

STATE OF CONNECTICUT
STATE ELECTIONS ENFORCEMENT COMMISSION

Complaint of Arthur Scialabba,
Norwalk

File No. 2013-005

FINDINGS AND CONCLUSIONS

The Complainant filed this complaint with the Commission pursuant to General Statutes § 9-7b, against Vinny Mangiacopra, hereinafter the “Respondent”, alleging the Respondent made a communication over electronic social media, without including the attribution required by General Statutes § 9-621 (a).

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

1. At all times relevant hereto, the Respondent was a candidate for mayor of Norwalk and registered as such with the Norwalk Town Clerk.
2. On or about February 5, 2013, the Respondent utilized Twitter, an online social networking service and microblogging service that enables its users to send and read text-based messages of up to 140 characters, known as "tweets", to issue a communication to subscribers to his Twitter account under a free personal subscription (the “Twitter Communication”).
3. The Respondent’s Twitter account user information was readily available to any subscribers receiving the Twitter Communication and clearly identified the author of the Twitter Communication as Vinny Mangiacopra.
4. The content of the Twitter Communication itself was
“<http://vine.co/v/bnMKDP2jVT7>.”
5. The Twitter Communication’s above cited content provided a link to a video running approximately six seconds in length (the “Video Communication”).
6. Both the Twitter Communication and the Video Communication were produced by the Respondent using free social media tools apparently based on an existing smart phone service plan contracted for personal use.
7. The Video Communication included images taken from a phone camera of a computer screen displaying images the “norwalksfuturenow.com.” website. Such

website was controlled by the *Norwalk's Future Now* committee, the Respondent's candidate committee registered with the Norwalk Town Clerk (the "Candidate Committee Website").

8. Such images included written material displayed on the Candidate Committee Website, which included the written solicitation to "Vote Vinny," as well as a hand written message regarding the Respondent's opponent's number of years in office.
9. Although not clearly displayed in the Video Communication, the Candidate Committee Website included the attribution "Paid for by Norwalk's Future Now - Phaedral Bowman, Treasurer ... Vinny Mangiacopra for Mayor of the City of Norwalk." Additionally, the Candidate Committee Website clearly identified itself as belonging to the Respondent's candidate committee with statements including, "Norwalk's Future Now is not only the name of the website but also what the Mangiacopra for Mayor campaign will embody."
10. The Commission finds that, as is readily apparent on the face of the allegations in the instant Complaint, the reasonable observer would conclude that the Respondent issued relevant communications.
11. Based on the above, the Commission finds that, separate and apart from the Video Communication, the content of the Twitter Communication itself was unintelligible.
12. General Statutes § 9-621 (a) (Rev. to Jan. 1, 2013), provides, in relevant part:

No individual shall make or incur any expenditure with the consent of, in coordination with or in consultation with any candidate, candidate committee or candidate's agent, no group of two or more individuals acting together that receives funds or makes or incurs expenditures not exceeding one thousand dollars in the aggregate and has not formed a political committee shall make or incur any expenditure, and no candidate or committee shall make or incur any expenditure including an organization expenditure for a party candidate listing, as defined in subparagraph (A) of subdivision (25) of section 9-601, for any written, typed or other printed communication, or any web-based, written communication, which promotes the success or defeat of any candidate's campaign for nomination at a primary or election or promotes or opposes any political party or solicits funds to benefit any political party or committee unless such

communication bears upon its face (1) the words “paid for by” and the following: (A) In the case of such an individual, the name and address of such individual; (B) in the case of a committee other than a party committee, the name of the committee and its campaign treasurer; (C) in the case of a party committee, the name of the committee; or (D) in the case of a group of two or more individuals that receives funds or makes or incurs expenditures not exceeding one thousand dollars in the aggregate and has not formed a political committee, the name of the group and the name and address of its agent, and (2) the words “approved by” and the following: (A) In the case of an individual, group or committee other than a candidate committee making or incurring an expenditure with the consent of, in coordination with or in consultation with any candidate, candidate committee or candidate’s agent, the name of the candidate; or (B) in the case of a candidate committee, the name of the candidate.

13. General Statutes § 9-621 (b) (1), (Rev. to Jan. 1, 2013), provides that in addition to § 9-621 (a), governing attributions for certain written, typed or other printed communication, or any web-based, written communication, “video advertisements” are subject to additional requirements:

No candidate or candidate committee or exploratory committee established by a candidate shall make or incur any expenditure for television advertising or Internet video advertising, which promotes the success of such candidate’s campaign for nomination at a primary or election or the defeat of another candidate’s campaign for nomination at a primary or election, unless (A) at the end of such advertising there appears simultaneously, for a period of not less than four seconds, (i) a clearly identifiable photographic or similar image of the candidate making such expenditure, (ii) a clearly readable printed statement identifying such candidate, and indicating that such candidate has approved the advertising, and (iii) a simultaneous, personal audio message, in the following form: “I am (candidate’s name) and I approved this message”, and (B) the candidate’s name and image appear in, and the candidate’s voice is contained in, the narrative of the advertising, before the end of such advertising


14. As noted above, the content of the Twitter Communication itself, “<http://vine.co/v/bnMKDP2jVT7>.”, was unintelligible on its face. As such, it did not constitute a communication promoting the Respondent or opposing any other candidate. Accordingly, even if it met all the other elements of General Statutes § 9-621 (a), the Twitter Communication itself would not be required to include an attribution.
15. Nevertheless, as noted above, the Video Communication also incorporated a *written* communication urging “Vote Vinny.” In short, General Statutes § 9-621 (a) applies to the medium of “any *written*, typed or other printed communication, or any *web-based, written communication*.”[Emphasis added.]
16. Based on the above, the Commission concludes that the Video Communication, which included a written or web-based, written communication, was, by virtue of such inclusion, required to include an attribution pursuant to General Statutes § 9-621 (a).
17. Based on the Commission’s finding that the person issuing the communications were clear to the reasonable observer, and the absence of a prior history of violations by the Respondent, and noting the absence of any evidence of any intent to deceive or mislead the public, the Commission declines to investigate the matter further. See *Compliant by Michael Gongler and Victor L. Harpley, Cromwell*, File No. 2009-126; *Complaint of John D. Norris, Southbury*, File No. 2011-108, *Complaint of Arthur Scialabba, Norwalk*, File No. 2011-125, *Complaint of Robert W. Prentice, Wallingford*, File No 2011-134; *Complaint of Arthur Scialabba, Norwalk*, File No. 2012-011. See *Complaint of Jonathan Searles, East Hartford*, File No. 2011-110 citing to the negligible amount of the expenditures for the attribution at issue for a basis for a similar outcome.

ORDER

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

That no further action be taken.

Adopted this 18th day of September, 2013 at Hartford, Connecticut.

A handwritten signature in black ink, appearing to read "Anthony J. Castagno", written over a horizontal line.

Anthony J. Castagno, Chairman
By Order of the Commission