

STATE OF CONNECTICUT
STATE ELECTIONS ENFORCEMENT COMMISSION

Complaint of Robert W. Prentice,
Wallingford

File No. 2011-134

FINDINGS AND CONCLUSIONS

The Complainant filed this complaint with the Commission pursuant to General Statutes § 9-7b, alleging a communication by the Vinnie Testa for Mayor candidate committee, supporting candidate Vincent Testa, violated the attribution requirements of § 9-621(a) by issuing a printed communication without the required attribution.

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

1. At all times relevant hereto, Vincent Testa was a candidate for mayor of Wallingford financing his campaign through the Vinnie Testa for Mayor candidate committee.
2. Mr. Testa arranged the printing of a campaign communication with the Vinci Group publishing firm (the “printer”), which promoted his candidacy (the “communication”).
3. The communication included Mr. Testa’s campaign logo (a prominent stylized “Vinnie Testa for Mayor”), campaign slogan and campaign message.
4. Based on the above, the Commission finds that the reasonable observer would conclude that the author of the communication was Mr. Testa’s campaign.
5. The printer has provided a written representation that the firm was aware of the requirement to include the above attribution and failed to catch the error during the review process.
6. Due to such error, the communication omitted the “paid for” and “approved by” attributions required by § 9-621(a).
7. General Statutes § 9-621(a) provides, in relevant part:

... [N]o candidate or committee shall make or incur any expenditure ... for any written, typed or other printed

communication ... which promotes the success or defeat of any candidate's campaign for nomination at a primary or election ... unless such communication bears upon its face (1) the words "paid for by" and the following: ... in the case of a committee other than a party committee, the name of the committee and its campaign treasurer and (2) the words "approved by" and the following: ... in the case of a candidate committee, the name of the candidate

8. The Commission concludes that the communication should have contained an attribution pursuant to § 9-621(a).
9. Based on the Commission's finding that the authorship of the flyer was clear to the reasonable observer, and the absence of a prior history of violations, the Commission declines to investigate the matter further. See *In the Matter of a Compliant by Michael Gongler and Victor L. Hapley of Cromwell*, File No. 2009-126.

ORDER

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

That no further action be taken.

Adopted this 18th day of January, 2012 at Hartford, Connecticut



Stephen F. Cashman, Chairman
By Order of the Commission