

STATE OF CONNECTICUT
STATE ELECTIONS ENFORCEMENT COMMISSION

In the Matter of a Complaint by
August A. Palmer, III, Oxford

File No. 2007-422

AGREEMENT CONTAINING CONSENT ORDER AND PAYMENT OF A
CIVIL PENALTY FOR VIOLATIONS
OF CONNECTICUT GENERAL STATUTES § 9-607 and § 9-621.

This agreement by and between Faith Williams of the Town of Oxford, County of New Haven, State of Connecticut 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. Respondent was designated Treasurer of "Friends of DeBisschop," a candidate committee established on or about June 18, 2007, by Robert A. DeBisschop, an unsuccessful candidate for First Selectman at the September 11, 2007 Republican primary in the Town of Oxford. Complainant was his opponent at the Republican primary and won the Republican nomination for First Selectman.
2. Complainant alleged that a mailer in support of Democratic candidates at the November 6, 2007 election was disseminated by Mr. DeBisschop on or about October 15, 2007, and attributed to *Friends of DeBisschop*.
3. The mailer in question pertains to the November 6, 2007 election in the Town of Oxford and is entitled "An Open Letter from Bob DeBisschop." The mailer exhorts: "Vote for the Mary Ann Drayton-Rogers and the David McKane Team," and "Vote Row B." Mr. DeBisschop did not appear on the November 6, 2007 ballot and did not run as a write-in candidate.
4. The *Friends of DeBisschop* candidate committee disclosed an October 26, 2007 expenditure of \$703.72 on its December 10, 2007 *Itemized Campaign Finance Disclosure Statement* (Form SEEC 20), pertaining to the mailer.
5. Connecticut General Statutes, § 9-601, provides in pertinent part:
 - (18) "Independent expenditure" means an *expenditure that is made without the consent, knowing participation, or consultation of, a candidate or agent of the candidate committee* and is not a coordinated expenditure.
 - (19) "Coordinated expenditure" means an expenditure made by a person: (A) *In cooperation, consultation, in concert*

with, at the request, suggestion or direction of, or pursuant to a general or particular understanding with (i) a candidate, candidate committee, political committee or party committee, or (ii) a consultant or other agent acting on behalf of a candidate, candidate committee, political committee or party committee;...

(g) For a communication that clearly identifies a candidate during an election campaign, if the person making the expenditure, or said person's agent, has informed said candidate, the candidate's candidate committee, a political committee or a party committee, or a consultant or other agent acting on behalf of said candidate, candidate committee, political committee or party committee, concerning the communication's contents, intended audience, timing, location or mode or frequency of dissemination. [Emphasis added.]

6. Respondent and Mr. DeBisschop assert that the other candidates receiving the benefit of the mailer subject to this complaint had no knowledge of its production and dissemination and were not consulted regarding the same. Upon investigation, there was no additional information discovered to contradict this assertion.
7. The Commission concludes that *Friends of DeBisschop* made an "independent expenditure" in support of Democratic candidates at the November 6, 2007 election pursuant to Conn. Gen. Stats. § 9-601(18), when it paid for, produced, and disseminated a mailer in support of such candidates without their knowledge or consent.
8. Connecticut General Statutes § 9-607, provides in pertinent part:
 - (g)(1) As used in this subsection, (A) "the lawful purposes of his 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 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 caucus committee may expend funds to defray costs of its

members 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, 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.]

9. The Commission concludes that the making of an "independent expenditure" by *Friends of DeBisschop* in support of candidates other than Mr. DeBisschop, the candidate for whom the candidate committee was established, is prohibited by Conn. Gen. Stats. § 9-607(g), which restricts the lawful purpose of a candidate committee to the "promoting of the nomination or election of the candidate who established the committee."
10. The Commission concludes that the payment of \$703.72 for the production and dissemination by *Friends of DeBisschop*, for a mailer in support of candidates *other than* Mr. DeBisschop violated Conn. Gen. Stat. § 9-607(g).
11. 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 supplied.]

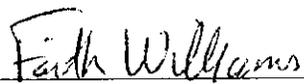
12. The mailer at issue clearly promotes the election of Mary Ann-Drayton Rogers and the David McKane team, and promotes the defeat of the Complainant, the incumbent First Selectman at the time.
13. The disclaimer on the subject mailer reads: "Paid for by Friends of DeBisschop, 6 Marian Lane, Oxford."
14. The Commission concludes that, while this is the address of the treasurer as it appears on Committee's SEEC Form 1A *Registration by a Candidate*, it does not satisfy the requirements of Conn. Gen. Stats. § 9-621. Specifically, pursuant to Conn. Gen. Stats. § 9-621 the advertisement would have to include "Paid for by," the name of the committee, the identification and the name of its treasurer Faith Williams, the words "approved by" and the name of the candidate, and although it did not promote Mr. DeBisschop, because it was a mailer that promoted the defeat of another candidate, it was required to contain a picture of Mr. DeBisschop, the candidate conducting the mailing.
15. The Commission concludes that Respondent violated § 9-621(a) by failing to provide a complete and accurate attribution on the mailer.
16. 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 § 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. 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.

19. 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

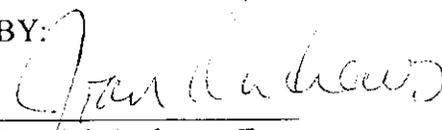
IT IS HEREBY ORDERED that the Respondent shall remit a civil penalty to the Commission in the amount of four hundred dollars (\$400) on or before April 9, 2008, and shall henceforth strictly comply with Connecticut General Statutes § 9-607(g) and § 9-621(a).

The Respondent


Faith Williams
6 Marian Lane
Oxford, Connecticut

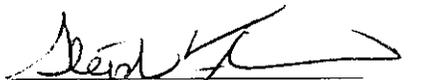
Dated: 4/11/08

For the State of Connecticut

BY: 
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: 4/11/08

Adopted this 9th day of April, 2008 at Hartford, Connecticut


Stephen F. Cashman, Chairman
By Order of the Commission