

**STATE OF CONNECTICUT
STATE ELECTIONS ENFORCEMENT COMMISSION**

Complaint of Danielle L. Palladino, Torrington

File No. 2014-145

FINDINGS AND CONCLUSIONS

The Complainant filed this complaint with the Commission pursuant to General Statutes § 9-7b alleging that the Dan Farley For State Representative committee placed political signs without any attributions required by General Statutes § 9-621 (a). Although such attribution requirement only applies to signs with a surface area of more than thirty-two square feet, the Complainant alleges such signs exceeded this size.

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

1. The treasurer of the Dan Farley For State Representative committee, Gregg G. Cogswell, authorized the purchase of signs sized at thirty-two square feet.
2. In full cooperation with the instant investigation, Mr. Cogswell has provided contemporaneous invoices, which specify the dimensions of the signs ordered, as well as contemporaneous emails that reflect both diligence awareness of and compliance with the requirements of the applicable statute.
3. Mr. Cogswell has also offered to make the remaining signs available for inspection and measurement.
4. The Complainant has provided no evidence to support his claim that the size of the signs in question exceeded thirty-two square feet.
5. General Statutes § 9-621 (a) provides, in relevant part:

No individual shall make or incur any expenditure with the consent of, in coordination with or in consultation with any candidate, candidate committee or candidate's agent, no group of two or more individuals acting together that receives funds or makes or incurs expenditures not exceeding one thousand dollars in the aggregate and has not formed a political committee shall make or incur any expenditure, and no candidate or committee shall make or incur any

expenditure including an organization expenditure for a party candidate listing, as defined in subparagraph (A) of subdivision (25) of section 9-601, for any written, typed or other printed communication, or any web-based, written communication, which promotes the success or defeat of any candidate's campaign for nomination at a primary or election or promotes or opposes any political party or solicits funds to benefit any political party or committee unless such communication bears upon its face as a disclaimer (1) the words "paid for by" and the following: (A) In the case of such an individual, the name and address of such individual; (B) in the case of a committee other than a party committee, the name of the committee and its treasurer; (C) in the case of a party committee, the name of the committee; or (D) in the case of a group of two or more individuals that receives funds or makes or incurs expenditures not exceeding one thousand dollars in the aggregate and has not formed a political committee, the name of the group and the name and address of its agent, and (2) the words "approved by" and the following: (A) In the case of an individual, group or committee other than a candidate committee making or incurring an expenditure with the consent of, in coordination with or in consultation with any candidate, candidate committee or candidate's agent, the name of the candidate; or (B) in the case of a candidate committee, the name of the candidate..

6. General Statutes § 9-621 (d) provides, in relevant part:

The provisions of subsections (a), (b) and (c) of this section do not apply to ... (4) signs with a surface area of not more than thirty-two square feet.

7. The Commission concludes that Mr. Cogswell did not authorize an expenditure for a communication governed by General Statutes § 9-621 (a) as the contract was for signs that did not exceed thirty-two square feet and were thus exempt under § 9-621 (d). Assuming, arguendo, that through a printer's error the signs exceeded thirty-two square feet, the Commission looks to the legal maxim of *de minimis non curat lex* (the law does not notice or concern itself with trifling matters). See File No. 2014-028 for the same conclusion in a similar issue where, unlike the instant matter,

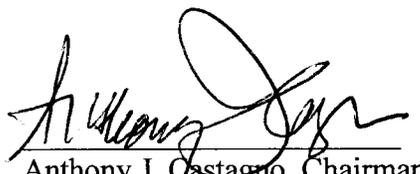
the evidence suggested that the signs were produced by printer's error in slightly greater dimensions than thirty-two square feet.

ORDER

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

That the matter be dismissed.

Adopted this 17th day of March, 2015 at Hartford, Connecticut.

A handwritten signature in black ink, appearing to read "Anthony J. Castagno". The signature is written in a cursive style with a large loop at the end.

Anthony J. Castagno, Chairman
By Order of the Commission