

STATE OF CONNECTICUT
STATE ELECTIONS ENFORCEMENT COMMISSION

In the Matter of a Complaint by Kirk Carr, Clinton

File No. 2014-117

FINDINGS AND CONCLUSIONS

The Complainant alleged that the Clinton Parent Teachers Association made expenditures advocating for a “Yes” vote in budget referenda held in the Town of Clinton in May and June 2014 and were required to form a political committee and report its fiscal activities, but failed to do so.¹

BACKGROUND

1. On May 14, 2014 and June 4, 2014, the Town of Clinton held referenda in which the electors of the town voted on, among other things, elements of the proposed town budgets.

ALLEGATIONS

1. The Complainant alleges that the

Clinton Parents Teachers Association’s (CPTA) [participated] in political action in advocacy of passing the Education budget at referendums in Clinton in May and June of 2014. This includes printed literature, website messaging and a picture which includes one example of campaign signs the CPTA clearly paid for and distributed in quantities throughout Clinton. Participating as a Political Action Committee (PAC) subjects this organization to the same reporting requirements of all PACs. Checking with the Clinton Town Clerk as recently as Friday, September 27, 2014, I learned that no Form 20 has ever been filed by the CPT A with the Town Clerk. I believe this may be a violation of Connecticut Elections Enforcement Commission Rules and Regulations.

¹ The following are the Commission’s findings and conclusions based on those portions of the Complainant’s statement of complaint which the Commission could reasonably construe as alleging facts amounting to a specific violation of those laws within the Commission’s jurisdiction. Any statements within the Complaint not addressed herein either did not specifically allege a violation or alleged facts which if proven true would not have amounted to a violation within the Commission’s jurisdiction.

2. The Complainant included literature from the CPTA advocating a result in the May 14th referendum and a photograph of a CPTA volunteers with a sign advocating a “yes” vote in the referendum,
3. The Complainant also included copies of emails from the Complainant to an individual, Peter Nye, allegedly associated with the CPTA in which the Complainant threatened to file this Complaint if the CPTA did not file a campaign finance report. Mr. Nye asserted that he would look into it and in his final reply to the Complainant he asserts that the CPTA believed that it was in compliance.

LAW

4. General Statutes § 9-602 reads, in pertinent part:

(a) Except with respect to an individual acting alone, *or with respect to a group of two or more individuals acting together that receives funds or makes or incurs expenditures not exceeding one thousand dollars in the aggregate*, no contributions may be made, solicited or received and no expenditures, other than independent expenditures, may be made, directly or indirectly, in aid of or in opposition to . . . any party or referendum question, unless (1) the . . . chairman of the committee has filed a designation of a treasurer and a depository institution situated in this state as the depository for the committee’s funds, . . . *In the case of a political committee, the filing of the statement of organization by the chairman of such committee, in accordance with the provisions of section 9-605, shall constitute compliance with the provisions of this subsection.* (Emphasis added.)

5. General Statutes § 9-605 reads, in pertinent part:

. . .
(d) A group of two or more individuals who have joined solely to promote the success or defeat of a referendum question *shall not be required to file as a political committee, make such designations in accordance with subsections (a) and (b) of this section or file statements pursuant to section 9-608, if the group does not receive or expend in*

excess of one thousand dollars for the entire campaign. If the group receives funds or makes or incurs expenditures exceeding one thousand dollars in the aggregate, the group shall complete the statement of organization and file as a political committee not later than three business days thereafter. The group shall provide the designated treasurer with all information required for completion of the statements for filing as required by section 9-608. . . .

6. General Statutes § 9-608 reads, in pertinent part:

(a) (1) Each treasurer of a committee, other than a state central committee, shall file a statement, sworn under penalty of false statement with the proper authority in accordance with the provisions of section 9-603, (A) on the tenth calendar day in the months of January, April, July and October, provided, if such tenth calendar day is a Saturday, Sunday or legal holiday, the statement shall be filed on the next business day, except that in the case of a candidate or exploratory committee established for an office to be elected at a special election, statements pursuant to this subparagraph shall not be required, (B) on the seventh day preceding each regular state election, except that (i) in the case of a candidate or exploratory committee established for an office to be elected at a municipal election, the statement shall be filed on the seventh day preceding a regular municipal election in lieu of such date, except if the candidate's name is not eligible to appear on the ballot, in which case such statement shall not be required, (ii) in the case of a town committee, the statement shall be filed on the seventh day preceding each municipal election in addition to such date, (iii) in the case of a candidate committee in a state election that is required to file any supplemental campaign finance statements pursuant to subdivisions (1) and (2) of subsection (a) of section 9-712, such supplemental campaign finance statements shall satisfy the filing requirement under this subdivision, and (iv) in the case of a candidate committee established by a candidate whose name is not eligible to appear on the ballot, such statement shall not be required, and (C) if the committee has made or received a contribution or expenditure in connection with any other election, a primary or a referendum, on the seventh day preceding the election, primary or referendum, except that in the case of a candidate committee in a primary that is required to file statements pursuant to subdivisions (1) and (2) of subsection (a) of section 9-712, such statements shall satisfy the filing requirement under this subdivision.

The statement shall be complete as of eleven fifty-nine o'clock p.m. of the last day of the month preceding the month in which the statement is required to be filed, except that for the statement required to be filed on the seventh day preceding the election, primary or referendum, the statement shall be complete as of eleven fifty-nine o'clock p.m. of the second day immediately preceding the required filing day. The statement shall cover a period to begin with the first day not included in the last filed statement. In the case of a candidate committee, the statement required to be filed in January shall be in lieu of the statement formerly required to be filed within forty-five days following an election.

...
(b) Exemption from filing requirements. *The statements required to be filed under subsection (a) of this section and subdivisions (2) and (3) of subsection (e) of this section, shall not be required to be filed by: . . . (2) a political committee formed solely to aid or promote the success or defeat of any referendum question until such committee receives or expends an amount in excess of one thousand dollars; . . . (Emphasis added.)*

RESPONSE

7. CPTA president Erica Gelven responded generally on its behalf. She responded, in part:

Since its inception in 2008, the Clinton PTA's mission has been . . . to be a collective voice for Clinton Public School students, parents and teachers. The Clinton PTA recognizes that which is working well, identifies areas of concern and provides valuable resources toward solutions. The CPTA relies on its membership to work together with the Clinton Board of Education, Administration, Friends Groups, parents, teachers, community members and organizations to enhance and improve educational opportunities for all students. In advocating for our students, parents and teachers, and empowering parents to be a voice for their children, the CPTA expects to improve student performance and foster social, emotional, mental and physical development at all levels, and to promote the continuous improvement in the quality of Clinton's public schools.

Further, the Clinton PTA's by-laws, as prescribed and approved by the State of Connecticut PTA, specifically state:
Article II: Purpose

Section 1. The purposes of the Clinton PTA in common with those of the Connecticut PTSA and National PTA are:

- a. To promote the welfare of children in home, school, community and places of worship.
- b. To bring into closer relation the home and the school, that parents and teachers may cooperate intelligently in the education of children.
- c. To raise the standards of home life.
- d. To secure adequate laws for the care and protection of children and youth.
- e. To develop between educators and the general public such united efforts as will secure for all children the highest advantages in physical, mental, and social education.

Section 2. The purposes of the PTA are promoted through and advocacy and educational program directed toward parents, teachers, and the general public; developed through committees, projects and programs; and governed and qualified by the basic policies set forth in Article III.

In alignment with its overall mission, the Clinton PTA membership has previously voted to support the Town of Clinton's Education Budget in its annual referendum (which budget is separate from its general town budget). Clinton PTA has NEVER endorsed a specific candidate. As do all local branches of the National PTA, the Clinton PTA operates fully as a volunteer organization with limited funds primarily collected as dues. A substantial part of the Clinton PTA's budget is spent on educational speakers to serve the interests of its members. In fact, for fiscal year 2014, \$1,980 (48%) of its budget was spent on educational speakers and \$394 (10%) of its budget was spent on signs and other Get Out the Vote efforts.

Before spending any of its funds on efforts to support of the Town of Clinton Education Budget, the Clinton PTA sought the counsel of State of Connecticut PTA representatives and consulted resources of the National PTA. Based on the advice given and the information collected, the Clinton PTA deemed it implausible that every PTA in the state of Connecticut which supports its town's education budget would be considered a PAC and thus be reporting to the SEEC as such. It has never been the intent of the Clinton PTA to function as or to do the work of a PAC. If it seemed as such, there was certainly a misunderstanding.

8. In follow up correspondence with SEEC investigators, the CPTA asserted that it spent below the \$1,000 threshold required to report under General Statutes §§ 9-602, 9-605, and 9-608 and as such, was not required to form a political committee and/or report its financial activity in association with the May and June 2014 referenda.

9. In response to the instant investigation, the CPTA provided receipts, canceled checks, and invoices for the expenditures associated with the May and June 2014 referenda.

FACTUAL FINDING

10. After investigation, SEEC staff found that the following expenditures were made by the CPTA in support of the May and June 2014 referenda:

Domain and Website Services	\$59.95
Mailers and Postage	\$394.20
Lawn Signs ²	\$262.98

TOTAL	\$717.14

ANALYSYS AND CONCLUSION

11. This matter is fairly straightforward. Although the CPTA had a prior existence, for the purposes of the filing and reporting requirements under §§ 9-602, 9-605, and 9-608, it is considered a “one or more persons” group. See, e.g., *In the Matter of a Complaint by Carrie Boron, Hampton*, File No. 2014-074 (membership organization with a prior existence was a “one or more persons” group under §§ 9-602, 9-605, and 9-608, did not exceed the \$1,000 threshold in a referendum, and was not required to form committee or report financial activity).
12. Accordingly, the CPTA was only required to file a statement of organization and to report its financial activities once its activity exceeded the \$1,000 threshold enumerated in General Statutes §§ 9-602, 9-605, and 9-608. Here, the Respondent has provided sufficient proof that its activities fell below that threshold. As such, this matter should be dismissed.

² The lawn signs were reused from the 2013 referendum and the CPTA could possibly reasonably assert some depreciation in value, but here these values represent the full purchase price of the signs used.

ORDER

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

Dismissed

Adopted this 15th day of September, 2015 at Hartford, Connecticut.



Anthony J. Castagno, Chairperson
By Order of the Commission