

STATE OF CONNECTICUT
STATE ELECTIONS ENFORCEMENT COMMISSION

In the Matter of a Complaint by
Preston D. Shultz, Woodstock

File No. 2009-054

FINDINGS AND CONCLUSIONS

The Complainant filed this complaint with the Commission pursuant to General Statutes § 9-7b, alleging that various individuals were working as a group and violated General Statutes § 9-621, and that Town of Woodstock public school teachers and aides advocated a “no” vote at a referendum. Aside from the printed communications taking positions on an East Hampton referendum question attached to the Complaint, the Complainant presented no substantiating evidence to support her claim that various named individuals or groups were working as one, or a specific theory on how § 9-621 was violated.

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

1. On May 13, 2009, the Woodstock Board of Selectmen set a referendum for June 9, 2009 as required in the Town Charter and ordinances of the Town of Woodstock. The proposed ordinance would have cut short the terms of the then-serving Woodstock Board of Education and reconfigured the election and composition of the Board of Education. Woodstock voters rejected the measure.
2. Complainant alleged various violations in relation to activities by opponents of the June 9, 2009 referendum in the town of Woodstock.
3. Specifically, Complainant alleged that John and Becki Leavitt placed an ad in the *Shopper's Guide* that did not comply with attribution requirements.
4. Additional allegations as they pertain to Woodstock public school teachers and aides are addressed in a separate document. That matter is distinguishable from the issues herein as they pertain to the expenditure of public funds, and General Statutes § 9-369b.
5. The June 3, 2009 *Shopper's Guide* had a one page advertisement advocating a “no” at the June 9th Woodstock referendum. The advertisement contained the attribution “John & Becki Leavitt.”

6. General Statutes § 9-621, provides in pertinent part:

(c) No business entity, organization, association, committee, **or group of two or more individuals** who have joined solely to promote the success or defeat of a referendum question **shall make or incur any expenditure for any written, typed or other printed communication which promotes the success or defeat of any referendum question unless such communication bears upon its face the words "paid for by" and the following:** (1) In the case of a business entity, organization or association, the name of the business entity, organization or association and the name of its chief executive officer or equivalent; (2) in the case of a political committee, the name of the committee and the name of its campaign treasurer; (3) in the case of a party committee, the name of the committee; or (4) **in the case of such a group of two or more individuals, the name of the group and the name and address of its agent.**

[Emphasis added.]

7. Upon investigation the Commission finds that the advertisement, detailed in paragraph 4 above was purchased by the Leavitts for \$200. The Commission further finds that the Leavitts are spouses and did not solicit funds from other sources.
8. Pursuant to Section 9-621 (c) an individual acting alone, as opposed to a group of two or more individuals, is *not* required to provide attributions on communications advocating for or against a referendum.
9. The Commission has previously concluded that when a group of individuals is comprised solely of a husband and wife that the married couple shall not be considered a group of two or more individuals. *See Complaint of Jennifer Day*, East Hampton, File No. 2010-136 and *Complaint of Charles F. Barr and Robert Miller*, Ridgefield, File No. 2001-106.
10. Accordingly, for the reasons stated herein, the Commission concludes that as a married couple, John and Becki Leavitt were not considered a group of two or more individuals for purposes of § 9-621 (c) and, as such, were not required to provide an attribution on the communication that is subject of this complaint.

11. The Commission concludes therefore, for the reasons stated herein, that John and Becki Leavitt did *not* violate § 9-621 by not including a complete attribution on an advertisement advocating a “no” vote at the June 9, 2009 referendum in the Town of Woodstock.
12. Finally, the Commission concludes, for the reasons detailed in paragraphs 8 through 11 above, that this matter is dismissed as it pertains to John and Becki Leavitt.

ORDER

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

That the complaint is dismissed in part.

Adopted this 18th day of January, 2012 at Hartford, Connecticut.

A handwritten signature in black ink, appearing to read "Stephen F. Cashman", written over a horizontal line.

Stephen F. Cashman, Chairman
By Order of the Commission