

STATE OF CONNECTICUT
STATE ELECTIONS ENFORCEMENT COMMISSION

Complaint of Christopher Healy,
Wethersfield

File No. 2009-069

FINDINGS AND CONCLUSIONS

The Complainant filed this complaint with the Commission pursuant to General Statutes § 9-7b, alleging: (1) the Woodstock Democratic Town Committee (“WDTC”) held a meeting with Federal Representative Joe Courtney to raise funds for the WDTC without advertising the meeting as a fundraiser on a promotional flyer; (2) at such meeting, the WDTC placed an unmonitored donation box for the WDTC at the back of the room; (3) the donation box label informed the reader that donations to the WDTC were welcome. Additionally, the Complainant raises various hypothetical issues regarding potential contributions placed into to an unmonitored donation box.

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

1. At all times relevant hereto, the Complainant, Christopher Healy, served as chairman of the Connecticut Republican Party.
2. At all times relevant hereto, the WDTC treasurer was Margaret A. Wholean of 1221 Route 169, Woodstock, Connecticut.
3. At a time no later than October 29, 2010, Margaret A. Wholean was replaced as WDTC treasurer by Glen Lessig of 14 Doctor Pike Road, East Woodstock, Connecticut.
4. On or before, August 6, 2009, the WDTC released a flyer reading, “Woodstock Democratic Town Committee Presents, Rep. Joe Courtney: Health Care Reform, Progress in Congress, ‘Town Meeting.’” The flyer listed the the place and the time of the meeting (“the flyer”).
5. The flyer made no reference to fundraising, donations, or in any manner solicited funds. The Complainant acknowledges as much in his complaint.
6. The flyer contained no attribution as prescribed by § 9-621 (a).
7. On August 6, 2009, at the meeting advertised in the flyer (“the meeting”), the WDTC chairman announced that donations would be accepted and stated that there was a donation box at the back of the room.

8. Such donation box was affixed with the label, "Woodstock Democratic Town Committee, Donations Appreciated, Make checks payable to Woodstock Democratic Town Committee" ("the donation box label").
9. The donation box label contained no attribution as prescribed by § 9-621.
10. The Complainant alleges the meeting was a fundraiser and should have been advertised as a fundraiser.
11. The Complainant refers to the donation box as "unattended" and notes that, hypothetically, impermissible contributions could have been placed in the donation box.
12. The WDTC's campaign finance disclosure statement, SEEC Form 21, covering the period from July 1, 2009 to October 20, 2009 reports, under "Miscellaneous Monetary Receipts not Considered Contributions," the receipt of anonymous contributions, in association with the meeting, in the total amount of twenty dollars, consisting of a ten dollar bill and two five dollar bills ("the unitemized contributions").
13. In the same section, the WDTC reported two other receipts in association with the meeting, in the amount of twenty dollars and listed the identity of the donors.
14. The Complainant does not allege that impermissible contributions of any type, were, in fact, made at the event or placed in the donation box.
15. At the time of the alleged violation, General Statutes § 9-621 (a), provided in relevant part:

[N]o candidate or committee shall make or incur any expenditure for any written, typed or other printed communication, which 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: (C) in the case of a party committee, the name of the committee
16. Section 9-621 (a) includes no requirement that fundraisers must be publicly advertised as such.
17. Accordingly, because the flyer made no reference to fundraising, donations, or in any manner solicited funds, the Commission concludes that the flyer is not a communication that solicited funds pursuant to § 9-621 (a) and did not require an attribution.

18. We note that Public Act No. 10-187, amended § 9-621 (a) to include expenditures for communication that “promotes or opposes any political party.”
19. We caution the WDTC that in similar circumstances in the future, an attribution may be required under § 9-621, as amended by Public Act No. 10-187, as the flyer promotes the WDTC.
20. Unlike the flyer, the donation box label indicated that donations to the WDTC “are appreciated” and informed the reader the appropriate way to address the check.
21. The Commission has not limited the application of § 9-621 (a) regarding “any written, typed or other printed communication” to the category of advertisements appearing in publications or other widely distributed media. See, File No. 2003-294, *Complaint of Linda M. Salafia, Norwich* applying the attribution requirement to business cards.
22. Accordingly, the Commission concludes that the donation box label was a communication that solicited funds and must have contained an attribution pursuant to § 9-621 (a).
23. Nevertheless, the fair market value of any such expense for the donation box label, under these specific facts, is nominal. See, e.g.: File No. 2009-039, *Complaint of Arthur Scialabba, Norwalk*, (§ 9-621 matter closed without further action because of the nominal value of the expenditure involved in sending an email communication); and File No. 2009-084, *Complaint of Elizabeth-Ann Edgerton, Monroe* (§ 9-621 matter closed without further action because of nominal value of the expenditure, a hyperlink and the volunteer labor to develop a webpage referred to as a “blogspot”).
24. Neither the WDTC’s present treasurer, Glen Lessig, or its then treasurer, Margaret A. Wholean, have previously been found in violation of the state’s election laws.
25. Under these specific facts and circumstances, the Commission has determined to take no further action regarding the donation box label.
26. In addition to the above allegations, the Complainant raises hypothetical scenarios by which impermissible contributions could be placed in an unmonitored donation box. We acknowledge the legitimate concern raised by the Complainant.

27. The Complainant has provided no evidence that impermissible contributions were, in fact, made at the meeting, nor has he alleged such.
28. Nevertheless, the Commission strongly cautions the WDTC that, although the respondent, Ms. Wholean, is no longer serving as treasurer, that any treasurer must take all necessary precautions to abide by the campaign finance laws and direct their attention to the following statutes.
29. General Statutes § 9-606 (a) provides in pertinent part:

The campaign treasurer of each committee shall be responsible for (1) depositing, receiving and reporting all contributions and other funds in the manner specified in section 9-608, (4) filing the statements required under section 9-608, and (5) keeping internal records of each entry made on such statements. The campaign treasurer of each committee shall deposit contributions in the committee's designated depository within fourteen days after receiving them.

30. General Statutes § 9-608 (c) (1) provides, in relevant part:

(1) Each statement filed under subsection (a), (e) or (f) of this section shall include, but not be limited to: (A) An itemized accounting of each contribution, if any, including the full name and complete address of each contributor and the amount of the contribution; (B) in the case of anonymous contributions, the total amount received and the denomination of the bills (G) for each individual who contributes in excess of one hundred dollars but not more than one thousand dollars, in the aggregate, to the extent known, the principal occupation of such individual and the name of the individual's employer, if any; (H) for each individual who contributes in excess of one thousand dollars in the aggregate, the principal occupation of such individual, the name of the individual's employer, if any; (I) for each itemized contribution made by a lobbyist, the spouse of a lobbyist or any dependent child of a lobbyist who resides in the lobbyist's household, a statement to that effect; and (J) for each individual who contributes in excess of four hundred dollars in the aggregate to or for the benefit of any candidate's

campaign for nomination at a primary or election to the office of chief executive officer of a town, city or borough, a statement indicating whether the individual or a business with which he is associated has a contract with said municipality that is valued at more than five thousand dollars. Each campaign treasurer shall include in such statement (i) an itemized accounting of the receipts and expenditures relative to any testimonial affair held under the provisions of section 9-609 or any other fund-raising affair, which is referred to in subsection (b) of section 9-601a, and (ii) the date, location and a description of the affair.

31. General Statutes § 9-607 (f) provides, in relevant part:

The campaign treasurer shall preserve all internal records of transactions required to be entered in reports filed pursuant to section 9-608 for four years from the date of the report in which the transactions were entered.

32. General Statutes § 9-606 (b) permits a committee to receive an anonymous contribution of up to fifteen dollars.

33. The Commission has previously determined that an anonymous contribution is given without the contributor present and with no information about the contributor known or provided. The treasurer must be incapable of discerning the identity of the contributor. The only instance when an anonymous contribution is recognized is when cash is sent in the mail with no return address. (See, *Understanding the Connecticut Campaign Finance Laws, A Guide for Statewide Office and General Assembly Candidates Not Participating in the Citizens' Election (Connecticut State Elections Enforcement Commission. Hartford, Connecticut) Rev. 3/10.*) (See, also, File No. 2009-065, *Complaint of Michael Pace, Old Saybrook*, File No. 2007-274 *Complaint of Matthew Kelly, Barkhamsted.*)

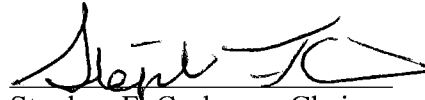
34. We strongly caution the WDTC regarding the narrow interpretation provided to “anonymous” contributions find that the receipt of the unitemized contributions did not constitute a permissible “anonymous” contribution under § 9-606 (b)

ORDER

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

That no further action be taken.

Adopted this 26th day of January 20~~10~~¹¹ at Hartford, Connecticut



Stephen F. Cashman, Chairman
By Order of the Commission