

STATE OF CONNECTICUT
STATE ELECTIONS ENFORCEMENT COMMISSION

In the Matter of a Complaint by Matthew Gaynor, Milford

File No. 2014-089

FINDINGS AND CONCLUSIONS

The Complainant brings this Complaint pursuant to Connecticut General Statutes § 9-7b, alleging that Respondent Senator Gayle Slossberg improperly utilized legislative mailers to promote her candidacy for re-election in the 14th Senate District in the Connecticut General Assembly for the November 2014 General Election.

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

1. At all times relevant to the instant Complaint, Respondent Slossberg was the incumbent state senator in the 14th Senate District in the Connecticut General Assembly and a candidate for re-election to that seat for the November 2014 General Election.
2. At all times relevant to the instant Complaint, the Respondent was a “participating candidate” in the Citizens Election Program (“CEP”) and her supporting candidate committees received a grant pursuant to the program.
3. The Complainant here asserts that mailers sent to constituents within the Respondent’s district pursuant to General Statutes § 2-15a constituted impermissible promotion of the Respondent’s candidacy and a violation of General Statutes § 9-610 (d).
4. General Statutes § 2-15a , provides in pertinent part:
 - (a) Each member of the General Assembly *shall be entitled to send an annual mailing to each household in such member’s district, for informational purposes*. The mailing shall be conducted under the supervision of the Joint Committee on Legislative Management and in accordance with rules adopted by the committee.
 - (b) In even-numbered years, no such mailing may be sent after July fifteenth. A member shall be deemed in compliance with this subsection if the member delivers the mailing to the offices of the Joint Committee on Legislative Management no later than said July fifteenth. [Emphasis added.]

5. General Statutes § 9-610 (d) provides:

(d) (1) No incumbent holding office shall, during the three months preceding an election¹ in which he is a candidate for reelection or election to another office, use public funds to mail or print flyers or other promotional materials intended to bring about his election or reelection.

(2) No official or employee of the state or a political subdivision of the state shall authorize the use of public funds for a television, radio, movie theater, billboard, bus poster, newspaper or magazine promotional campaign or advertisement, which (A) features the name, face or voice of a candidate for public office, or (B) promotes the nomination or election of a candidate for public office, during the twelve-month period preceding the election being held for the office which the candidate described in this subdivision is seeking.

6. The Complainant here does not allege that any legislative mailer was sent outside of the deadlines enumerated in General Statutes §§ 2-15a and/or 9-610 (d) but rather imply, without more, that the mailers were promotional of the Respondent and therefore were impermissibly utilized in support of the Respondent's campaign.
7. The Commission has addressed past matters involving misuses of legislative mailers in the service for purposes outside their legislative mandate. See, e.g., *In the Matter of a Complaint by James F. Noonan Jr., Glastonbury*, File No. 2000-16 (Incumbent state senator utilized mailer to influence electors to vote for a proposed constitutional amendment, in violation of General Statutes § 30a (b), which specifically proscribes such use of state funds); *In the Matter of a Complaint by John Mazurel, Wolcott*, File No. 2002-247 (Incumbent state representative distributed 75-100 surplus legislative mailers along with campaign materials promoting his candidacy in violation of General Statutes § 9-610 (d) (1) [then § 9-3331 (d) (1)]); and *In the Matter of a Complaint by Christopher Healy, Wethersfield*, File No. 2008-123 (Incumbent state representative altered surplus legislative mailers and utilized them in the service of his campaign for re-election).
8. However, each of the above matters involved either specific campaign uses of the mailers after the statutory periods enumerated in §§ 2-15a and 9-610 (d) (1) or, in the case of *Noonan*, a violation of a particular prohibition on influencing electors to vote for or against a constitutional amendment.

¹ The term "election," as defined in General Statutes § 9-1 (d), does not include primaries.

9. Here, there are no allegations in this matter that the legislative mailers at issue were specifically created and/or utilized to promote the candidacy of the Respondent beyond the statutory periods in §§ 2-15a and 9-610 (d) (1).
10. Moreover, after investigation, the Commission finds that the evidence supports a finding that the mailers were sent no later than July 10, 2014, before the running of the statutory periods in both §§ 2-15a and 9-610 (d) (1).
11. Finally, factually and as a matter of law, the mailers did not constitute a “television, radio, movie theater, billboard, bus poster, newspaper or magazine promotional campaign or advertisement” and as such were not subject to the proscriptions of General Statutes § 9-610 (d) (2).
12. Considering the aforesaid, this matter should be dismissed.

ORDER

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

That the matter is dismissed.

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

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

Anthony J. Castagno, Chairperson
By Order of the Commission