

**STATE OF CONNECTICUT
STATE ELECTIONS ENFORCEMENT COMMISSION**

In the Matter of Michael Singh

File No. 2008-119NF

FINDINGS AND CONCLUSIONS

On August 28, 2008, the Commission authorized an investigation into whether Michael Singh failed to timely file an Affidavit of Intent to Abide by Expenditure Limits and Other Citizen Election Program Requirements (CEP Form 10) or, in the alternative, an Affidavit of Intent Not to Abide by the Expenditure Limits (CEP Form 11) in accordance with the requirements set forth in General Statutes § 9-703.

After the investigation of this matter, the Commission makes the following findings and conclusions:

1. Mr. Singh was a candidate for state representative for the August 12, 2008 Democratic primary in the 121st district.
2. On July 1, 2008, Mr. Singh filed timely a Registration by Candidate (SEEC Form 1), and indicated that he was exempt from forming a candidate committee.
3. He also filed a Certificate of Exemption from Forming a Candidate Committee (SEEC Form 1B) and indicated that he did not intend to receive or expend funds in excess of \$1000. In that Certificate he *certified under penalties of false statement* that he did not intend to receive or expend in excess of \$1,000.
4. On August 11, 2008, the day before the primary, Mr. Singh withdrew his name as a candidate.
5. General Statutes § 9-703 provides in pertinent part as follows:

(a) Each candidate for nomination or election to the office of . . . state representative in 2008 . . . shall file an affidavit with the State Elections Enforcement Commission. The affidavit shall include a written certification that the candidate either intends to abide by the expenditure limits under the Citizens' Election Program set forth in subsection (c) of section 9-702, or does not intend to abide by said limits. *If the candidate intends to abide by said limits, the affidavit shall also include written certifications* (1) that the campaign treasurer of the candidate committee for said candidate shall expend any moneys received from the Citizens' Election Fund in accordance with the provisions of subsection (g) of section 9-607 and regulations adopted by the State Elections Enforcement Commission under subsection (e) of section 9-706, (2) that the candidate shall repay to the fund any such moneys that are not expended in accordance with subsection (g) of said section 9-607 and said regulations, (3) *that the candidate and the campaign treasurer shall comply with the provisions of subdivision* (1) of subsection (a) of section 9-711, and (4) stating the candidate's status as a major party, minor party or petitioning party candidate and, in the case of a major party or minor party candidate, the name of such party. The written certification described in subdivision (3) of this

subsection shall be made by *both the candidate and the campaign treasurer* of the candidate committee for said candidate. . . . A candidate for nomination or election to any such office shall file such affidavit not later than four o'clock p.m. on the twenty-fifth day before the day of a primary [Emphasis added]

6. In light of the foregoing provision, Mr. Singh was required to file with the Commission one of the aforementioned affidavits by July 18, 2008. The evidence clearly establishes that Mr. Singh did not comply with that provision even though he was still a candidate for state representative.
7. Mr. Singh could not, however, file an accurate Affidavit of Intent to Abide by the Expenditure Limits (SEEC Form CEP 10) because General Statutes § 9-703 (a) requires that the candidate have a candidate committee, whereas Mr. Singh already certified in his Certificate of Exemption that he was exempt from forming a candidate committee. Furthermore, the Affidavit of Intent Not to Abide by the Expenditure Limits under the Citizens' Election Program (SEEC Form CEP 11) requires him to swear that he did not intend to abide by the expenditure limits, however he had already certified in his Certificate of Exemption that he would spend less than \$1,000 on his campaign, well under the applicable expenditure limit. Accordingly, Mr. Singh could not complete accurately either Affidavit (SEEC Forms CEP 10 or 11).
8. Thus, the instant matter reveals a dilemma in our new campaign finance laws for a small category of candidates-those exempt from forming candidate committees who certify that they are either intend to spend less than \$1,000, or make no expenditures at all.
9. Under those limited circumstances, the Commission declines to take further action to enforce the provisions of General Statutes § 9-703 by ordering such candidates to file inaccurate Affidavits. In the future, the Commission will seek a legislative remedy to address this situation.

ORDER

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

That the complaint be dismissed.

Adopted this 19th day of November 2008 at Hartford, Connecticut.


Stephen F. Cashman, Chairperson
By Order of the Commission