

**STATE OF CONNECTICUT**  
**STATE ELECTIONS ENFORCEMENT COMMISSION**

In the Matter of a Complaint by John Mazurek  
Wolcott

File No. 2014-099

**FINDINGS & CONCLUSIONS**

Complainant John Mazurek of Wolcott filed this complaint pursuant to Connecticut General Statutes § 9-7b alleging that the candidate committees of Robert Sampson of Wolcott and Joseph Markley of Plantsville had improperly made joint expenditures by sending mailings and purchasing advertising that featured both candidates. After investigating the allegations raised in the complaint the Commission makes the following findings and conclusions:

1. Respondent Robert Sampson ran for the 80<sup>th</sup> General Assembly seat in the 2014 election cycle.<sup>1</sup> The Sampson candidate committee qualified for grant monies totaling \$27,850 from the Citizens' Election Fund.<sup>2</sup>
2. Respondent Joseph Markley was a candidate for the 16<sup>th</sup> district state senate seat in the 2014 election cycle.<sup>3</sup> The Markley candidate committee received a grant from the Citizens' Election Fund totaling \$56,814.<sup>4</sup>
3. Complainant Mazurek, also a candidate for the 80<sup>th</sup> General Assembly seat in the 2014 election,<sup>5</sup> alleged that the Sampson and Markley candidate committees had improperly made joint expenditures to promote both candidates.<sup>6</sup> At the time Complainant filed the complaint, Sampson had already received a grant from the Citizens' Election Fund but Markley had not; some of the allegations in the complaint centered on the propriety of a participating candidate

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<sup>1</sup> See SEEC Form 1 – Registration by Candidate (*Sampson for CT*, January 20, 2014) (registering candidate committee for Robert C. Sampson for General Assembly election in 2014).

<sup>2</sup> See SEEC Form 30 – Itemized Campaign Finance Disclosure Statement – July 10<sup>th</sup> Filing (*Sampson for CT*, July 9, 2014) (reflected grant payments from Citizens' Election Fund in two transactions – on June 3, 2014 for \$8,355 and on June 27, 2014 for \$19,495).

<sup>3</sup> See SEEC Form 1 – Registration by Candidate (*Joe Markley for State Senate 2014*, January 6, 2014) (registering 2014 candidate committee for Joseph C. Markley).

<sup>4</sup> See SEEC Form 30 – First Weekly Supplemental Filing General Election (*Joe Markley for State Senate 2014*, October 22, 2014) (reflecting payment of initial general election grant of \$56,814 on October 15, 2014).

<sup>5</sup> See SEEC Form 1 – Registration by Candidate (*Corky for State Representative*, December 23, 2013) (registering Mazurek's candidate committee for 2014 election).

<sup>6</sup> See Complaint of John Marurek, Wolcott (State Elections Enforcement Comm'n, Rec'd August 25, 2014) (alleging that Sampson and Markley candidate committees had made improper joint expenditures).

committee making expenditures that potentially benefited a non-participating candidate committee.

4. Complainant's specific allegations focused on several advertisements placed in programs for local civic and volunteer organizations as well as mailers and promotional materials that the two candidate committees produced jointly.<sup>7</sup>
5. In addition, Complainant alleged that an advertisement placed in the Wolcott Volunteer Fire Department's booklet lacked the necessary attributions required on political advertisements.<sup>8</sup>
6. The Commission's Campaign Disclosure & Audit Unit examined the financial disclosure reports and supporting documentation provided by the *Sampson for CT* and *Joe Markley for State Senate 2014* candidate committees following both committees' selection for review as part of the post-election random audit process.
7. The Final Summary of Examination for each committee, both of which will be presented to the Commission at its January 2016 meeting, reflected no significant problems that would require additional investigation by the Commission's Enforcement Unit.<sup>9</sup>
8. General Statutes § 9-607 (g) (1) limits a candidate committee to making only expenditures that benefit the candidate who established the committee.<sup>10</sup>
9. General Statutes § 9-616 (a) specifically prohibits a candidate committee from making a contribution to another candidate committee.<sup>11</sup>

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<sup>7</sup> *Id.* Complainant identified expenditures made by the two committees in 2012 and 2014. The expenditures related to the 2012 election cycle included an advertisement in the Wolcott Lions Club advertising booklet and two mailers sent by the campaigns promoting both candidates. *Id.* The expenditures during the 2014 cycle that Complainant identified as potential violations of Connecticut's campaign finance statutes included: a "joint walk card;" advertisement in Wolcott Volunteer Fire Company's advertising booklet; advertisement in Wolcott Country Fair advertising booklet, and; a 16-square-foot lawn sign. *Id.*

<sup>8</sup> *Id.*

<sup>9</sup> See Final Summary of Examination – *Sampson for CT* (State Elections Enforcement Comm'n, January 13, 2016); Final Summary of Examination – *Joe Markley for State Senate 2014* (State Elections Enforcement Comm'n, January 13, 2016).

<sup>10</sup> See General Statutes § 9-607 (g) (1) (A) (i) (stating that "lawful purpose" of candidate committee is "the promoting of the nomination or election of the candidate *who established the committee*") (Emphasis added).

<sup>11</sup> See General Statutes § 9-616 (a) (prohibiting contributions from one candidate committee to another).

10. General Statutes § 9-610 (b) permits candidate committees to make joint expenditures as long as both candidate committees pay their pro rata share of the costs of the expenditure.<sup>12</sup>
11. In 2010, the Commission issued an advisory opinion explaining to candidate committees how to execute payment for and apply the proper attributions on expenditures that they may make in conjunction with another candidate committee or a party committee.<sup>13</sup>
12. The Commission made clear in that advisory opinion that joint expenditures between candidate committees were permitted.

A candidate committee may . . . engage in joint expenditures with another candidate committee for preparing, printing and disseminating any political communication that promotes each candidate, so long as each committee pays its pro rata share of the expenses.<sup>14</sup>

13. In his response to the complaint, Respondent Sampson provided detailed documentation for each of the joint expenditures identified by the complainant in both the 2012 and 2014 election cycles, breaking down the amount paid by his committee and Respondent Markley's committee.<sup>15</sup>
14. The information provided by Respondent Sampson showed that his and Respondent Markley's committees contributed their pro rata share for each of the expenditures the two committees made jointly.<sup>16</sup>

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<sup>12</sup> See General Statutes § 9-610 (b) (permitting candidate committees to share costs for expenditures as long as each pays its pro rata share of the expenditure).

<sup>13</sup> See Advisory Opinion 2010-07: Attribution Requirements for Joint Expenditures for Written, Typed, or Printed Communications, Television or Internet Audio Advertising, and Radio or Internet Audio Advertising (State Elections Enforcement Comm'n, June 30, 2010) (laying out payment and attribution requirements for joint expenditures).

<sup>14</sup> Advisory Opinion 2010-07, *supra*, at 1.

<sup>15</sup> See Letter from Robert Sampson to Charlie Urso (August 31, 2014).

<sup>16</sup> *Id.* The Sampson response showed that both candidate committees contributed to expenditures according to their pro rata share:

**2012**

- Advertisement in Wolcott Lions Club advertising booklet: Total Cost - \$750 (each committee paid \$375 to the vendor);
- Mailers featuring both candidates equally (7,195 mailers): Total Cost - \$2,614.74 (each committee paid \$1,307.37 to the vendor, Accurate Mailing Services)

**2014**

- Tri-Fold Flyer (1,500 items): Total Cost - \$375 (Sampson committee paid 5/6 of cost (\$332.34) because candidate was on five of six panels; Markley committee paid 1/6 (\$66.47) because candidate appeared only on panel.

15. In addition, although the joint advertisement in the Wolcott Volunteer Fire Department's advertising booklet lacked the proper attribution and disclaimers required under General Statutes § 9-621, Respondent Sampson showed that the version that he sent to the fire department organizer included the proper attributions.<sup>17</sup>
16. Respondent Sampson provided a copy of an email sent to the Wolcott Volunteer Fire Department that included a copy of the advertisement that the two candidates intended to place in the advertising booklet. That copy included the proper disclosure statements, but the language was omitted from the version that appeared in the advertising booklet, apparently because of an error by the printer.
17. The committees here complied with the directions of the Commission related to joint expenditures: each candidate committee paid for its pro rata share of all expenditures and the advertisements drafted by the candidate committees reflecting the proper attributions for those expenditures.
18. There is nothing inherently wrong with two candidate committees engaging in joint expenditures as long as each candidate committee pays its pro rata share of the expenditure; the two committees in this case satisfied that obligation.

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- Tri-Fold Flyer (2,000 items): Total Cost - \$425.40(Sampson committee paid 5/6 of cost (\$354.51) because candidate was on five of six panels; Markley committee paid 1/6 (\$70.89) because candidate appeared only on panel).
  - Advertisement in Wolcott Volunteer Fire Department advertising booklet: Total Cost - \$150 (each committee paid \$75 to the vendor).
  - Advertisement in Wolcott Country Fair advertising booklet: Total Cost - \$650 (each committee paid \$325 to the vendor).
  - Lawn sign – Sampson reported that the sign identified in the complaint was a sign that the two candidate committee had previously purchased in the 2012 cycle. In August 2012 both candidate committees paid CW Signs \$37.23 for a sign created for a Wolcott fair, that Sampson reported was 4 feet by 4 feet. *See* SEEC Form 30 - Itemized Campaign Finance Disclosure Statement, October 10 Report (*Sampson 2012*, October 1, 2012) (Rec'd October 5, 2012) (reflecting payment to CW Signs); SEEC Form 30 – Itemized Statement Accompany Application for Public Grant - Original (*Joe Markley for State Senate*, September 19, 2012) (reflecting payment to CW Signs).

<sup>17</sup> *See* General Statutes § 9-621 (a) (1) (B) and (2) (B) (specifying disclaimer language for candidate committees).

**ORDER**

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

That the Commission will dismiss this matter.

Adopted this 13<sup>th</sup> day of January, 2016 at Hartford, Connecticut.

  
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Anthony J. Castagno, Chairperson  
By Order of the Commission