

STATE OF CONNECTICUT
STATE ELECTIONS ENFORCEMENT COMMISSION

Complaint of Michael J. Flint, Lakeville

File No. 2013-135

FINDINGS AND CONCLUSIONS

The Complainant filed this complaint pursuant to General Statutes § 9-7b alleging that political communications issued by Katherine Kiefer, candidate for Selectman in Salisbury, failed to include attributions required by General Statutes § 9-621.

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

1. At all times relevant hereto, Katherine Kiefer (the “Respondent”) was a candidate for Selectman in Salisbury.
2. The Respondent paid for letters promoting her candidacy (the “Campaign Letter”). The Campaign Letter clearly identified the Respondent as the author of such communication. For example, the Campaign Letter was issued in the first person (“My name is Katherine Kiefer, and I’m running for Selectman.”) and was signed by the Respondent.
3. The Respondent paid to maintain her own campaign website, kiefercampaign.com (the “Campaign Website”). The Campaign Website also clearly identified the Respondent as the author of the communication.
4. Based on a review of the communications described above, the Commission finds that the person issuing the communications was clear to the reasonable observer. The Commission further notes the absence of any evidence of any intent to deceive or mislead the public.
5. Upon learning of the instant complaint, the Respondent made a good faith effort to comply with the applicable attribution requirements. For example, the Respondent included a “Paid for by Katherine Kiefer” and “Approved by Katherine Kiefer” on the Campaign Website.
6. The Respondent has cooperated fully with the investigation.
7. General Statutes § 9-621 (a), governing attributions on certain written political communications provides, in relevant part:

[N]o candidate or committee shall make or incur any expenditure ... 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 ... 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...

8. In this context, General Statutes § 9-621 (a) requires disclosure concerning both who paid for and who approved political communications. As a municipal candidate making expenditures of her own funds to promote her candidacy, the face of any such communications must state that the communication was both approved by and paid for by the Respondent, followed by the Respondent's address. See, e.g., *Complaint of Migdalia Castro, New Haven*, File No. 2013-014.
9. As applied to the Campaign Website, the requirement that such "communication bears upon its face" an attribution pursuant to General Statutes § 9-621 (a) requires the attribution to be placed, at a minimum, upon the homepage of any similar campaign website.
10. Based on the Commission's finding that the person issuing the communications was 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 *Complaint 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, *Complaints of Pete Bass, New Milford*, File Nos. 2012-158 & 162.

ORDER

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

That no further action be taken.

Adopted this 30th day of November, 2013 at Hartford, Connecticut.


Anthony J. Castagno, Chairman
By Order of the Commission