

STATE OF CONNECTICUT
STATE ELECTIONS ENFORCEMENT COMMISSION

In the Matter of a Complaint by Jonathan Pelto
Town of Storrs

File No. 2012-189

FINDINGS & CONCLUSIONS

Complainant Jonathan Pelto of Storrs filed this complaint against the respondent, Great New England Public Schools Alliance, hereinafter referred to as "GNEPSA," alleging that it had failed properly to report expenditures and major donors when it made an independent expenditure in association with a 2012 Bridgeport school board referendum. After an investigation of the matter, the Commission adopts the following findings of fact and conclusions of law:

1. Complainant Jonathan Pelto filed this complaint on November 29, 2012, alleging that an independent expenditure report filed by the entity Great New England Public Schools Alliance ("GNEPSA") on October 19, 2012, was late and had failed to include some relevant information regarding expenditures and donors. Specifically, Pelto alleged that GNEPSA had failed to report as required under Connecticut's campaign finance regime; had failed to report "major donors;" had failed to report "organizational expenses;" had failed to report "law[n] signs;" had failed to report "expenditures related to travel expenses of Michelle Rhee's husband;" and had failed to report costs associated with get-out-the-vote efforts.¹
2. In 2012, voters in Bridgeport decided via referendum whether to continue with direct election of members of the board of education. Ultimately, voters rejected the proposition to allow the mayor to appoint school board members by a 2 to 1 margin, in spite of a well-funded, organized campaign in support of the change.²
3. On October 20, GNEPSA filed an independent expenditure report with the Bridgeport city clerk's office to report expenditures it had made in relation to the referendum totaling \$97,000.³ The expenditure report stated that the expenditure was made in favor of adoption of the referendum question on the November ballot.⁴

¹ See Complaint by Jonathan Pelto, Storrs (SEEC File No. 2012-189) (Rec'd Nov. 29, 2012) (alleging that GNEPSA had failed properly to report expenditures it made in relation to Bridgeport referendum question).

² See "'Elections shouldn't exist': The new war on school boards" https://www.salon.com/2012/12/31/elections_shouldnt_exist_the_new_war_on_school_boards/ (last accessed October 5, 2017) (recounting story of Bridgeport referendum battle).

³ See SEEC Form 26 – Independent Expenditure Statement for an Entity (Great New England Public Schools Alliance, October 20, 2012) (reporting expenditure of \$97,000 to FieldWins in Bridgeport for canvassing work).

⁴ *Id.*

4. Complainant alleged that the independent expenditure report that GNEPSA filed on October 19, 2012 was not filed within ten days of its first expenditure in support of the November 6, 2012 Bridgeport referendum as required by General Statutes §§ 9-602 (a) and 9-605 (a). Complainant's allegation stems from his own calculation of time needed to produce items related to the expenditure. For its part, respondent denied that there were any expenditures by GNEPSA that would have required them to file any earlier than October 19, 2012.
5. The Commission's investigation found no evidence to support a finding of a violation of §§ 9-602 (a) and 9-605 (a). Counsel therefore recommends that this allegation be dismissed.
6. Complainant also alleged that GNEPSA failed to report major contributors for its referendum expenditures as required by General Statutes §§ 9-608 and 9-621 (h). The aforementioned sections apply to expenditures made by an entity "...that promotes the success or defeat of any candidate for nomination or election or promotes or opposes any political party or solicits funds to benefit any political party or committee."⁵
7. After investigation it was determined that GNEPSA only made expenditures pertaining to the November 6, 2012 referendum in the City of Bridgeport. Specifically, there is no evidence that it made any expenditures to promote or oppose any candidate or political party or to solicit funds to benefit and political party or committee, and therefore General Statutes§ 9-621 (h) does not apply in this instance. Furthermore, because there is no evidence that GNEPSA raised funds to support or oppose a referendum, the requirement of disclosing contributors pursuant to § 9-608 does not apply. Because the evidence does not support a conclusion that either General Statutes §§ 9-608 and 9-621 (h), applied in these circumstances Counsel recommends that this allegation be dismissed.
8. General Statutes § 9-608 (c)(1)(B) requires a treasurer to report all secondary payees related to expenditures incurred by a committee or, in this case, entity making an independent expenditure.⁶
9. In this instance, GNEPSA knew or should have known that FieldWins was going to enlist the assistance of other individuals to perform fieldwork in Bridgeport as well as to purchase promotional materials such as lawn signs. GNEPSA should have reported those secondary payees on its campaign finance disclosure statement that it filed with the Bridgeport city clerk's office.

⁵ General Statutes § 9-621.

⁶ See General Statutes § 9-608 (c)(1)(B).

10. Shortly after the conclusion of this investigation, GNEPSA ceased operation and was incorporated into Students First, the entity under whose auspices GNEPSA was originally organized.⁷ In July 2016, Students First dissolved and ceased all operations. Since that time, Commission staff have been unable to identify a party that can be held liable for potential violations of Connecticut's campaign finance statutes.
11. As there is no longer an entity to which the Commission can assign liability, the matter will be dismissed without prejudice, allowing the Commission to reopen this investigation if a responsible party engages in similar activity in Connecticut in the future.

ORDER

IT IS HEREBY ORDERED THAT the Complaint will be dismissed without prejudice.

Adopted this 18th day of October, 2017 at Hartford, Connecticut by vote of the Commission.



Anthony J. Castagno, Chairman
By Order of the Commission

⁷ According to correspondence from the attorney representing GNEPSA, the entity ceased operations in 2014. See Email from Robert Shea to James Talbert-Slagle, Feb. 9, 2017.