

STATE OF CONNECTICUT
STATE ELECTIONS ENFORCEMENT COMMISSION

In the Matter of a Complaint by
Sean Arena, Hartford

File No. 2010-032

FINDINGS AND CONCLUSIONS

The Complainant filed this Complaint pursuant to Connecticut General Statutes § 9-7b and alleged that the municipal political slate committee "Grassroots District 4" violated General Statutes § 9-608 by failing to report expenditures for a flyer.

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

1. The Respondent in this matter is Jorge L. Cabrera, treasurer of "Grassroots District 4," a political slate committee (the "Committee"), formed to support a challenge slate of candidates for seats representing the 4th District in the 2010 Hartford Democratic Town Committee primary held on March 2, 2010.
2. The Complainant alleges that the expenditures for a flyer bearing the Committee's attribution seen in distribution on about February 7, 2010 were not reported on the Committee's campaign finance disclosure statement.
3. On or about February 22, 2010, the Committee filed a Short Form Campaign Finance Disclosure Statement (SEEC Form 21) for the period covering January 11, 2010 through February 22, 2010 (the "Form 21"). The Form 21 included a certification by the Respondent, signed under penalty of false statement, that the Committee did not receive contributions or other funds or make or incur expenditures in excess of \$1,000 for the period covered by the report.
4. Here, the Committee was required to file a disclosure seven days prior to the Town Committee primary which was to be held on March 2, 2010. General Statutes § 9-608 (a) (1) provides, in relevant part:

Each campaign treasurer of a committee, other than a state central committee, shall file a statement, sworn under penalty of false statement with the proper authority in accordance with the provisions of section 9-603, (A) on the tenth calendar day in the months of January, April, July and October, provided, if such tenth calendar day is a Saturday, Sunday or legal holiday, the statement shall be filed on the next business day, (B) on the seventh day preceding each regular state election, except that (i) in the case of a candidate or exploratory committee established for an office to be elected at a municipal election, the statement shall be filed on the seventh day preceding a regular municipal election in lieu of such date, and (ii) in the case of a town committee, the statement shall be filed on the seventh day preceding each municipal election in addition

to such date, and (C) *if the committee has made or received a contribution or expenditure in connection with any other election, a primary or a referendum, on the seventh day preceding the election, primary or referendum. The statement shall be complete as of the last day of the month preceding the month in which the statement is required to be filed, except that for the statement required to be filed on the seventh day preceding the election, primary or referendum, the statement shall be complete as of seven days immediately preceding the required filing day. . . .* [Emphasis added.]

5. However, under certain circumstances, committees are exempted from certain filing requirements, including but not limited to the requirement to report and itemize the contributions received by a committee. General Statutes § 9-608 (b) reads, in relevant part:

The statements required to be filed under subsection (a) of this section and subdivisions (2) and (3) of subsection (e) of this section, shall not be required to be filed by: (1) *A candidate committee or political committee formed for a single primary or election until such committee receives or expends an amount in excess of one thousand dollars for purposes of the primary or election for which such committee was formed. . . . A committee which is exempted from filing statements under the provisions of this subsection shall file in lieu thereof a statement sworn under penalty of false statement, indicating that the committee has not received or expended an amount in excess of one thousand dollars.* [Emphasis added.]

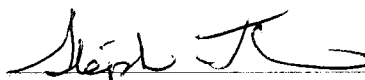
6. The Committee complied with the requirement of § 9-608 (b) to file an “in lieu” statement claiming exemption from the detailed reporting requirement by filing the Form 21.
7. When weighed against the Respondent’s certification that the Committee did not expend in excess of \$1,000, signed under penalty of false statement, the Complainant’s statement of the committee’s unknown expenditure for a flyer, is insufficient to find a violation of § 9-608 or warrant further investigation. The Commission’s conclusion in this matter is consistent with the *Complaint of Sean Arena*, Hartford, File No. 2010-032, involving the same parties, underlying facts and dismissal without prejudice.

ORDER

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

That the matter be dismissed without prejudice.

Adopted this 27th day of July, 2011 at Hartford, Connecticut.



Stephen F. Cashman, Chairperson
By Order of the Commission