

STATE OF CONNECTICUT
STATE ELECTIONS ENFORCEMENT COMMISSION

Complaint of Sheila McCreven,
Woodbridge

File No. 2012-007

FINDINGS AND CONCLUSIONS

The Complainant filed this complaint with the Commission pursuant to General Statutes § 9-7b, alleging that a group of two or more individuals acted together in distributing a flyer opposing a referendum and that such flyer lacked an attribution, in violation of General Statutes § 9-621 (c).

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

1. The Complainant alleges that a group of two or more individuals acted together to create and distribute a flyer opposing a referendum before the voters of Woodbridge, Connecticut on December 13, 2011 (the “flyer”).
2. The Complainant has provided a copy of the flyer, which contains no identified author or other form of attribution.
3. In her allegations, the Complainant has provided no evidence identifying the individuals allegedly acting as a group or evidence supporting her belief that such individuals acted as group.
4. The Complainant has been provided with multiple opportunities to identify the alleged violators and provide any evidence supporting her belief that such individuals acted as a group and, upon such requests, provided over forty pages of material, including print outs from a Facebook webpage, to support her claim.
5. After such opportunities and a staff review of all such material provided by the Complainant, the Commission finds the Complainant provided no evidence to support the basis of her belief that individuals acted as a group in making expenditures opposing such referendum.
6. 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.]

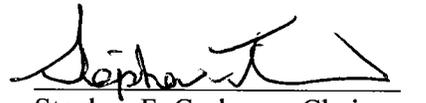
7. Individuals acting alone to make expenditures opposing a referendum are not governed by the attribution requirements of § 9-621 (c).
8. Based on the above, the evidence supporting the Complainant's allegations is insufficient to support a finding of violation or merit further investigation.

ORDER

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

That the matter be dismissed without prejudice.

Adopted this 21 day of March, 2012 at Hartford, Connecticut


Stephen F. Cashman, Chairman
By Order of the Commission