

STATE OF CONNECTICUT
STATE ELECTIONS ENFORCEMENT COMMISSION

Complaint of Jeffrey A. Shorts,
Coventry

File No. 2009-004

FINDINGS AND CONCLUSIONS

Complainant filed the instant complaint with the Commission pursuant to General Statutes §9-7b, alleging that the Joan Lewis for State Representative candidate committee failed to properly dispose of cell phones that were purchased with grant funds and that the committee failed to timely file a supplemental statement, and as such, violated General Statutes § 9-608.

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

1. Joan Lewis for State Representative (hereinafter Committee) was the duly designated candidate committee for Joan Lewis' campaign for State Representative in the 8th Assembly district.
2. The Committee through a worker purchased 3 cell phones and airtime at a cost of \$190.77. The cell phones each cost \$12.99 and \$150 of airtime was purchased, additionally, there was a \$9 discount and taxes were \$10.80. The Committee reported the purchase of the cell phones in Section R, *Itemization of Reimbursements to Committee Workers and Consultants*, of the Committees' Itemized Campaign Finance Disclosure Statement (SEEC Form 30) that was filed with the Commission on October 27, 2008.
3. Complainant alleged that when the Committee filed the Committees' Itemized Campaign Finance Disclosure Statement (SEEC Form 30) Termination disclosure statement, the filing did not reflect the assets (the cell phones) being sold and the proceeds from that sale being given back to the Citizens' Election Program (hereinafter CEP).
4. General Statutes § 9-608(e) provides in pertinent part:

(1) Notwithstanding any provisions of this chapter, in the event of a surplus the campaign treasurer of a candidate committee or of a political committee, other than a political committee formed for ongoing political activities or an exploratory committee, shall distribute or expend such surplus not later than ninety days after a primary which results in the defeat of the candidate, an election or referendum not held in November or by January thirty-first following an election or referendum held in November, in the

following manner:

(A) Such committees may distribute their surplus to a party committee, or a political committee organized for ongoing political activities, return such surplus to all contributors to the committee on a prorated basis of contribution, distribute all or any part of such surplus to the Citizens' Election Fund established in section 9-701 or distribute such surplus to any charitable organization which is a tax-exempt organization under Section 501(c)(3) of the Internal Revenue Code of 1986, or any subsequent corresponding internal revenue code of the United States, as from time to time amended, provided (i) no candidate committee may distribute such surplus to a committee which has been established to finance future political campaigns of the candidate, (ii) a candidate committee which received moneys from the Citizens' Election Fund shall distribute such surplus to such fund, and (iii) a candidate committee for a nonparticipating candidate, as described in subsection (b) of section 9-703, may only distribute any such surplus to the Citizens' Election Fund or to a charitable organization;

(E) The campaign treasurer of a candidate committee, or of a political committee, other than a political committee formed for ongoing political activities or an exploratory committee, shall, prior to the dissolution of such committee, either (i) distribute any equipment purchased, including, but not limited to, computer equipment, to any recipient as set forth in subparagraph (A) of this subdivision, or (ii) sell any equipment purchased, including but not limited to computer equipment, to any person for fair market value and then distribute the proceeds of such sale to any recipient as set forth in said subparagraph (A).

5. The Committee relied on the Commission's fact sheet, *Termination of 2008 General Election Candidate Committee for General Assembly* that was disseminated to all participating and non-participating candidates on November 17, 2008. In the section entitled *Sale of Committee Equipment* on page, there is a note that states:

“As a general rule a committee does not need to sell items that have a fair market value of less than fifty dollars (\$50).

6. In the instant case, the 3 cell phones have a fair market value of less than \$50 based upon their original purchase price. Accordingly, the Commission will take no further action.

7. Complainant further alleged that the Committee did not file a Supplemental Campaign Finance Disclosure Statement that was due on November 6, 2008 in a timely manner.

8. General Statutes § 9-712 provides in pertinent part:

(a)(1) If a candidate committee in a primary campaign or a general election campaign in which there is at least one participating candidate initially receives contributions, loans or other funds or makes or incurs an obligation to make, an expenditure that, in the aggregate, exceeds ninety per cent of the applicable expenditure limit for the applicable primary or general election period, the campaign treasurer of the candidate committee receiving such contributions, loans or other funds or making or incurring the obligation to make the excess expenditure shall file a supplemental campaign finance statement with the State Elections Enforcement Commission in accordance with the provisions of subdivision (2) of this subsection.

(3) After the initial filing of a statement under subdivisions (1) and (2) of this subsection, the campaign treasurer of the candidate filing the statement and the campaign treasurer of all of the opposing candidates shall file periodic supplemental campaign finance statements with the commission on the following schedule: (A) If the date of the applicable primary or general election is more than five weeks after the date the initial supplemental campaign finance disclosure statement is due to be filed in accordance with subdivisions (1) and (2) of this subsection, periodic supplemental campaign finance statements shall be filed bi-weekly on every other Thursday, beginning the second Thursday after the initial statement is filed; and (B) if the date of the applicable primary election or general election is five weeks or less away, periodic supplemental campaign finance statements shall be filed: (i) In the case of a primary campaign, on the first Thursday following the date in July on which candidates are required to file campaign finance statements pursuant to subsection (a) of section 9-608, or the first Thursday following the supplemental campaign finance statement filed under subdivisions (1) and (2) of this subsection, whichever is later, and each Thursday thereafter until the Thursday before the day of the primary, inclusive, and (ii) in the case of a general election campaign, on the first Thursday following the date in October on which candidates are required to file campaign finance statements pursuant to subsection (a) of section 9-608, or the first Thursday following the supplemental campaign finance statement filed under subdivision (1) of this subsection, whichever is later, and each Thursday thereafter until the Thursday after the day of the election, inclusive.

...

(5) *Each supplemental statement required under subdivision (1), (2), (3) or (4) of this subsection for a candidate shall disclose the name of the candidate, the name of the candidate's campaign committee and the total amount of campaign contributions, loans or other funds received, or expenditures made or obligated to be made by such candidate committee during the primary campaign or the general election campaign, whichever is applicable, as of the day before the date on which such statement is required to be filed. The commission shall adopt regulations, in accordance with the provisions of chapter 54, specifying permissible media for the transmission of such statements to the commission, which shall include electronic mail.*

(c) *If a campaign treasurer fails to file any statement or declaration required by this section within the time required, said campaign treasurer shall be subject to a civil penalty, imposed by the commission, of not more than one thousand dollars for the first failure to file the statement within the time required and not more than five thousand dollars for any subsequent such failure.*

9. Regulations of Connecticut State Agencies § 9-712-1 provides in pertinent part:

(a) Each supplemental campaign finance statement required to be filed with the Commission pursuant to Section 9-712 of the Connecticut General Statutes shall be submitted to the Commission by hand delivery by not later than 4:30 p.m. during business days, facsimile transmission to the Commission's dedicated fax number for supplemental campaign finance statements, electronic mail transmission to the Commission's dedicated electronic mail address for supplemental campaign finance statements or by using the Commission's electronic campaign finance reporting system.

(b) Supplemental campaign finance statements filed pursuant to Section 9-712 of the Connecticut General Statutes by electronic mail or by the Commission's electronic campaign finance reporting system will be acknowledged as received by the Commission by way of an electronic mail response. Supplemental campaign finance statements filed pursuant to Section 9-712 of the Connecticut General Statutes by hand delivery by not later than 4:30 p.m. during business days will be acknowledged as received by the commission by way of a delivery receipt.

10. The Committee faxed the November 6th Supplemental Statement to the Commissions' dedicated fax number in a timely manner.

11. It should be noted that the Commission experienced technical difficulties with the fax machine on October 30th and November 6th and in some

instances there were problems with the transmission and receipt of campaign finance disclosure reports to this dedicated line.

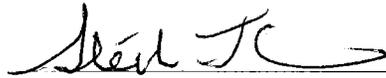
12. The complaint is dismissed because the allegations are without merit for the above stated reasons.

ORDER

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

That the matter be dismissed.

Adopted this 17th day of February 2010 at Hartford, Connecticut



Stephen F. Cashman, Chairman
By Order of the Commission