent the e-mail and failed to properly attribute it as required.
8. The 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. The Respondent shall receive a copy hereof as provided in Section 9-7b-56 of the Regulations of Connecticut State Agencies.
9. 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.
10. The 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.

11. Upon the Respondent's compliance with the Order hereinafter stated, the Commission shall not initiate any further proceedings against her pertaining to this matter.

ORDER

IT IS HEREBY ORDERED that the Respondent shall henceforth strictly comply with the requirements of Connecticut General Statutes § 9-621(a).

The Respondent:

Dianne Cox
Dianne Cox
31 Chaplin St.
Chaplin, Connecticut

For the State of Connecticut:

BY: *Joan M. Andrews*
Joan M. Andrews, Esq.
Director of Legal Affairs & Enforcement
& Authorized Representative of the
State Elections Enforcement Commission
20 Trinity St., Suite 101
Hartford, CT

Dated: *Jan. 9, 2008*

Dated: *1/10/08*

Adopted this *16th* day of *January* of *2008* at Hartford, Connecticut

Stephen F. Cashman
Stephen F. Cashman, Chairman
By Order of the Commission