

STATE OF CONNECTICUT
STATE ELECTIONS ENFORCEMENT COMMISSION

Complaint of Carole Dmytryshak,
Salisbury

File No. 2009-133

FINDINGS AND CONCLUSIONS

Complainant filed this complaint with the Commission pursuant to General Statutes § 9-7b, concerning fliers distributed without an attribution, as required by General Statutes § 9-621. Complainant Carole Dmytryshak alleged that Salisbury Board of Education Candidate Paul Henrici (hereinafter the Respondent) circulated campaign literature without the proper attribution.

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

1. The Respondent, Paul Henrici of Salisbury, Connecticut, ran in 2009 for the Region One School District Board on the Republican slate. He was to be solely funded by the Salisbury Republican Town Committee (hereinafter SRTC), pursuant to 9-604 (a). That statute provides, in relevant part, as follows:

(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.]

2. He filed a Registration of Candidate (SEEC Form 1) and Certificate of Exemption from Forming Candidate Committee (SEEC Form 1B), indicating that he would be solely funded by the SRTC.

3. Respondent, who admits to paying for and distributing approximately 50-75 fliers with no attribution, was unaware about attributions required by General Statutes § 9-621. He states that this was his foray into campaigning.

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. ...*

[Emphasis added.]

5. The Respondent states that the total cost of the fliers, including paper was \$4.29. He used his home computer to make copies and distributed the fliers by hand. Nevertheless, even such a small sum constitutes an expenditure under the election laws.

6. Because the SRTC was the designated sole funding source for the campaign of the Respondent, the expenditure made by him should properly have been reported as an in-kind contribution to the SRTC. As such, the SRTC would be deemed to have made an expenditure through the Respondent. 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 committee is responsible for approving all expenditures.

7. The Commission finds that the fliers needed an attribution as required by General Statutes § 9-621. Furthermore, the Commission concludes that even though the fliers were created by the Respondent as an individual, they should have had the attribution

“Paid for by the SRTC,” because the SRTC was the candidate’s sole funding source, and all expenditures are required to originate therefrom.

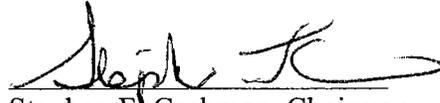
8. Nevertheless, the fair market value of 50-75 sheets of paper is nominal and the circulation of the attribution-less flier was of a very limited scope. Further, the SRTC Chairman was unaware of the expenditure and that the fliers lacked attribution. Under these specific facts and circumstances, the 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 17th day of Nov. 2010 at Hartford, Connecticut

A handwritten signature in black ink, appearing to read "Stephen F. Cashman". The signature is fluid and cursive, with a long horizontal stroke at the end.

Stephen F. Cashman, Chairman
By Order of the Commission