

STATE OF CONNECTICUT
STATE ELECTIONS ENFORCEMENT COMMISSION

Complaint of Gail Wall,
Norwalk

File No. 2009-121

FINDINGS AND CONCLUSIONS

Complainant filed this complaint with the Commission pursuant to General Statutes § 9-7b against Diana Paladino of the City of Norwalk, County of Fairfield, State of Connecticut (hereinafter referred to as the Respondent), who was a candidate for the Common Council of Norwalk. The Complainant is the Chairperson of the Norwalk Democratic Town Committee alleging that the Respondent failed to put an attribution on an advertisement on a website in violation of General Statutes § 9-621.

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

1. Complainant is the Chairperson of the Norwalk Democratic Town Committee, filed this complaint against the Respondent, a Norwalk Republican Common Council candidate, Diana Paladino, for allegedly placing a campaign advertisement on the www.yourct.com website that failed to include the "Paid for" and "approved by" attributions as required by Connecticut General Statutes § 9-621 (a).

2. Connecticut 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.

3. Respondent claimed that *“on October 30, 2009 I requested that an online advertisement be placed on the local community website www.yourct.com. On October 30th the advertisement was put up and truly through error did not include the disclosure statement (Paid for by District A, RTC Rosemary Tobin Treasurer) on the advertisement which appeared on the site. This error was realized less than 24 hours later and that very same day corrected immediately upon contacting the webmaster.”*
4. The yourct.com webmaster, Jackie Lightfield, affirmed via e-mail that *“on or about October 29th [2009] an ad was submitted for advertisement on yourCT.com from candidate for Norwalk Common Council. It was placed on the site on October 30th [29th] at approximately 5pm. At 9:42 am, of October 30th, Diana Palladino contacted us regarding a missing ‘paid for’ via email. The ad was updated and replaced at 7:17 PM on October 30th and displayed ‘Paid for by District A RTC, Rosemary Tobin, Treasurer’.”*
5. Respondent admits the attribution omission and apologized for it. She wanted the Commission to know that she values and respect Connecticut election laws. She maintained that it was an unintended error, which was corrected immediately upon discovery. It was without attribution for less than 24 hours.
6. Because the Norwalk Republican Town Committee, District A (a political committee) was the designated sole funding source for the campaign of Diana Paladino for Norwalk Common Council, the expenditure made by the Respondent should properly have been deemed an in-kind contribution to the Norwalk Republican Town Committee, District A. As such, the Committee would be deemed to have made an expenditure through the Respondent, albeit (in this case) without the knowledge of the Chairperson or Treasurer of the Committee. Although this is deemed to be an expenditure for attribution purposes it would need not be reported as an expenditure by the Treasurer, but simply as an in-kind contribution from the Respondent. The Treasurer of a political committee is responsible for approving all expenditures, but could not have in this case because she had no knowledge of the expenditure.
7. General Statutes § 9-604, provides in pertinent part:
 - (b) The formation of a candidate committee by a candidate and the filing of statements pursuant to section 9-608 shall not be required if the candidate files a certification with the proper authority required by section 9-603, not later than ten days after becoming a candidate, and any of the following conditions exist for the campaign: (1) ***The candidate is one of a slate of candidates whose campaigns are funded solely by a party committee or a political committee formed for a single election or primary and expenditures made on behalf of the candidate's campaign are reported by the committee sponsoring the candidate's candidacy;*** (2) the candidate finances the candidate's campaign entirely from

personal funds and does not solicit or receive contributions, provided if said candidate personally makes an expenditure or expenditures in excess of one thousand dollars to, or for the benefit of, said candidate's campaign for nomination at a primary or election to an office or position, said candidate shall file statements according to the same schedule and in the same manner as is required of a campaign treasurer of a candidate committee under section 9-608; (3) the candidate does not receive or expend funds in excess of one thousand dollars; or (4) the candidate does not receive or expend any funds, including personal funds, for the candidate's campaign. ...

[Emphasis added.]

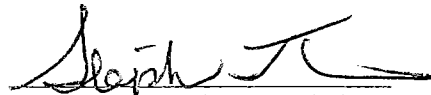
7. As a result, it is concluded that Respondent and the Committee violated § 9-621 (a) of the General Statutes for distributing a communication that failed to include the required attribution requirement, which in this case, for a Town Committee, should have been "Paid for by the District A RTC, Rosemary Tobin Treasurer."
8. There is no evidence to suggest that the Chairperson or Treasurer of the Republican Town Committee, District A designated as the Respondent's sole funding source had any actual knowledge that the advertisement was published without the proper attribution. As mentioned, the Treasurer for any committee is the only person authorized to make expenditures.
9. However, the short duration for which the advertisement was without an attribution and the prompt corrective measures taken by the Respondent further mitigate the violation. Under these specific facts and circumstances, the Commission has determined to take no further action in this matter.

ORDER

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

That no further action be taken.

Adopted this 7th day of Nov. 2010 at Hartford, Connecticut



Stephen F. Cashman, Chairman
By Order of the Commission