

STATE OF CONNECTICUT
STATE ELECTIONS ENFORCEMENT COMMISSION

Complaint of David M. Reed, Somers

File No. 2014-028

FINDINGS AND CONCLUSIONS

The Complainant filed this complaint with the Commission pursuant to General Statutes § 9-7b alleging that an unknown individual or individuals placed political signs without any attributions required by General Statutes § 9-621 (a). Although such attribution requirement only applies to signs with a surface area of more than thirty-two square feet, the allegations did not specify or otherwise permit a reasonable determination as to the size of such signs on the face of the allegations.

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

1. During the 2013 municipal election in Somers, Connecticut, four signs promoting petitioning candidates appeared in the municipality.
2. Such signs did not have attributions stating who paid for the signs or if any candidate or candidates approved the signs.
3. Based on a review of the invoice from the printing company utilized to produce such signs, the purchaser of the signs had written contractual information indicating that they were four feet by eight feet signs, or thirty-two square feet.
4. In order to further ensure that the signs did not exceed thirty-two square feet, prior to posting such signs, the purchaser cut triangular pieces of several square inches off each of the four corners of each of the four signs.
5. In short, in making the expenditure, the purchaser was acting in good faith reliance of written contractual information and then took the further additional step of cutting the signs to ensure compliance with the applicable statutes.
6. The assigned Commission investigator was able to obtain and measure the signs. Based on such measurements, which account for the reduced corners, two of the four signs were under thirty-two square feet. Based on such measurements, the two others signs were thirty-two point zero six (32.06) and thirty two point zero seven (32.07) square feet as rounded to the nearest hundredth square foot.

7. General Statutes § 9-621 (a) 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 as a disclaimer (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 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..

8. General Statutes § 9-621 (d) provides, in relevant part:

The provisions of subsections (a), (b) and (c) of this section do not apply to ... (4) signs with a surface area of not more than thirty-two square feet.

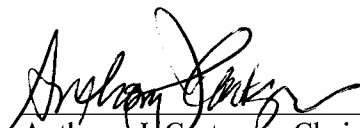
9. The Commission concludes that based on the contractual information available to the purchaser, that the purchaser did not make an expenditure for a communication governed by General Statutes § 9-621 (a) as the purchase was for signs that did not exceed thirty-two square feet and were thus exempt under § 9-621 (d). As to the potential application or further examination of the law regarding the issue of whether the measurements noted in paragraph six suggest that there may have been a technical violation, the Commission looks to the legal maxim of *de minimis non curat lex* (the law does not notice or concern itself with trifling matters).

ORDER

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

That the matter be dismissed.

Adopted this 18th day of June, 2014 at Hartford, Connecticut.


Anthony J. Castagno, Chairman
By Order of the Commission