

STATE OF CONNECTICUT
STATE ELECTIONS ENFORCEMENT COMMISSION

Complaint of Karen Murphy,
Stamford

File No. 2009-141

FINDINGS AND CONCLUSIONS

The Complainant filed this complaint with the Commission pursuant to General Statutes § 9-7b. Insofar as they relate to statutes under the Commission's jurisdiction, the complaint alleges that the Stamford Youth Soccer League (the "League") sent an email communication to members of the League regarding an upcoming election without abiding by rules governing expenditures of political committees under § 9-602 (a) or the attribution required on certain communications under § 9-621 (a).

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

1. At all times relevant hereto, the League was a not for profit corporation.
2. The Complainant alleged that on or November 2, 2009, Bob Pepi, League Director ("Mr. Pepi") sent an email communication to League members (the "email").
3. Mr. Pepi admits he sent the email to League members.
4. The Complainant does not allege the League, acting through Mr. Pepi, sent the email to anyone other than the League's members.
5. The Complainant states that she obtained the email from individual League members who shared the email with non-members.
6. As related to the allegations in the complaint, the restrictions of General Statutes § 9-602 (a) and § 9-621 (a), governing expenditures of political committees and expenditures for certain types of communications respectively, only apply if an "expenditure" was made.
7. 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"
8. Section 9-601b provides, in relevant part, "The term 'expenditure' does not meancommunications made by any corporation, organization or association to its members, owners, stockholders, executive or administrative personnel, or their families."

9. The Commission has defined "member" as:

All persons who are currently satisfying the requirements for membership in a membership organization, affirmatively accept the membership organization's invitation to become a member, and either:

(1) Have some significant financial attachment to the membership organization, such as a significant investment or ownership stake; or

(2) Pay membership dues at least annually, of a specific amount predetermined by the organization; or

(3) Have a significant organizational attachment to the membership organization that includes: affirmation of membership on at least an annual basis and direct participatory rights in the governance of the organization. For example, such rights could include the right to vote directly or indirectly for at least one individual on the membership organization's highest governing board; the right to vote on policy questions where the highest governing body of the membership organization is obligated to abide by the results; the right to approve the organization's annual budget; or the right to participate directly in similar aspects of the organization's governance.

See, e.g., Advisory Opinion No. 2008-01: *Proposed Political Activity of Nonprofit Association*.

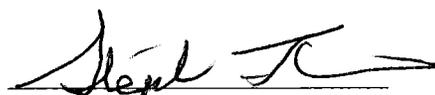
10. Accordingly, based on the allegations in the complaint, the Commission concludes the email was not an expenditure, as defined in § 9-601b, and neither the rule governing expenditures of political committees under § 9-602 (a) nor the requirement to include an attribution on the communication under § 9-621 (a) were applicable and the Commission need not examine additional elements necessary to constitute a violation.

ORDER

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

That the matter be dismissed.

Adopted this 26th day of January 20¹¹~~10~~ at Hartford, Connecticut



Stephen F. Cashman, Chairman
By Order of the Commission