

STATE OF CONNECTICUT
STATE ELECTIONS ENFORCEMENT COMMISSION

In the Matter of a Complaint by
Jeffrey E. Shorts, Coventry

File No. 2014-124

FINDINGS AND CONCLUSIONS

The Complainant filed this complaint pursuant to General Statutes § 9-7b. The Complainant alleged that the candidate committee *People for Ortiz*, a candidate committee registered for the November 4, 2014 election, violated campaign finance laws pertaining to reporting and filing requirements. After an investigation of the Complaint, the Commission makes the following findings and conclusions:

1. Complainant, by a complaint received October 14, 2014, alleged that *People for Ortiz* (hereinafter "Committee"), a candidate committee registered by Anthony J. Ortiz, failed to: (1) report expenses incurred but not paid for its website; and, (2) failed to file its July 10, 2014 campaign finance statement by the due date.
2. The Committee was registered on May 31, 2014 by Mr. Ortiz for his campaign for State Representative in General Assembly District 8 at the November 4, 2014 election. Mr. Ortiz designated Judith S. Ortiz as campaign treasurer of the Committee.
3. Anthony J. Ortiz and Judith S. Ortiz have no prior history with the Commission.
4. General Statutes § 9-603, provides in pertinent part:
 - (a) ***Statements filed by*** party committees, political committees formed to aid or promote the success or defeat of a referendum question proposing a constitutional convention, constitutional amendment or revision of the Constitution, individual lobbyists, and those political committees and ***candidate committees formed to aid or promote the success or defeat of any candidate for*** the office of Governor, Lieutenant Governor, Secretary of the State, State Treasurer, State Comptroller, Attorney General, judge of probate and ***members of the General Assembly, shall be filed with the State Elections Enforcement Commission.*** A political committee formed for a slate of candidates in a primary for the office of justice of the peace shall file statements with the town clerk of the municipality in which the primary is to be held.

5. General Statutes § 9-608, provides 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, ...

...

(c)(1) Each statement filed under subsection (a), (e) or (f) of this section shall include, but not be limited to: ... (C) **an itemized accounting of each expense incurred but not paid**, provided if the expense is incurred by use of a credit card, the accounting shall include secondary payees, and the amount owed to each such payee; ... [Emphasis added.]

6. General Statutes § 9-623, provides in pertinent part:

(a) Any person who knowingly and wilfully violates any provision of this chapter shall be guilty of a class D felony. The Secretary of the State or the town clerk shall notify the State Elections Enforcement Commission of any such violation of which said secretary or such town clerk may have knowledge. Any such fine for a violation of any provision of this chapter applying to the office of the Treasurer shall be deposited on a pro rata basis in any trust funds, as defined in section 3-13c, affected by such violation.

(b) (1) **If any treasurer fails to file any statement required by section 9-608**, or if any candidate fails to file either (A) a statement for the formation of a candidate committee as required by section 9-604, or (B) a certification pursuant to section 9-603 that the candidate is exempt from forming a candidate committee as required by section 9-604, **within the time required, the treasurer or candidate, as the case may be, shall pay a late filing fee of one hundred dollars.** ... [Emphasis added]

7. Upon investigation, the Commission finds that the Committee, by filing an *Itemized Campaign Finance Disclosure Statement* (SEEC Form 30), reported expenses incurred but not paid on October 23, 2015 for its website, which the Committee reported as an “amendment.”
8. Specifically, the Commission finds that the Committee disclosed expenses incurred but not paid totaling \$33.15 on July 20, 2015 and on August 20, 2015 to “GoDaddy” in the amounts of \$13.17 and \$19.98 respectively. Further, the aforementioned expenditure descriptions were reported as “domain name registration” and “web-space hosting and maintenance”
9. The Commission concludes that the Committee disclosed the expenses incurred but not paid for its website as required by General Statutes § 9-608 (c), and that such disclosure through an amended financial statement is both permissible and encouraged when original omissions occur. Therefore, the Commission dismisses the allegation regarding a failure to disclose costs for the Committee website as it was not supported by the findings after investigation.
10. The Commission notes that the Committee as a committee for statewide office that was registered on May 31, 2014, had a campaign finance statement due on July 10, 2014 pursuant to General Statutes § 9-603 (a) and § 9-608 (a). Further, the Commission finds that the Committee filed the aforementioned financial statement with the Commission on July 14, 2014, or four days *after* the required due date pursuant to § 9-608 (a).
11. General Statutes § 9-623 (a), requires the payment of a late filing fee in the amount of \$100.00 for failure to file campaign finance statements within the required filing time as prescribed by § 9-608.
12. The Commission finds after investigation that on August 15, 2014 the Committee treasurer Judith S. Ortiz paid to the Commission a late filing fee in the amount of \$100.00 pertaining to the Committee’s late filing of its campaign finance statement originally due by July 10, 2014, but filed on July 10, 2014. This payment by Ms. Ortiz as treasurer of the Committee was required under the aforementioned circumstances pursuant to by General Statutes § 9-623 (a).
13. The Commission concludes that Judith S. Ortiz, by paying a late filing fee as treasurer of the Committee pertaining to the Committee’s July 10, 2014 campaign finance statement satisfied the requirement of General Statutes § 9-623 (a). The Commission therefore dismisses the allegation regarding the Committee’s late filing of its financial statement due on July 10, 2014 as it was satisfactorily remedied pursuant to statutes with the payment of the requisite late filing fee *prior* to the receipt of this complaint.


14. The Commission finds after investigation that Complainant's two allegations of campaign finance violations by the Committee pertaining to the November 4, 2014 were, in each instance, either adequately addressed by amendment of a financial statement in the course of investigation and/or remedied by the payment of a civil penalty consistent with the law *prior* to the October 14, 2014 receipt of the complaint by the Commission.

ORDER

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

That the Complaint be dismissed.

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



Anthony J. Castagno, Chairman
By Order of the Commission