

STATE OF CONNECTICUT
STATE ELECTIONS ENFORCEMENT COMMISSION

Complaint of Gennaro Ruocco,
East Haven

File No. 2013-139

FINDINGS AND CONCLUSIONS

Complainant filed the instant complaint with the Commission pursuant to General Statutes §9-7b, alleging that the candidate committee *Maturo for Mayor 2013*, violated General Statutes § 9-621 (b) in connection with a telephone poll that failed to include the candidate's name and voice in the narrative before the end of the call. After an investigation of the matter, the Commission makes the following findings and conclusions:

1. The *Maturo for Mayor 2013* committee was registered by Mr. Joseph Maturo, Jr., as a mayoral candidate committee for the November 5, 2013 election in the Town of East Haven.
2. The Complainant alleged that telephone calls conducted by the Maturo for Mayor 2013 committee did not contain the candidate's name and voice in the narrative and before the end of such call in violation of General Statutes § 9-621 (b).
3. It is not disputed by either Complainant or Mr. Maturo that the *Maturo for Mayor 2013* committee made expenditures for a telephone poll that is the subject of the instant complaint. It is the Respondent's position that the poll conducted was not automated but rather a live survey. Further, it is not disputed that the aforementioned poll did not contain a disclaimer identifying the candidate or committee responsible for the same.
4. Complainant's additional claim that some of the telephone calls at issue were "automated," and therefore required an attribution pursuant to General Statutes § 9-621 is denied by Mr. Maturo.
5. General Statutes § 9-621 provides in pertinent part:

...

(b) (3) No candidate or **candidate committee** or exploratory committee established by a candidate *shall make or incur any expenditure for automated telephone calls which promote 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 the candidate's name and voice are contained in the narrative of the call, before the end of such call.* [Emphasis added.]

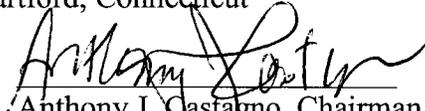
6. The Complainant provided the names of three individuals that purportedly received the telephone calls in the form of a poll or survey by *Maturo for Mayor 2013* and identified one witness of the three who also allegedly received an automated version of the telephone poll that is subject of this complaint.
7. Upon thorough investigation, the three witnesses identified by Complainant were able to confirm that they received telephone calls that were conducted by live human beings that consisted of a survey or poll that was on the whole favorable to the Maturo mayoral campaign. However, the witnesses were not able to confirm with certainty that any of the telephone calls were automated. Moreover, the vendor who provided the telephone polling services discussed herein provided evidence to Commission investigators that such services to *Maturo for Mayor 2013* were for live phone banking.
8. The Commission finds therefore, for reasons detailed herein, that the evidence supports claims that surveys were conducted by live human beings and that there was a lack of evidence to substantiate the allegation that automated calls were conducted by *Maturo for Mayor 2013*. The Commission therefore dismisses Complainant's allegations as they pertain to alleged automated telephone calls.
9. The Commission concludes that General Statutes § 9-621 (b) (3) requires that the candidate's name and voice are contained in the narrative of the call, before the end of such call, *only* under the circumstances of an *automated* telephone call and does not otherwise apply to calls made by live human beings.
10. Accordingly, the Commission concludes that the disclaimer requirement of General Statutes § 9-621 (b) (3) did *not* apply to telephone calls made by live human beings in support of the mayoral campaign of Mr. Maturo at the November 5, 2013 election in East Haven as occurred in this instance.
11. The Commission therefore dismisses this matter.

ORDER

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

That the matter be dismissed.

Adopted this 16th day of April, 2014 at Hartford, Connecticut


Anthony J. Castagno, Chairman
By Order of the Commission