

**STATE OF CONNECTICUT
STATE ELECTIONS ENFORCEMENT COMMISSION**

In the Matter of a Complaint by
Bruce Rubenstein, Hartford

File No. 2010-003

FINDINGS AND CONCLUSIONS

Complainant brings this Complaint pursuant to Connecticut General Statutes § 9-7b, alleging that Respondent Eddie Perez, Mayor of the City of Hartford, indirectly prevented a number of individuals from entering the premises of public buildings in order to seek signatures for a town committee primary petition. Complainant also alleges that the Respondent violated General Statutes § 9-622 by promising to appoint, or promising to secure or assist in securing the appointment, nomination or election of a person to a public position, or to a position of honor, trust or emolument in order to secure or promote another person's nomination or election as a candidate.

1. Turning to Complainant's first allegation, it does not allege facts, which if proven true would constitute a violation of the Connecticut election laws.
2. The Commission has a limited statute concerning certain uses of public funds, General Statutes § 9-610 (d), which provides:

(1) No incumbent holding office shall, during the three months preceding an election in which he is a candidate for reelection or election to another office, use public funds to mail or print flyers or other promotional materials intended to bring about his election or reelection.

(2) No official or employee of the state or a political subdivision of the state shall authorize the use of public funds for a television, radio, movie theater, billboard, bus poster, newspaper or magazine promotional campaign or advertisement, which (A) features the name, face or voice of a candidate for public office, or (B) promotes the nomination or election of a candidate for public office, during the twelve-month period preceding the election being held for the office which the candidate described in this subdivision is seeking.

(3) As used in subdivisions (1) and (2) of this subsection, "public funds" does not include any grant or moneys paid to a qualified candidate committee from the Citizens' Election Fund under sections 9-700 to 9-716, inclusive.

3. Even assuming the first allegation to be true, General Statutes § 9-610 (d) does not govern access rights to public real property. Accordingly, this allegation is dismissed.

4. Turning to Complainant's second allegation, Complainant alleges that Respondent Eddie Perez visited the home of Ms. Luz Torres Sullivan on or about January 10, 2010 and "intimated to Ms. Sullivan that if she dropped the challenge [slate of electors for the March 2, 2010 primary of the Hartford Democratic Town Committee] that 'she would be taken care of.'"
5. At the time of the alleged event, Ms. Torres Sullivan was a candidate on a slate of electors seeking positions on the Hartford Democratic Committee.
6. General Statutes § 9-622 provides, in pertinent part:

The following persons shall be guilty of illegal practices and shall be punished in accordance with the provisions of section 9-623:

...

(6) Any person who, in order to secure or promote the person's own nomination or election as a candidate, or that of any other person, directly or indirectly, promises to appoint, or promises to secure or assist in securing the appointment, nomination or election of any other person to any public position, or to any position of honor, trust or emolument; but any person may publicly announce the person's own choice or purpose in relation to any appointment, nomination or election in which the person may be called to take part, if the person is nominated for or elected to such office;. . . .


7. The evidence revealed that Ms. Sullivan denies that she was ever offered any public position or any position of honor, trust or emolument by Mayor Perez, nor does she even agree with the allegation that she was told by Mayor Perez that she would be "taken care of." Although the evidence revealed that Mayor Perez appeared to make a personal plea to Ms. Torres Sullivan to end her candidacy, there is insufficient evidence to establish that he offered anything in exchange.
8. Considering the aforementioned, the Complainant's allegations cannot be substantiated.

ORDER

The following Order is issued on the basis of the aforementioned finding:

That the Complaint be dismissed.

Adopted this 21st day of April of 2010 at Hartford, Connecticut


Stephen F. Cashman, Chairman
By Order of the Commission