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STATE ELECTIONS

JUN 10 2008

ENFORCEMENT
COMMISSION

STATE OF CONNECTICUT
STATE ELECTIONS ENFORCEMENT COMMISSION

In the Matter of a Complaint by
Charles A. Jaskiewicz, Norwich

File No. 2008-048

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

This agreement, by and between Christopher D. Coutu, (hereinafter referred to as "Respondent") of the Town of Norwich, County of New London, State of Connecticut and the authorized representative of the State Elections Enforcement Commission, is entered into in accordance with § 9-7b-54 of the Regulations of Connecticut State Agencies and § 4-177(c) of the General Statutes of Connecticut.

In accordance herewith, the parties agree that:

1. Complainant filed this complaint with the Commission on February 7, 2008 alleging that Respondent, Republican candidate for the 47th House District, failed to include an attribution on an invitation to a fundraiser that the Complainant received via e-mail, questioning the return address on the invitation, as well as Respondent's address within the 47th District.
2. On or about March 26, 2008, Respondent e-mailed a solicitation utilizing a free on-line service. The solicitation was to a "meet the candidate" fundraiser and did not result in any additional cost to his candidate committee.
3. Respondent admits full responsibility for the invitation and indicates that his treasurer was not aware of, or involved with, the solicitation prior to its dissemination.
4. General Statutes § 9-621(a) provides in pertinent part:
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; . . . 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.

5. Respondent included his name and the name of his committee on the solicitation subject to this complaint, but he failed to include "paid for by" and "approved by" followed by his name and address on the solicitation.
6. The Respondent's failure to include the complete attribution described above constitutes a violation of Conn. Gen. Stats. § 9-621(a).
7. Complainant also raised additional allegations pertaining to the address provided on the e-mail solicitation and the Respondent's residence outside 47th House District, which he was seeking to represent.
8. The address on the solicitation as the place to send contribution checks, 113 Corning Road, Norwich, was that of the committee treasurer, and therefore its use was appropriate.
9. The issue concerning the Respondent's residence is constitutional and not enforceable by the Commission. The Constitution of the State of Connecticut states, in relevant part:

Article III, Sec. 4, as amended by Article II, Sec. 2 and Article XV, Sec. 2 of the Amendments to the Constitution of the State of Connecticut:

The house of representatives shall consist of not less than one hundred twenty-five and not more than two hundred twenty-five members, each of whom shall have attained the age of eighteen years and be an elector *residing in the assembly district from which he is elected.* . . .

Article III, Sec. 7. . . *Each house shall be the final judge of the election returns and qualifications of its own members.*

Article III, Sec. 10. The members of the general assembly shall hold their offices from the Wednesday following the first Monday of the January next succeeding their election until the Wednesday after the first Monday of the third January next succeeding their election, *and until their successors are duly qualified.*

[Emphasis supplied]

10. The above Articles taken as a whole indicate that that a state representative candidate must be an elector of the district from which he or she is elected *at the time that the successful candidate takes office* in January following the election. Furthermore, that if he or she is not, the General Assembly judges whether the member elect shall be seated, not the Commission. Therefore, the Commission takes no further action pertaining to this allegation.
11. 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.
12. It is understood and agreed that this henceforth order 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.
13. 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 agreement or Order entered into pursuant to this agreement.
14. Upon the Respondent's agreement with the Order hereinafter stated, the Commission shall not initiate any further proceedings against him pertaining to this matter.

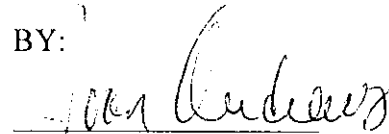
ORDER

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

Dated: June 10, 2008

For the State of Connecticut

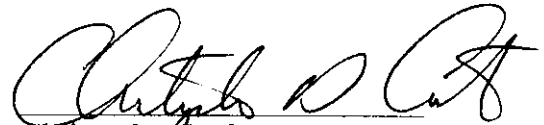
BY:



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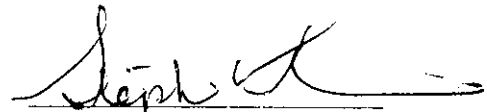
The Respondent

Dated: 10 JUNE 08



Christopher D. Coutu
16 Yantic Street
Norwich, Connecticut

Adopted this 11th day of June, 2008 at Hartford, Connecticut



Stephen F. Cashman, Chair
By Order of the Commission