

STATE OF CONNECTICUT
STATE ELECTIONS ENFORCEMENT COMMISSION

Complaint of Jennifer Day,
East Hampton

File No. 2010-136

FINDINGS AND CONCLUSIONS

The Complainant filed this complaint with the Commission pursuant to General Statutes § 9-7b, alleging that various individuals were working as a group and violating General Statutes § 9-621 in an unspecified manner. Aside from the printed communications taking positions on an East Hampton referendum question attached to the Complaint, the Complainant presented no substantiating evidence to support her claim that various named individuals or groups were working as one, or a specific theory on how § 9-621 was violated.

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

1. The Complainant, Jennifer Day of 4 Old Marlborough Road, East Hampton, CT alleges that various named individuals or groups were working as one in opposition to a referendum question in East Hampton and further alleges that this action violated § 9-621 in an unspecified manner.
2. Aside from the three publications attached to the Complaint (“the attachments”) the Complainant provided no substantiating evidence regarding how any of the individuals or groups named in the complaint violated § 9-621.
3. The Complaint lists the alleged violators as: East Hampton Concerned Citizens; Vote No Ordinance 109; Bill and Gem Marshall (a.k.a. William and Gladys Marshall); Take Back Our Town.Org and East Hampton Residents Who Reject TC6 Referendums.
4. The attachments are all printed communications promoting the success or defeat of an East Hampton referendum question.
5. The first attachment was a communication that contained the attribution, “Paid for by East Hampton Concerned Citizens.”
6. Such communication contained the address of the group, P.O. Box 70 Middle Haddam, CT, but did not list the name or address of the group’s agent.

7. At all times relevant hereto, East Hampton Concerned Citizens filed a SEEC Form 6, Certification of Exemption From Forming a Referendum Committee, with the Town Clerk of East Hampton.
8. Such filing reports the group's agent as Angie Sarahina of 37 Old Middletown Avenue, East Hampton, CT and the group's mailing address as P.O. Box 70 Middle Haddam, CT.
9. Such filing reports two group members of East Hampton Concerned Citizens: Angie Sarahina of 37 Old Middletown Avenue, East Hampton, CT and Laurie Wasilewski of 202 Hog Hill, East Hampton, CT.
10. The attachments included a second communication that contained the attribution, "Paid for by Vote No Ordinance 109" and that did not list name or the address of the group's agent.
11. At all times relevant hereto, Vote No Ordinance 109 filed a SEEC Form 6, Certification of Exemption From Forming a Referendum Committee, with the Town Clerk of East Hampton.
12. Such filing reports the group's agent as Angie Sarahina of 37 Middletown Avenue of 37 Middletown Avenue, East Hampton, CT and the group's mailing address as P.O. Box 70 Middle Haddam, CT.
13. Such filing reports two group members of Vote No Ordinance 109: Angie Sarahina of 37 Middletown Avenue, East Hampton, CT and Lori Weech of 41 Cone Road, East Hampton, CT.
14. The third communication contained the attribution, "Paid for by Bill and Gem Marshall" and did not list the shared address of the two individuals.
15. The Bill and Gem Marshall listed in such communication are also known as William and Gladys Marshall of 6 Fairlawn Avenue, East Hampton, CT.
16. William Marshall acknowledged that such communication was placed and paid for exclusively by him and Gladys Marshall.
17. At all times relevant hereto, William and Gladys Marshall were husband and wife.
18. At all times relevant hereto, William and Gladys Marshal filed a SEEC Form 6, Certification of Exemption From Forming a Referendum Committee, with the Town Clerk of East Hampton, identifying themselves as the sole members of East Hampton Petitioners Who Reject TC6 Referendums.

19. General Statutes § 9-621 (c), provides in relevant part:

No . . . group of two or more individuals who have joined solely to promote the success or defeat of a referendum question shall make or incur any expenditure for any written, typed or other printed communication which promotes the success or defeat of any referendum question unless such communication bears upon its face the words "paid for by" and the following . . . *in the case of such a group of two or more individuals, the name of the group and the name and address of its agent.*
[Emphasis Added.]

20. Section 9-621 (c) does not require an individual acting alone, as opposed to a group of two or more individuals, to provide attributions on communications.

21. The Commission has previously concluded that when a group of individuals is comprised solely by a husband and wife that the married couple shall not be considered as a group of two or more individuals. See File No. 2001-106, *Complaint of Charles F. Barr and Robert Miller*, at paragraph twelve.

22. Accordingly, for the reasons stated above, the Commission concludes that as a married couple, William and Gladys Marshall were not considered a group of two or more individuals for purposes of § 9-621 (c) and, as such, not required to provide an attribution on the communication in this matter.

23. Accordingly, for the reasons stated above, the Commission concludes that the members of the groups East Hampton Concerned Citizens and Vote No Ordinance 109 violated § 9-621 (c), to the extent that, although they listed the groups' name on the communications, they did not list the name and address of the groups' agents, in both instances, Angie Sarahina of 37 Old Middletown Avenue, East Hampton, CT.

24. Accordingly, as stated above, the Commission finds that, as a member and agent of both groups, Angie Sarahina twice violated § 9-621 (c) by failing to list her name and address in the communications.

25. In consideration of the partial compliance of East Hampton Concerned Citizens and Vote No Ordinance 109 with § 9-621 (c) and the groups' publicly available SEEC Form 6 filings, the Commission concludes that no further action is required in this matter.

ORDER

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

That no further action be taken.

Adopted this 16th day of March, 2011 at Hartford, Connecticut



Stephen F. Cashman, Chairman
By Order of the Commission