

STATE OF CONNECTICUT  
STATE ELECTIONS ENFORCEMENT COMMISSION

In the Matter of a Complaint by  
Howard A. Raphaelson, Storrs

File No. 2009-056

FINDINGS AND CONCLUSIONS

The Complainant brought this Complaint pursuant to Connecticut General Statutes § 9-7b and alleged various violations of the campaign finance laws against individuals in relation to referenda activity pertaining to the June 16, 2009 budget referendum in the Town of Mansfield.

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

1. In June of 2009, the Complainant filed this complaint alleging that a group called "SaveMansfieldCT.org" (hereinafter "SaveMansfield") had spent money to influence the outcome of a referendum without filing with the Town Clerk either as a referendum committee, an ongoing political committee, and without filing a certificate of exemption from forming such committees.
2. In addition, Complainant alleged that SaveMansfield was responsible for posting lawn signs that read: "*Vote NO, Budget Referendum June 16, SaveMansfieldCT.org,*" and newspaper articles by SaveMansfield had appeared in *The Willimantic Chronicle* identifying itself as a group with a spokesperson.
3. According to the Mansfield Town Clerk's office, no group known as "SaveMansfield" has registered with her office either prior to the June 16, 2009 referendum or during all times relevant to this complaint and investigation.
4. Commission staff has carefully inspected each article and editorial appearing in *The Willimantic Chronicle* prior to and pertaining to the Mansfield June 2009 budget referendum.
5. With regards to the various articles described in paragraph 4 above, the Commission finds, upon review of each, that while many, not all, pieces reference SaveMansfield, each was either an editorial or news article, which resulted in no expenditures to those individuals responsible for the content, and moreover did not advocate for the defeat or passage of the referendum that is relevant to this Complaint. Therefore, the Commission dismisses the allegation in the Complaint pertaining to expenditures by SaveMansfield for articles in *The Willimantic Chronicle* to support the aforementioned referendum, as not supported by the evidence.
6. Turning to the Complainant's next allegation, he alleges that SaveMansfield, as a group was responsible for lawn signs advocating a "no" vote at the June 16, 2009 referendum that appeared around town prior to the vote, and therefore failed to file as a committee and disclose its expenditures with the Mansfield Town Clerk as required. Alternatively, Complainant alleged that SaveMansfield failed to file an exemption with that office pertaining to its expenditures opposing that referendum as required.

7. At the time of this complaint, General Statutes § 9-602, provided in pertinent part:

(a) *Except with respect to an individual acting on his own*, no contributions may be made, solicited or received and *no expenditures may be made, directly or indirectly, in aid of or in opposition to* the candidacy for nomination or election of any individual or *any party or referendum question, unless* (1) the candidate or chairman of the committee has filed a designation of a campaign treasurer and a depository institution situated in this state as the depository for the committee's funds or (2) the candidate or, *in the event of a referendum question, a group of individuals has filed a certification in accordance with the provisions of section 9-604 or 9-605, as the case may be.* In the case of a political committee, the filing of the statement of organization by the chairman of such committee, in accordance with the provisions of section 9-605 shall constitute compliance with the provisions of this subsection.

...

[Emphasis added.]

8. At the time of this complaint, General Statutes § 9-605, provided in pertinent part:

(a) The chairperson of each political committee shall designate a campaign treasurer and may designate a deputy campaign treasurer. The campaign treasurer and any deputy campaign treasurer so designated shall sign a statement accepting the designation. The chairperson of each political committee shall file a registration statement described in subsection (b) of this section along with the statement signed by the designated campaign treasurer and deputy campaign treasurer with the proper authority, within ten days after its organization, provided that the chairperson of any political committee organized within ten days prior to any primary, election or referendum in connection with which it intends to make any contributions or expenditures, shall immediately file a registration statement.

...

(d) A group of two or more individuals who have joined solely *to promote the success or defeat of a referendum question shall not be required to file as a political committee*, make such designations in accordance with subsections (a) and (b) of this section or file statements pursuant to section 9-608, *if the group does not receive or expend in excess of one thousand dollars for the entire campaign and the agent of such individuals files a certification with the proper authority or authorities as required under section 9-603 before an expenditure is made.* The certification shall include the name of the group, or the names of the persons who comprise the group, and the name and address of the agent which shall appear on any communication paid for or sponsored by the group as

required by section 9-621. If the group receives or expends in excess of one thousand dollars, the agent shall complete the statement of organization and file as a political committee not later than three business days thereafter. The agent shall provide the designated campaign treasurer with all information required for completion of the statements for filing as required by section 9-608. The filing of a certification under this subsection shall not relieve the group from compliance with the provisions of this chapter, and the group shall be considered a political committee established solely for a referendum question for purposes of the limitations on contributions and expenditures.... [Emphasis added.]

9. Complainant partially relies on SaveMansfield's use of a website domain name as its name, as indicia of its being "a group of two or more individuals," and therefore alleges that as such a group it was required by campaign finance law to file appropriate designations and reports with the Mansfield Town Clerk's office because of its opposition to a referendum.
10. Respondent Elizabeth T. Wassmundt asserts that she paid an individual \$50 for the cost of registering the internet domain name "SaveMansfieldCT.org". Furthermore, Respondent Wassmundt indicates that no other expenditures or payments were made by any other individual for registration and the maintenance of the website. Finally, upon investigation it was revealed that Respondent Wassmundt was solely responsible for the content of the aforementioned website. The Commission finds no evidence to contradict the aforementioned assertions.
11. The Commission finds based on the facts detailed in paragraph 10 above, that Respondent Wassmundt, as an individual acting on her own, made an expenditure of approximately \$50 to register the internet domain name "SaveMansfieldCT.org." The Commission concludes that the requirements of General Statutes §§ 9-602 and 9-605, as detailed in paragraphs 7 and 8 above, do not apply to Respondent Wassmundt's expenditure for a web domain name. Furthermore, the Commission finds the fact that Respondent Wassmundt paid another individual to register said domain name, does not for the purposes of §§ 9-602 and 9-605 create "a group of two or more individuals." The Commission therefore dismisses the allegations based on the assertions that SaveMansfield was a "group" as evidenced by the domain name of "SaveMansfieldCT.org."
12. The Commission next turns to the allegation pertaining to the vote "no" signs described in paragraph 2 above, that referred to "*SaveMansfieldCT.org*."
13. The Commission finds that Respondent David Freudmann admits that he alone paid approximately \$100.00 to purchase the signs that are subject of this complaint, and that he did so of his own initiative and without coordination or input of any other individual. Further, Respondent Freudmann asserts that he put the signs up himself, and that he incorporated the web address "*Savemansfieldct.org*" on the lawn signs for "informational purposes;" that he learned of this address from articles in *The Willimantic Chronicle*; and that his efforts regarding the aforementioned lawn signs were not a product of any group's efforts.

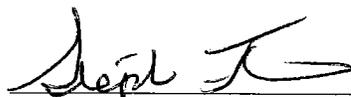
14. The Commission declines, despite the claims of Respondent Freudmann detailed in paragraph 13 above and in light of the common usage by Respondents of the name "SaveMansfieldCT.org," to conclude that he was acting on his own. Rather, the Commission finds, based on the total expenditures of \$150 detailed in paragraphs 11 and 13 above by Respondent Wassmundt and Respondent Freudmann to promote SaveMansfield, that the threshold of \$1,000 for registering a referendum committee pursuant to the requirements of General Statutes §§ 9-602 and 9-605 was not met under these specific circumstances. Additionally, the Commission notes that with the passage of Public Act 10-187, which occurred after this complaint, any exemption to forming a referendum committee that Respondents may have filed under these circumstances, is no longer required pursuant to § 9-605.
15. The Commission for the reasons detailed in paragraph 11, 13 and 14 therefore takes no further action regarding the allegation regarding vote "no" lawn signs that referred to "SaveMansfieldCT.org."
16. The Commission notes that Complainant alluded to a "member" of Save Mansfield recently speaking "emphatically" at a public meeting in front of the Mansfield Town Council. The Commission declines to consider this further, because as asserted, it raises no allegations, which if proven true, would be a violation of General Statutes, Chapter 155.

### ORDER

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

That the complaint is dismissed.

Adopted this 13th day of April, 2011 at Hartford, Connecticut.



Stephen F. Cashman, Chairperson  
By Order of the Commission