

STATE OF CONNECTICUT
STATE ELECTIONS ENFORCEMENT COMMISSION

FEB 11 2010

ENFORCEMENT
COMMISSION

In the Matter of a Complaint by
Elizabeth-Ann Edgerton, Monroe

File No. 2009-127

**AGREEMENT CONTAINING CONSENT ORDER AND
PAYMENT OF A CIVIL PENALTY FOR VIOLATIONS OF
CONNECTICUT GENERAL STATUTES § 9-621 & 9-604**

This agreement, by and between Michele Mount, of the Town of Monroe, County of Fairfield, State of Connecticut (hereinafter referred to as the Respondent) and the authorized representative of the State Elections Enforcement Commission is entered into in accordance with Section 9-7b-54 of the Regulations of Connecticut State Agencies and Section 4-177(c) of the General Statutes of Connecticut. In accordance herewith, the parties agree that:

1. Complainant alleged that the Respondent, a Democratic candidate for Town Council, mailed a campaign postcard without including a complete attribution.
2. Further, the Complainant alleged that Respondent Mount spent over \$1,000 in the creation, production and distribution of the aforementioned campaign postcard, but did not amend her candidate registration or file financial reports to account for expenditures over the \$1,000 threshold.
3. Respondent Mount initially filed a *Registration by Candidate* (SEEC Form 1) and *Certificate of Exemption from Forming a Candidate Committee* (SEEC Form 1B) and certified that she was exempt from forming a candidate committee because she did not intend to spend or receive more than \$1,000.
4. 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.

5. The postcard at issue bears an attribution indicating only: "Paid for by candidate." The Respondent's name is featured in the communication, which promotes her election, and its sponsorship is clear, however, it should have borne the attribution: "Paid for by and approved by Michele Mount" and her address, based upon the fact that she paid for it personally.
6. The Respondent violated Connecticut General Statutes § 9-621(a) by making an expenditure for a postcard promoting her election, which failed to include the required "paid for by" and "approved by" attribution, as well as her address.
7. Turning to the expenditure allegation, Connecticut General Statutes § 9-604, provides in pertinent part,

(a) Each candidate for a particular public office or the position of town committee member shall form a single candidate committee for which he shall designate a campaign treasurer and a depository institution situated in this state as the depository for the committee's funds and shall file a committee statement containing such designations, not later than ten days after becoming a candidate, with the proper authority as required by section 9-603. The candidate may also designate a deputy campaign treasurer on such committee statement. The campaign treasurer and any deputy campaign treasurer so designated shall sign a statement accepting such designation which the candidate shall include as part of, or file with, the committee statement.

(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. If the candidate no longer qualifies for the exemption under any of these conditions, the candidate shall comply with the provisions of subsection (a) of this section, not later than three business days thereafter and shall provide the candidate's designated campaign treasurer with all information required for completion of the treasurer's statements and filings as required by section 9-608. If the candidate no longer qualifies for the exemption due to the condition stated in the candidate's certification but so qualifies due to a different condition specified in this subsection, the candidate shall file an amended certification with the proper authority and provide the new condition for the candidate's qualification not later than three business days following the change in circumstances of the financing of the candidate's campaign. The filing of a certification under this subsection shall not relieve the candidate from compliance with the provisions of this chapter. [Emphasis added.]

8. With respect to campaign expenditures, Respondent maintained that prior to the election and the filing of the complaint, she believed that she had only spent \$932. However, the investigation revealed that she had failed to account for handling charges for processing the mailing, which put her slightly over the \$1,000 threshold.
9. Respondent Mount only used personal funds for the campaign and after the election, on or about November 29, 2009, she has since re-registered and formed a candidate committee, which has reported the expenditures that she made in furtherance of her election.
10. Nevertheless, the Respondent violated Connecticut General Statutes § 9-604 by failing to amend her registration and file an itemized statement of her expenditures within three days after exceeding the \$1,000 threshold, which occurred on or about October 26, 2009 when she incurred the expense for the postcard.
11. It is worth noting that because Respondent only made expenditures from her personal funds, she could have re-filed the *Exemption From Forming A Candidate Committee* (SEEC Form 1B) indicating that she was financing her campaign entirely from personal funds, and filed a *Self Funded Candidates Expenditure Statement* (SEEC Form 23). However, a candidate committee is the preferred method of financing, and disclosure has been accomplished through her *Candidate Committee Registration* (SEEC Form 1A) and the filing of an *Itemized Campaign Finance Statement* (SEEC Form 20).
12. Respondent offers by way of explanation, but not excuse, that she was confined to bed following back surgery during the campaign, in addition to a hospitalized family member, which limited her door-to door campaigning and caused her to rely on direct


mail advertising. Respondent admits the allegations but maintains that it was an oversight and not an intended error, and that she took expedient steps to correct her reporting after she became aware that she had exceeded the threshold.

13. The Respondent admits all jurisdictional facts and agrees that this agreement and Order shall have the same force and effect as a final decision and Order entered after a full hearing and shall become final when adopted by the Commission. The Respondent shall receive a copy hereof as provided in Section 9-7b-56 of the Regulations of Connecticut State Agencies.
14. It is understood and agreed that this agreement will be submitted to the Commission at its next meeting and, if it is not accepted by the Commission, it is withdrawn by the Respondent and may not be used as an admission in any subsequent hearing, if the same becomes necessary.
15. The Respondent waives:
 - (a) Any further procedural steps;
 - (b) The requirement that the Commission's decision contain a statement of findings of fact and conclusions of law, separately stated; and
 - (c) All rights to seek judicial review or otherwise to challenge or contest the validity of the Order entered into pursuant to this agreement.
16. Upon the Respondent's compliance with the Order hereinafter stated, the Commission shall not initiate any further proceedings against her pertaining to this matter.

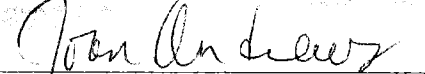
ORDER

IT IS HEREBY ORDERED that the Respondent shall pay a civil penalty of one hundred dollars (\$100.00) to the State Elections Enforcement Commission by February 11, 2010 and shall henceforth strictly comply with the requirements of Connecticut General Statutes §§ 9-621(a) and 9-604.

The Respondent:


Michele C. Mount
51 Jockey Hollow Road
Monroe, Connecticut

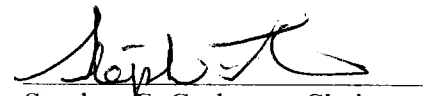
For the State of Connecticut:

BY: 
Joan M. Andrews, Esq.
Director of Legal Affairs & Enforcement
& Authorized Representative of the
State Elections Enforcement Commission
20 Trinity St., Suite 101
Hartford, CT

Dated: 2/4/10

Dated: 2/11/10

Adopted this 17th day of February of 20 10 at Hartford, Connecticut


Stephen F. Cashman, Chairman
By Order of the Commission