

STATE OF CONNECTICUT
STATE ELECTIONS ENFORCEMENT COMMISSION

In re. Audit Report for Bartlett 2012

File No. 2014-057

FINDINGS AND CONCLUSIONS

The Commission initiated this investigation into the candidate committee of Jason Bartlett in relation to findings that were made during the Commission's post-election audit process. After its investigation, the Commission makes the following findings and conclusions:

1. Jason Bartlett created a candidate committee to run for the 24th state senate seat in the 2012 election cycle.¹ Earlier, Bartlett had created an exploratory committee to determine the office for which he should run.² That exploratory committee was terminated and the surplus funds were ultimately transmitted to the candidate committee.³
2. The Bartlett candidate committee participated in the Citizens' Election Program.⁴ The Bartlett candidate committee applied for and received a grant totaling \$91,290 from the Citizens' Election Fund.⁵
3. Following the election, the Commission audited the Bartlett candidate and exploratory committees. The audit identified several instances where the committees had failed to supply sufficient documentation to justify the expenditures made by the committees. Numerous attempts were made by Commission staff to obtain those documents from the candidate and exploratory committee, but none succeeded.
4. General Statutes § 9-608 (c)(1)(C) requires a campaign treasurer to itemize each expenditure made by the committee on financial disclosure statements filed periodically with the Commission. See General Statutes § 9-608 (c)(1)(C) (directing campaign

¹ See SEEC Form 1 – Registration by Candidate (*Bartlett 2012*, May 23, 2012) (establishing candidate committee for Jason Bartlett seeking 24th district state senate seat and naming Greg Williams as treasurer).

² See SEEC Form 4 – Exploratory Committee Registration (*Friends of Jason Bartlett*, January 29, 2012) (establishing exploratory committee for Jason Bartlett to explore running for General Assembly seat and naming Greg Williams as treasurer).

³ See SEEC Form 30 – Itemized Campaign Finance Disclosure Statement: Supplemental Termination Report 1 (*Friends of Jason Bartlett*, September 11, 2012) (reflecting payment of \$387.60 surplus on September 10, 2012 to *Bartlett 2012* candidate committee to close out exploratory committee's accounts).

⁴ See SEEC Form CEP 10 – Affidavit of Intent to Abide by Expenditure Limits and Other Citizens' Election Program Requirements (*Bartlett 2012*, May 31, 2012) (evincing candidate's and treasurer's acceptance of voluntary limitations as participants in Citizens' Election Program).

⁵ See SEEC Form 30 – Itemized Campaign Finance Disclosure Statement: October 10 Filing (*Bartlett 2012*, October 10, 2012) (reflecting receipt of \$91,290 grant from Citizens' Election Fund on September 21, 2012).

treasurer to provide “itemized accounting of each expenditure, if any, including the full name and complete address of each payee, . . . the amount and the purpose of the expenditure, the candidate supported or opposed by the expenditure, whether the expenditure is made independently of the candidate supported or is an in-kind contribution to the candidate . . .”). To corroborate those expenditures, the treasurer must supply contemporaneous documentation of each expenditure. *See* General Statutes § 9-607 (f) (requiring treasurer to maintain “contemporaneous invoices, receipts, bills, statements, itineraries, or other written or documentary evidence showing the campaign or other lawful purpose of the expenditure”). The general statutes require the campaign treasurer of a candidate committee to retain all financial documentation from the committee for four years from the date of the last report that the candidate committee was required to file. *Id.*

5. The Commission’s regulations also require all committees to execute a written contract for any services rendered valued at more than \$100 as well as documentation showing what services were actually provided. *See* Regs., Conn. State Agencies § 9-607-1 (a) (1) and (2). The Commission’s regulations require “contemporaneous detailed documentation.” The Commission’s regulations require “contemporaneous detailed documentation.”

The absence of contemporaneous detailed documentation indicating that an expenditure was made to directly further the participating candidate’s nomination for election or election **shall mean that the expenditure** was not made to directly further the participating candidate’s nomination for election or election, and thus **was an impermissible expenditure.** (Emphasis added).

Regs., Conn. State Agencies § 9-706-1 (b). Any expenditure made by a participating candidate committee for which the campaign treasurer lacks “contemporaneous detailed documentation” may be deemed by the Commission to be an impermissible expenditure. *See* Regs., Conn. State Agencies § 9-706-1 (b).

6. The legislature has vested the Commission with the authority to “inspect or audit at any reasonable time and upon reasonable notice the account or records of any campaign treasurer or principal campaign treasurer, as required by chapter 155 or 157[.]” General Statutes § 9-7b (a)(5). As stated previously, the Commission also is required to audit all statewide candidate committees. *Id.* The Commission also has the authority to subpoena documents and seek enforcement of its subpoenas at the Superior Court in Hartford. *See* General Statutes § 9-7b (a) (1).

7. Unfortunately, this case, which could have been resolved quickly, shortly after its initiation, has lingered on the Commission's docket, as other, higher priority matters have taken precedence and been moved to conclusion. Given the length of time that has elapsed since this matter was initially referred for additional investigation, removing this case from the Commission's docket by adopting a decision that simply closes the matter without opining on the underlying facts that initially led to the referral is appropriate.

ORDER

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

That the Commission take no further action on this matter.

Adopted this 5th day of May 2021, at Hartford, Connecticut



Stephen Penny, Chairman
By Order of the Commission