

**STATE OF CONNECTICUT  
STATE ELECTIONS ENFORCEMENT COMMISSION**

In the Matter of Complaints by  
John McCarthy, Wolcott

File Nos. 2009-085  
& 2009-086

**FINDINGS AND CONCLUSIONS**

Complainant brings these Complaints pursuant to Connecticut General Statutes § 9-7b, alleging that on or about September 4, 2009, Tammy Bastenbeck, a petitioning candidate for Town of Wolcott Board of Education, erected signs advocating for other candidates, and failed to include disclaimers on the signs. In a separate complaint, Complainant alleged that on or about August 20, 2009, Randy Thomas Petroniro, Sr., a petitioning candidate for Town of Wolcott Town Council District 2, erected signs advocating for other candidates, and failed to include disclaimers on the signs. These complaints are treated together herein.

After investigation of Complainant's complaints, the Commission makes the following findings and conclusions:

1. Tammy Bastenbeck appeared on the November 3, 2009 ballot for the Town of Wolcott municipal elections on Row 12-c. Randy Thomas Petroniro, Sr., appeared on the November 3, 2009 ballot for the Town of Wolcott on Row 8-c.
2. Respondent Bastenbeck erected a sign that read: "*At Last, Parents Representing Parents – Tammy Bastenbeck – Board of Education – Vote Row 'C' for change.*" Respondent Petroniro erected a sign that read: "Finally, Wolcott has a Choice – Randy Petroniro – Town Council – *Vote Row 'C' for change.*" Neither sign contained an attribution identifying who it was paid for by.
3. Upon investigation, the Commission determined that each of the signs described in paragraph 2 above was 4 x 8 feet, or 32 feet.
4. General Statutes § 9-621, provides in pertinent part:

(a) No individual shall make or incur any expenditure with the cooperation of, at the request or suggestion of, or in consultation with any candidate, candidate committee or candidate's agent, and ***no candidate or committee shall make or incur any expenditure*** including an organization expenditure for a party candidate listing, as defined in subparagraph (A) of subdivision (25) of section 9-601, for any written, typed or other ***printed communication***, or any web-based, written communication, which promotes the success or defeat of any candidate's campaign ***for nomination at a primary or election*** or 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:*** (A) In the case of such an

individual, the name and address of such individual; (B) in the case of a committee other than a party committee, the name of the committee and its campaign treasurer; or (C) in the case of a party committee, the name of the committee, and (2) *the words "approved by" and the following: (A) In the case of an individual making or incurring an expenditure with the cooperation of, at the request or suggestion of, or in consultation with any candidate, candidate committee or candidate's agent, the name of such individual;* or (B) in the case of a candidate committee, the name of the candidate.

...

*(d) The provisions of subsections (a), (b) and (c) of this section do not apply to (1) any editorial, news story, or commentary published in any newspaper, magazine or journal on its own behalf and upon its own responsibility and for which it does not charge or receive any compensation whatsoever, (2) any banner, (3) political paraphernalia including pins, buttons, badges, emblems, hats, bumper stickers or other similar materials, or (4) signs with a surface area of not more than thirty-two square feet.*

[Emphasis added.]

5. The Commission finds that Respondent Bastenbeck and Respondent Petroniro each erected campaign signs that were not more than 32 square feet. The Commission concludes therefore that each sign was exempted from the attribution requirement by § 9-621(d), the attribution requirement did not apply, and therefore no violations of said statute occurred. Accordingly, these allegations are dismissed.
6. Respondent Bastenbeck and Respondent Petroniro, each included the exhortation "Vote Row C for Change" on the bottom of the signs which were subjects of this complaint and described in paragraphs 2 and 3 above.
7. General Statutes § 9-607 provides, in pertinent part:

(g) Permissible expenditures. (1) As used in this subsection, (A) "the lawful purposes of his committee" means: (i) *For a candidate committee or exploratory committee, the promoting of the nomination or election of the candidate who established the committee*, except that after a political party nominates candidates for election to the offices of Governor and Lieutenant Governor, whose names shall be so placed on the ballot in the election that an elector will cast a single vote for both candidates, as prescribed in section 9-181, a candidate committee established by either such candidate may also promote the election of the other such candidate; (ii) for a political committee, the promoting of the success or defeat of

candidates for nomination and election to public office or position subject to the requirements of this chapter, or the success or defeat of referendum questions, provided a political committee formed for a single referendum question shall not promote the success or defeat of any candidate, and provided further a legislative caucus committee may expend funds to defray costs of its members for conducting legislative or constituency-related business which are not reimbursed or paid by the state; and (iii) for a party committee, the promoting of the party, the candidates of the party and continuing operating costs of the party, and (B) "immediate family" means a spouse or dependent child of a candidate who resides in the candidate's household.  
[Emphasis added.]

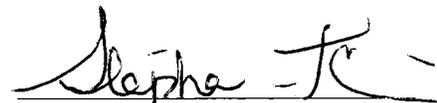
8. Regarding the allegation that Respondent Bastenbeck and Respondent Petroniro improperly included other candidates on their campaign signs, the Commission has previously advised that the inclusion of "Vote Ballot Row C" or other generic descriptive exhortation will not result in prosecution. In the alternative, an exhortation by a participating candidate to vote for specific candidates and a party, has been found by the Commission to be impermissible pursuant to General Statutes § 9-607 and Regs., Conn. State Agencies § 9-706-1. See *In the Matter of a Complaint by Selim Noujaim*, Waterbury, File No. 2009-009.
9. The Commission concludes that the inclusion of the exhortation "Vote Row C for Change" by Respondent Bastenbeck and Respondent Petroniro on their campaign signs was a generic request for support for those candidates appearing on row C of the November 3, 2009 Wolcott municipal ballot, and consistent with the Commission's interpretation and application of the requirements of § 9-607(g) pertaining to signs. The Commission concludes that Ms. Bastenbeck and Mr. Petroniro did not violate § 9-607(g) and therefore these allegations are dismissed.

### ORDER

The following Order is issued on the basis of the aforementioned finding:

That the Commission will take no further action.

Adopted this 14<sup>th</sup> day of October of 2010 at Hartford, Connecticut

  
Stephen F. Cashman, Chairman  
By Order of the Commission