

STATE OF CONNECTICUT
STATE ELECTIONS ENFORCEMENT COMMISSION

Complaint of Arthur J. Scialabba,
Norwalk

File No. 2009-102

FINDINGS AND CONCLUSIONS

Complainant filed this complaint with the Commission pursuant to General Statutes § 9-7b, alleging then candidate for Mayor of Norwalk, Steve Serasis maintained a webpage on a social networking website for campaign purposes without the attribution required by § 9-621 (a) ("the webpage"). The Complainant alleged that the candidate also used the webpage to send an invitation to a campaign fundraiser, also without the proper attribution.

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

1. At all times relevant hereto, Steve Serasis ("Mr. Serasis") of 24 High Street, Norwalk was a candidate for the Mayor of Norwalk, registered as such with the Norwalk City Clerk.
2. On or about July 6, 2009, Mr. Serasis created a webpage, titled "Steve Serasis 4 Mayor," on Facebook, a social networking website, and used it to promote his candidacy and solicit funds.
3. The content of the webpage clearly identified the webpage as maintained by Mr. Serasis.
4. The webpage did not possess an attribution pursuant to § 9-621, at the time of the complaint.
5. At all times relevant hereto, Facebook offered members of the general public, who could otherwise access the internet, the opportunity to design personalized webpages as a free service.
6. Any specific expenditures associated with internet access for Mr. Serasis are presently unknown.
7. John Atkin of 122 Silvermine Ave, Norwalk, ("the treasurer") served as treasurer of the campaign.
8. Although developed to promote the success of the candidate, in coordination with the campaign, the webpage was developed without the review of the treasurer.

9. Immediately after the treasurer received notice of the complaint, he informed Mr. Serasis, who placed an attribution on the webpage.
10. The Complainant states that the webpage was used to send an event invite to a campaign fundraiser.
11. The investigation has uncovered insufficient evidence to verify the content of the alleged event invite.
12. The treasurer has cooperated fully with the investigation.
13. The treasurer states that because Mr. Serasis assumed there was no expense associated with establishing the webpage and, therefore, that no attribution was required on the webpage.
14. At the time of the alleged violation, General Statutes § 9-621, provided 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; . . . , 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***

[Emphasis added.]

15. General Statutes § 9-601b provides, in relevant part, “[T]he term ‘expenditure’ means: anything of value, when made for the purpose of influencing the election, of any person”
16. Connecticut has no de minimis threshold for its definition of expenditure. See, *Seymour v. Elections Enforcement Commission*, 255 Conn Sup. 78, at 102, footnote 15.
17. State Elections Enforcement Commission Advisory Opinion No. 2010-05: *Propriety of Hyperlinks on Candidate Committee Website to Other Committee Websites, Certain Media Pieces and Commercial Websites* (May 26, 2010), in explaining candidate committee reporting requirements, identified various expenditures associated with candidate websites:

.... [C]ommittees must report any costs associated with a candidate committee website and hyperlinks - e.g., domain name registry, hosting costs, website maintenance and creation, bandwidth - as it would any other campaign committee expenditures in support of your candidacy. See, e.g., *In the Matter of a Complaint by Frank DeJesus*, Hartford, File No. 2006-193 (civil penalty imposed for failure to report expenditure related to purchase and payment of web hosting services for website that, at various times, contained messages made for the purpose of influencing an election); *In the Matter of a Complaint by Joseph Klett*, Newington, File No. 2004-167 (finding website design services, Internet hosting and support services for candidate committee website were campaign expenditures necessitating reporting); see also Advisory Opinion No. 2008-01, *Proposed Political Activity of Nonprofit Association* (June 11, 2008) (the costs associated with setting up a website to communicate endorsements of candidates to the public are expenditures subject to Connecticut's campaign finance laws). Furthermore, as with any web-based communication promoting the success of your campaign, your candidate committee website must bear upon its face the appropriate attributions pursuant to General Statutes § 9-621 (a).

18. Accordingly, in light of the expense inherent in producing or maintaining the webpage (e.g., domain name registry, hosting costs, website maintenance and creation, bandwidth), the webpage should have contained an attribution pursuant to § 9-621 (a).

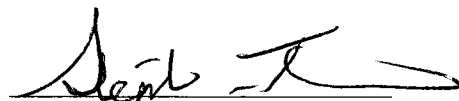
19. Immediately upon being informed of the complaint, the treasurer ensured Mr. Serasis added an attribution to the webpage, demonstrating a good faith effort to comply with the law.
20. Additionally, the treasurer has provided his written statement to the Commission that, for any campaign in which he serves as treasurer, he will ensure that an attribution is maintained on any campaign's Facebook or other social networking pages.
21. Under these specific facts and circumstances, the Commission has determined to take no further action in this matter. 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").

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