

STATE OF CONNECTICUT
STATE ELECTIONS ENFORCEMENT COMMISSION

Complaint of Gennaro Ruocco,
East Haven

File No. 2009-095

FINDINGS AND CONCLUSIONS

Complainant filed the instant complaint with the Commission on September 30, 2009 pursuant to General Statutes §9-7b, alleging that the East Haven Republican Party and the Committee to Elect John Finkle Mayor 2009, violated General Statutes § 9-621(b)(3) in connection with an alleged “push poll.”

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

1. The Committee to Elect John Finkle Mayor 2009 was the duly designated funding vehicle for John Finkle’s campaign for the office of East Haven Mayor in the November 2009 Municipal Election.
2. The Committee to Elect John Finkle Mayor 2009 incurred an expenditure for a poll. The poll that the Committee incurred the expenditure for was the subject of the instant complaint.
3. Complainant alleged that the poll, which was conducted via telephone calls, was commissioned by the Committee to Elect John Finkle Mayor 2009 was a “push poll” and that the purpose of the poll was to hinder the election of the incumbent Democrat Mayor, April Almon and that the telephone call did not contain the candidate’s name and voice in the narrative and before the end of such call and based on these facts, the poll violated Gen. Stat. § 9-621(b)(3).
4. General Statutes § 9-621(b) (Revised 2009) provides in pertinent part:

(3) No candidate or candidate committee or exploratory committee established by a candidate shall make or incur any expenditure for automated telephone calls which promote the success of such candidate's campaign for nomination at a primary or election or the defeat of another candidate's campaign for nomination at a primary or election, unless the candidate's name and voice are contained in the narrative of the call, before the end of such call.
5. The Complainant provided the names of 3 individuals that purportedly received the telephone call for the poll, Gregory Austin, Brendan Geelan and Jim Krebs.

6. Geelan indicated that his wife was the one that actually received the telephone call for the poll. Austin and Krebs indicated that they actually received the telephone call for the poll. In all 3 instances, the individuals indicated that the telephone call for the poll was conducted live by a human being and was not automated.
7. General Statutes § 9-621(b)(3) only requires that the candidate's name and voice are contained in the narrative of the call, before the end of such call, when the call is automated.
8. Accordingly, the Committee to Elect John Finkle Mayor 2009 did not violate Gen. Stat. § 9-621(b)(3) because the call was not automated.
9. Furthermore, in light of the fact that Gen. Stat. § 9-621(b)(3) is not applicable to this fact pattern, the Commission did not need to make a determination as to whether the poll in question conducted via a telephone call promoted the success of such candidate's campaign for election or the defeat of another candidate's campaign for election.
10. The complaint is dismissed for the above mentioned reasons.

ORDER

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

That the matter be dismissed.

Adopted this 18th day of August 2010 at Hartford, Connecticut


Stephen F. Cashman, Chairman
By Order of the Commission