

STATE OF CONNECTICUT  
STATE ELECTIONS ENFORCEMENT COMMISSION

In the Matter of a Referral by the Campaign Disclosure and Audit Unit of the State  
Elections Enforcement Commission

File Nos. 2015-108DNF  
& 2015-109DNF

RESPONDENT:  
William M. Jenkins  
63 Ridge Road  
Chaplin, CT 06235

**Final Decision**

This matter was heard as a contested case on December 1, 2015 pursuant to Chapter 54 of the Connecticut General Statutes, § 9-7b of the Connecticut General Statutes and § 9-7b-35 of the Regulations of Connecticut State Agencies, at which time Attorney Ryan M. Burns appeared on behalf of the State of Connecticut and the Respondent, William M. Jenkins, appeared *pro se*. Both sides were given the opportunity to present evidence and testimony for inclusion in the hearing record. The State called a single witness, Shannon Clark Kief, Legal Program Director at the State Elections Enforcement Commission. The Hearing Officer also afforded each party the opportunity to submit post-hearing briefs in this consolidated matter.

After careful consideration of the entire record, the following facts are found and conclusions of law are made:

1. Michael J. Ajello was designated as Hearing Officer for the hearing on December 1, 2015, at a regular meeting held on October 20, 2015 of the State Elections Enforcement Commission (hereinafter "Commission").
2. These two matters, 2015-108DNF & 2015-109DNF, were consolidated upon agreement of the parties, as they involve the same Respondent and an identical disputed legal question.
3. The Respondent has continuously served as treasurer of the 35 is Alive Political Committee ("35 is Alive") since February 28, 2013. ***Joint Stipulation of Facts*** (Dec. 1, 2015) (the "Stipulation of Facts"). On the date of the December 1, 2015 hearing, the Respondent was still the treasurer of 35 is Alive. ***Stipulation of Facts***. Administrative notice is taken that according to its most recent registration statement, 35 is Alive is registered as an ongoing political committee established by two or more individuals, and was registered using a SEEC Form 3. General Statutes § 4-178 (6); Regs. Conn. State Agencies §§ 9-7b-41 (d) & (e); [http://seec.ct.gov/ecrisreporting/pdfviewer.aspx/noscan.pdf/SEEC3\\_4802\\_201302281201.PDF](http://seec.ct.gov/ecrisreporting/pdfviewer.aspx/noscan.pdf/SEEC3_4802_201302281201.PDF).
4. The Respondent has continuously served as treasurer of the Hampton Republican Town Committee ("HRTC") since February 28, 2013. ***Stipulation of Facts***. On the

date of the December 1, 2015 hearing, the Respondent was still the treasurer of the HRTC. **Stipulation of Facts.**<sup>1</sup> A town committee is a type of party committee. General Statutes § 9-601 (2).

5. The Respondent was required to file a financial disclosure statement on behalf of 35 is Alive by July 10, 2015, covering the period of April 1, 2015 to June 30, 2015. **Stipulation of Facts.** The Respondent received all notices required by General Statutes § 9-623 (b) (2) with regard to the financial disclosure statement due to be filed by July 10, 2015 for 35 is Alive. **Stipulation of Facts.**
6. The Respondent was required to file a financial disclosure statement on behalf of the HRTC by July 10, 2015, covering the period of April 1, 2015 to June 30, 2015. **Stipulation of Facts.** The Respondent received all notices required by General Statutes § 9-623 (b) (2) with regard to the financial disclosure statement due to be filed by July 10, 2015 for the HRTC. **Stipulation of Facts.**
7. The Respondent submitted a filing on behalf of 35 is Alive for the period covering April 1, 2015 through June 30, 2015, which was received by the Commission on July 2, 2015. **State's Exhibit 7.** The form used for the filing was a SEEC Form 30 (Itemized Campaign Disclosure Statement, Candidates for Statewide Offices and General Assembly) (rev. 6/07). **State's Exhibit 7.** The filing disclosed \$1,260 in aggregate contributions and approximately \$1,000 in expenditures. **State's Exhibit 7.**
8. The Respondent submitted a filing on behalf of the HRTC for the period covering April 1, 2015 through June 30, 2015, which was received by the Commission on July 2, 2015. **State's Exhibit 8.** The form used for the filing was a SEEC Form 30 (Itemized Campaign Disclosure Statement, Candidates for Statewide Offices and General Assembly) (rev. 6/07). **State's Exhibit 8.** The filing disclosed \$480 in aggregate contributions and no expenditures. **State's Exhibit 8.**
9. General Statutes § 9-608 (a) provides, in relevant part, as follows: “(1) **Each campaign 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, . . .” (Emphasis added).

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<sup>1</sup> In his post-hearing comments, the Respondent objects to the statement in paragraph 4 which provides that he “continuously served as treasurer of the Hampton Republican Town Committee (“HRTC”) since February 28, 2013.” This statement was part of the stipulated facts, signed by both the State and Respondent on December 1, 2015. **Stipulation of Facts par. 5.** His post-hearing comment notes that he became treasurer of the HRTC “sometime in 2015.” He does not allege, nor is it found, that this issue has any substantive effect on the analysis or decision herein. Notwithstanding the stipulated facts, administrative notice is taken that according to the Commission’s electronic Information Reporting Information System (“eCRIS”), the Commission received an amended registration from the HRTC on June 22, 2015, designating the Respondent as treasurer. [http://seec.ct.gov/ecrisreporting/pdfviewer.aspx/noscan.pdf/SEEC2\\_2034\\_201506221305.PDF](http://seec.ct.gov/ecrisreporting/pdfviewer.aspx/noscan.pdf/SEEC2_2034_201506221305.PDF)

10. General Statutes § 9-608 (c) (1) sets forth detailed, non-exhaustive instructions about what must be disclosed on such statements:

(1) Each statement filed under subsection (a), (e) or (f) of this section shall include, but not be limited to: (A) An itemized accounting of each contribution, if any, including the full name and complete address of each contributor and the amount of the contribution; (B) an itemized accounting of each expenditure, if any, including the full name and complete address of each payee, including secondary payees whenever the primary or principal payee is known to include charges which the primary payee has already paid or will pay directly to another person, vendor or entity, the amount and the purpose of the expenditure, the candidate supported or opposed by the expenditure, whether the expenditure is made independently of the candidate supported or is an in-kind contribution to the candidate, and a statement of the balance on hand or deficit, as the case may be; (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; (D) the name and address of any person who is the guarantor of a loan to, or the cosigner of a note with, the candidate on whose behalf the committee was formed, or the treasurer in the case of a party committee or a political committee or who has advanced a security deposit to a telephone company, as defined in section 16-1, for telecommunications service for a committee; (E) for each business entity or person purchasing advertising space in a program for a fund-raising affair or on signs at a fund-raising affair, the name and address of the business entity or the name and address of the person, and the amount and aggregate amounts of such purchases; (F) for each individual who contributes in excess of one hundred dollars but not more than one thousand dollars, in the aggregate, to the extent known, the principal occupation of such individual and the name of the individual's employer, if any; (G) for each individual who contributes in excess of one thousand dollars in the aggregate, the principal occupation of such individual and the name of the individual's employer, if any; (H) for each itemized contribution made by a lobbyist, the spouse of a lobbyist or any dependent child of a lobbyist who resides in the lobbyist's household, a statement to that effect; and (I) for each individual who contributes in excess of four hundred dollars in the aggregate to or for the benefit of any candidate's campaign for nomination at a primary or election to the office of chief executive officer or a slate or town committee financing the nomination or election or a candidate for chief executive officer of a town, city or borough, a statement indicating whether the individual or a business with which he is associated has a contract with said municipality that is valued at more than five thousand dollars. Each treasurer shall include in such statement (i) an itemized accounting of the receipts and expenditures relative to any testimonial affair held under the provisions of section 9-609 or any other fund-raising affair, which is referred to in subsection (b) of section 9-601a, and (ii) the date, location and a description of the affair, except that a treasurer shall not be required to include the name of any individual who has purchased items at a fund-raising affair or food at a town fair, county fair or similar mass gathering, if the cumulative value of items purchased by such

individual does not exceed one hundred dollars, or the name of any individual who has donated food or beverages for a meeting. A treasurer shall not be required to report or retain any receipts or expenditures related to any de minimis donations described in subdivision (17) of subsection (b) of section 9-601a.

11. The law sets forth additional disclosure requirements for party committees, and requires the Commission to post a link containing specific information extrapolated from such disclosures:

- (5) Each statement filed by the treasurer of a party committee ... shall include an itemized accounting of each organization expenditure<sup>2</sup> made by the committee.

- (6) The commission shall post a link on the home page of the commission's Internet web site to a listing of all organizational expenditures reported by a party... under subdivision (5) of this subsection. Such information shall include reported information on the committee making the expenditure, the committee receiving the expenditure and the date and purpose for the expenditure.

General Statutes § 9-608 (c) (5) & (6).

12. General Statutes § 9-624 (a) provides that “the State Elections Enforcement Commission shall prepare and print the forms required for compliance with this chapter and distribute them upon request to candidates and treasurers.”
13. The campaign finance disclosure form prepared and printed by the Commission for itemized disclosure by traditional ongoing political committees and for party committees (including town committees) is the SEEC Form 20 Itemized Campaign Finance Disclosure Statement (“SEEC Form 20”). *State's Exhibit 24 & Testimony of Shannon Clark Kief*. Commission staff has prepared and makes available instructions for the SEEC Form 20, and the instructions expressly provide that the SEEC Form 20 is to be used by political committees and party committees. *State's Exhibit 23 & Testimony of Shannon Clark Kief*. Exploratory committees and candidate committees file itemized disclosure statements using the SEEC Form 30 Itemized Campaign Finance Disclosure Statement (SEEC Form 30”), and the instructions for the SEEC Form 30 expressly provide that the SEEC Form 30 is for use by treasurers of exploratory and candidate committees for Statewide and General Assembly elections. *State's Exhibits 25, State's Exhibit 26, & Testimony of Shannon Clark Kief*. In addition, Commission staff prepares and publishes various guidebooks and other training materials which instruct treasurers which campaign finance disclosure statement is required for the various types of committees. *State's Exhibit 28 at p. 66, State's Exhibit 29 at p. 38, & Testimony of Shannon Clark Kief*. Testimony was

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<sup>2</sup> An “organization expenditure” is an exception to the definition of “contribution” or “expenditure” and may only be made by certain types of committees, including town committees, to benefit candidate or candidate committees. General Statutes § 9-601 (25).

provided that there are some substantive differences in the information required to be disclosed on the SEEC Form 20 and SEEC Form 30, such as the requirement of party committees to report organization expenditures as described in paragraph 11 above, for which there is no place to report on the SEEC Form 30. *Testimony of Shannon Clark Kief.*

14. In July of 2014, the Commission issued Advisory Opinion 2014-02 (Disclosure of Expenditures in Campaign Finance Statements Pursuant to Public Act 13-180) (“SEEC Advisory Opinion 2014-02”), which instructs, in relevant part:

*As an initial matter, the Commission would like to clarify that when it has prescribed forms, they must be used.* Persons may not use forms from other jurisdictions unless expressly provided in statute, *nor may they create their own forms.* “The Commission has the affirmative duty to create . . . forms to ensure compliance” with the state’s campaign finance laws. *In the Matter of a Complaint by Myrna Watanabe, Harwinton, 2012-161 at ¶ 3; General Statutes § 9-624 (a)* (“The State Elections Enforcement Commission shall prepare . . . the forms required for compliance with this chapter.”); *see also* General Statutes §§ 9-603(a), 9-675.

To be deemed a filing, a report must, at a minimum: (1) be signed and dated under penalty of false statement by the legally authorized person; (2) cover the applicable time period required by the applicable section or subsection of General Statutes §§ 9-608, 9-601d or 9-712; and (3) *be on the proper form required for that person for that filing.* Submissions that do not meet these minimal requirements will not be deemed filings and will result in penalties for non-filing; they will, however, be date stamped and made publicly available.

*State’s Exhibit 16* at p. 1-2 (emphasis added). The Advisory Opinion was posted on the Commission’s website upon issuance. *Testimony of Shannon Clark Kief.*

15. Prior to the issuance of SEEC Advisory Opinion 2014-02, committees were permitted to submit filings on forms and in formats not prescribed by the Commission. *Testimony of Shannon Clark Kief.* Before SEEC Advisory Opinion 2014-02 was issued, if a third party filed a complaint alleging that a filing was insufficient or did not contain the information required by law, such a complaint would typically be docketed for the Commission to determine whether or not there was a violation. *Testimony of Shannon Clark Kief.*
16. As a result of SEEC Advisory Opinion 2014-02, Commission staff instituted a “four corners review” policy. *Testimony of Shannon Clark Kief.* Testimony was provided to explain that the “four corners review” is a process whereby Commission staff looks at the face of a submitted filing to see if it meets the three criteria described above from SEEC Advisory Opinion 2014-02, which sets forth the minimum requirements for a report “to be deemed a filing.” *Testimony of Shannon Clark Kief.*
17. Although SEEC Advisory Opinion 2014-02 was issued in July 2014, it was not made a part of the filing intake process or non-filer enforcement docket until a year later

(July 2015), in order to give committee treasurers time to adapt to the new procedure. ***Testimony of Shannon Clark Kief.*** As noted above, the Advisory Opinion was posted on the Commission's website upon issuance; in addition, Commission staff reviewed filings and engaged in a series of outreaches to educate all committees of the change, including updating training materials, guidebooks, and filing notices to make treasurers aware, and engaging in specific outreach to committees whose January 2015 and April 2015 disclosure filings were not in compliance with the requirements of SEEC Advisory Opinion 2014-02, in order to help them comply with future filings. ***State's Exhibit 5, State's Exhibit 6, & Testimony of Shannon Clark Kief.*** Commission staff sent notices to ongoing political committees and to party committees, which explicitly provided that filings that did not meet the three criteria set forth in SEEC Advisory Opinion 2014-02 "will not be deemed filings and will result in penalties for late/non-filing if they are not fixed." ***State's Exhibit 5, State's Exhibit 6.***<sup>3</sup>

18. Commission staff reached out directly to the Respondent via telephone conversations and e-mail correspondences in April, 2015, regarding two candidates committees (which are not the committees named in this non-filer matter) for which he was treasurer. ***State's Exhibit 17 & Testimony of Shannon Clark Kief.*** In an e-mail to the Respondent dated April 22, 2015, Shannon Clark Kief provided Advisory Opinion 2014-02 as an attachment, and instructed that "[a]s we discussed, filings that are not on forms provided by the agency or on eCRIS won't be accepted in the future." ***State's Exhibit 17.***
19. The Respondent sent an e-mail to Shannon Clark Kief on May 17, 2015, indicating that until he received the e-mail dated April 22, 2015 referenced in the above paragraph (***State's Exhibit 18***), he was unaware of this new requirement, because even though he regularly checks the Commission's website, he had construed the title of that advisory opinion, "Disclosure of Expenditures in Campaign Finance Statements Pursuant to Public Act 13-180" to pertain to independent expenditures only. ***State's Exhibit 18.***<sup>4</sup>
20. Shannon Clark Kief sent a response to the Respondent's e-mail noted in the above paragraph on May 18, 2015, and explained that if he wished to contest portions of SEEC Advisory Opinion 2014-02, he could request a declaratory ruling from the Commission, which he could appeal to the courts if he disagreed with the Commission's ultimate ruling, and which "would be a better path than ignoring the ruling [in the Advisory Opinion] in that it will avoid fees and penalties." ***State's Exhibit 18.***

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<sup>3</sup> Both notices spelled out the three criteria, that the filing must, at a minimum: "(1) be signed and dated under penalty of false statement by the legally authorized person; (2) cover the applicable time period required by the [applicable section of the law for each particular filing]; and (3) be on the proper form required for that person for that filing." *State's Exhibits 5 & 6.*

<sup>4</sup> Administrative notice is taken that Public Act 13-180 was titled "An Act Concerning Independent Expenditures and Changes to Other Campaign Finance Laws and Elections Laws," and that this Act contained no substantive changes to General Statutes § 9-608 (c) or § 9-624. General Statutes § 4-178 (6); Regs. Conn. State Agencies § 9-7b-41 (d) & (e).

21. After receiving the two submitted filings due for the July quarterly filing and completing the “four corners review” process, Commission staff notified the Respondent via e-mail on July 2, 2015 that both the filing submitted by 35 is Alive and the filing submitted by the HRTC on that same date were “not minimally legally sufficient filings” because “the information was not filed on the proper form.” ***State’s Exhibit 9; Testimony of Shannon Clark Kief.*** The e-mail further instructed that political committees and party committees are required to file on SEEC Form 20 (a copy of which was attached to the e-mail, along with instructions), and informed the Respondent that he could remedy these deficiencies and avoid the non-filer process and non-filer fees if he submitted the statements on the proper form by 5:00 p.m. on July 10, 2015. ***State’s Exhibit 9; Testimony of Shannon Clark Kief.***
22. On July 6, 2015, Shannon Clark Kief spoke with the Respondent via telephone, and again explained SEEC Advisory Opinion 2014-02, and the filing requirements; they also discussed their fundamental disagreement over whether the Commission is permitted to require use of the forms it creates, and Shannon Clark Kief explained again how the Respondent could petition the Commission for a declaratory ruling if he wished to contest the Advisory Opinion and avoid fees and penalties that might result from a non-filing enforcement process. ***Testimony of Shannon Clark Kief.***
23. On July 20, 2015, Commission staff sent two similar letters to the Respondent (one pertaining to the 35 is Alive political committee, the other pertaining to the HRTC), by certified mail, return receipt requested, stating that “the document received by this office is not a minimally legally sufficient filing because ...[t]he information was not filed on the proper form.” ***State’s Exhibit 10; State’s Exhibit 11.*** Each of the two letters imposed a \$100.00 late fee and requested that he file the statements within 21 days. ***State’s Exhibit 10; State’s Exhibit 11.*** The letters warned that if the Respondent did not submit the filings within 21 days, the Commission may order a public hearing and he could be subject to a civil penalty of up to \$2,000.00 per violation. ***State’s Exhibit 10; State’s Exhibit 11.***
24. On July 28, 2015, the Respondent wrote a letter to Michael Brandi, the Executive Director and General Counsel the Commission. ***State’s Exhibit 19.*** In the letter, the Respondent reiterated his fundamental disagreement about whether the law authorizes the Commission to require use of its own forms for campaign finance disclosure statements. ***State’s Exhibit 19.*** He also stated in his letter that the portions of the forms he used for both filings at issue in this matter to disclose each committee’s financial activity during the period covered are identical for the SEEC Form 20 and SEEC Form 30. ***State’s Exhibit 19.*** His letter also requested a hearing, and indicated that he believed he needed to exhaust his administrative remedies with the Commission in order to pursue his remedies in the courts. ***State’s Exhibit 19.***
25. On August 5, 2015, Michael Brandi responded to the Respondent’s July 28 letter, setting forth the Commission staff’s position that the Commission has the authority to promulgate forms and require usage of such forms. ***State’s Exhibit 20.*** The letter also suggested that the Respondent request a declaratory ruling if he wished to challenge the Commission’s authority to require use of its forms. ***State’s Exhibit 20.***

26. At the December 1, 2015 hearing, the Respondent testified that he did not believe that the proper remedy was to petition for a declaratory ruling, because he did not find anything in the statutes or regulations to support the Advisory Opinion's instruction that campaign finance disclosure filings must be submitted on forms prescribed by the Commission, and that accordingly he believed that he did not violate a specific, clear law. *Testimony of William Jenkins*. He also testified that both disclosure statements which are the subject of this matter disclosed all of the information required in the law. *Testimony of William Jenkins*.
27. There are no disputed facts at issue. Resolution of this consolidated matter boils down to a narrow question of law: *do Connecticut's campaign finance statutes authorize the State Elections Enforcement Commission (the "Commission") to prescribe forms and require use of such forms for campaign finance disclosure statements to be filed under section 9-608 of the General Statutes?*
28. Each party submitted briefs summarizing their legal arguments. The State submitted a memorandum of law dated November 25, 2015 (the "State's Memorandum"), and a post-hearing supplemental memorandum of law dated December 8, 2015 (the "State's Supplemental Memorandum"). The Respondent submitted a post-hearing brief on December 4, 2015 (the "Respondent's Memorandum").
29. In summary, the State argues that the Commission has the authority to require use of its own forms based on general principals of administrative law, as well as explicit provisions in the statutes. *State's Memorandum at p. 1 - 3; Testimony of Shannon Clark Kief*.
30. More specifically, the State cites to section 9-624 (a) of the campaign finance statutes, which provides that "the [Commission] shall prepare and print the forms required for compliance with this chapter and distribute them upon request to candidates and treasurers." *State's Memorandum at 1*; General Statutes § 9-624 (a).
31. The State also cites to General Statutes 9-608 (c), which details the information that must be contained in the campaign finance disclosure statements that treasurers are required to file. *State's Memorandum at 1*.
32. The State contends that "the [Commission] is charged by statute with promulgating forms required for compliance with chapter 155 of the General Statutes, serving as the repository for those forms that relate to General Assembly and statewide races, and developing and maintaining a searchable online database for all financial disclosure statements filed with it....To allow all treasurers to file statements in whatever form they chose would be infeasible and render the execution of the Commission's duties impossible." *State's Memorandum at 2 -3*.
33. The Respondent argues that there is no specific provision in the statutes requiring committee treasurers to use the campaign finance disclosure forms prepared by the Commission. *Respondent's Memorandum at 1*.



34. The Respondent contends that the plain language of the provisions relied on by the State, sections 9-608 (c) (1) and 9-624 (a), does not require treasurers to use the Commission's forms. *Respondent's Memorandum at 1.*
35. The arguments presented by the State and Respondent suggest that, when read in the context of the entire elections and campaign finance statutes, section 9-624 is susceptible to more than one reasonable interpretation. Both the State and the Respondent contrast the language in General Statutes 9-624 (a), which provides that the "[The Commission] shall prepare and print the forms required for compliance with this chapter," with other language in the campaign finance statutes to support their respective arguments. For example, the State points to section 9-608 (c) (3) of the statutes, which provides that for certain contributor certification forms, "[the Commission] shall prepare a sample form for such certification by the contributor and shall make it available to treasurers and contributors." *State's Memorandum of Law at 1* (quoting General Statutes § 9-608 (c) (3)). The State argues that "[t]he use of the term 'sample' with regard to the certification forms and that term's absence from General Statutes § 9-624 (a), is a clear statement that forms promulgated pursuant to General Statutes § 9-624 (a), like the campaign finance disclosure forms at issue in this matter, are mandatory." *State's Memorandum of Law at 1 – 2.*
36. The Respondent cites to *other* provisions in the election and campaign finance statutes which expressly provide that the form shall be prescribed by the relevant agency. *Respondent's Brief at 1-2.* More specifically, he cites to section 9-706 (c) of the campaign finance statutes ("The commission **shall prescribe the form** of the application [for a public grant under the Citizens' Election Program] and the cumulative generalized accounting"), as well as two provisions falling within the Office of the Secretary of State's purview. *Respondent's Brief at 2* (citing General Statutes § 9-20, which provides applications to be an elector "shall" be submitted "**upon a form prescribed by the Secretary of the State**" and General Statutes 9-313, which provides that "[t]he Secretary of the State shall transmit to the town clerk of each town, before each state election, **blank forms for the returns required by this chapter, and such returns shall be made out, certified and directed according to such forms**"). The respondent argues that plain language of section 9-624 (a) lacks this specific authorization that the Commission "shall...prescribe" forms for campaign finance disclosure statements, and, consequently, treasurers may provide the required disclosure in their own forms and/or in their own format.
37. In a recent declaratory ruling, the Commission has summarized the procedure for statutory interpretation:

When interpreting a statute, the Commission applies basic tenets of statutory interpretation under Connecticut law. General Statutes § 1-2z provides that: The meaning of a statute shall, in the first instance, be ascertained from the text of the statute itself and its relationship to other statutes. If, after examining such text and considering such relationship, the meaning of such text is plain and unambiguous and does not yield absurd or unworkable results, extra-textual evidence of the meaning of the statute shall not be considered.

A statute is deemed to have a “plain meaning” when “the meaning that is so strongly indicated or suggested by the language as applied to [the] facts [at hand], without consideration, however, of its purpose or the other, extratextual sources of meaning . . . that, when the language is read as so applied, it appears to be the meaning and appears to preclude any other likely meaning.” *Genesky v. Town of East Lyme*, 275 Conn. 246, 277 (2005) (emphasis in original). When a statute is ambiguous, courts consider the following factors for “interpretive guidance[:]... [(1)] the legislative history and circumstances surrounding its enactment, [(2)] to the legislative policy it was designed to implement, and [(3)] to its relationship to existing legislation and common law principles governing the same general subject matter.... A statute is ambiguous if, when read in context, it is susceptible to more than one reasonable interpretation.” *State v. Acordia, Inc.*, 310 Conn. 1, 18-19 (internal citation omitted.).

Moreover, “it is an elementary rule of statutory construction that we must read the legislative scheme as a whole in order to give effect to and harmonize all of the parts.... When statutes relate to the same subject matter, they must be read together and specific terms covering the given subject matter will prevail over general language of the same or another statute which might otherwise prove controlling.” *Langello v. West Haven Bd. of Educ.*, 142 Conn. App. 248, 258 (2013) (citation omitted; internal quotation marks omitted). “When more than one construction of a statute is possible, [the courts] adopt the one that renders the enactment effective and workable and reject any that might lead to unreasonable or bizarre results.” *S. New England Tel. Co. v. Cashman*, 283 Conn. 644, 653 (2007) (citations omitted; internal quotation marks omitted).

***SEEC Declaratory Ruling 2013-02*** (Contributions to Political Committees, Independent Expenditures and State Contractor Contribution Limitations).

38. As noted above, both parties cite to compelling other statutory provisions to support their starkly opposite conclusions as to the meaning of section 9-624 (a). During the hearing, the Respondent and the State’s witness both referred to legislative history and legislative policies concerning campaign finance disclosure, in particular to Public Act 05-5 (An Act Concerning Comprehensive Campaign Finance Reform for State-wide Constitutional and General Assembly Offices (Oct. 25 Sp. Sess.)). Among other things, Public Act 05-5 transferred certain duties from the Secretary of the State to the Commission, including “the duties of the Secretary of the State concerning the administration of campaign finance reporting [under Chapter 155]”, as well as the duties concerning electronic filing, effective December 31, 2006. ***Testimony of Respondent; Testimony of Shannon Clark Kief; Section 21 & 44 of Public Act 05-5*** (codified in General Statutes §§ 9-603 & 9-675).<sup>5</sup> Thus, prior to December 31, 2006, various committees, including party committees and certain ongoing political committees, filed disclosure statements with the Secretary of State, whose office administered the campaign finance reporting system. ***Testimony of Respondent;***

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<sup>5</sup> Administrative notice is taken of the relevant provisions of Public Act 05-5 cited herein. General Statutes § 4-178 (6); Regs. Conn. State Agencies § 9-7b-41 (d) & (e).

*Testimony of Shannon Clark Kief; Sections 21 & 44 of Public Act 05-5* (codified in General Statutes §§ 9-603 & 9-675). In addition, Public Act 05-5 transferred the duty from the Secretary of the State to the Commission to convert all statements filed in paper form into electronic format, as well as the requirement to make all computerized data from campaign finance filings available via the internet. *Sections 45 & 46 of Public Act 05-5* (codified in General Statutes §§ 9-676 & 9-677); *Testimony of Shannon Clark Kief*.

39. Regarding electronic filing procedures, the plain language of the statute expressly provides, in relevant part, as follows:

[t]he *Commission shall* (1) *create a software program* or programs for the preparation of financial disclosure statements required by section 9-608, *and* (2) *prescribe the standard reporting format and specifications for other software programs created by vendors for such purpose*. No software program created by a vendor may be used for the electronic submission of such financial disclosure statements, until the commission determines that the program provides for the standard reporting format, and complies with the specifications, which are prescribed under subdivision (2) of this subsection for vendor software programs

General Statutes § 9-675 (a) (emphasis added). The plain language clearly provides that, at least for electronic filings, the Commission “shall” both (1) “create a software program” for electronic filing and (2) “prescribe the standard reporting format and specifications” and approve any other software programs created by third-party vendors for campaign finance disclosure statements.

40. Administrative notice is taken of section 3-99b of the General Statutes, which provides that “[t]he Secretary of the State *may* ... except when such forms are otherwise prescribed by the general statutes, *prescribe and require the use of forms* for any reports, documents, certificates, instruments or other papers required to be filed in his office.” General Statutes § 4-178 (6); Regs. Conn. State Agencies §§ 9-7b-41 (d) & (e) (emphasis added). The plain language clearly provides that the legislature intended for the Secretary of the State to prescribe and require use of its forms, including campaign finance filings, which were the responsibility of the Secretary of the State’s office until Public Act 05-5 transferred such duties to the Commission. It is concluded that there is nothing in the legislature history or policy surrounding it to indicate that the legislature intended to strip the ability of the agency responsible for the administration of campaign finance reporting to prescribe and require use of its forms, when it transferred the filing repository and campaign finance forms responsibilities from the Secretary of the State to the Commission. As noted above, subsection (d) of Section 21 of Public Act 05-5 (codified in section 9-603 (d)) expressly provides that on December 31, 2006, “*the duties of the Secretary of the State concerning the administration of campaign finance reporting under this chapter shall be transferred to the State Elections Enforcement Commission*” (emphasis added). Section 3-99b unequivocally provides that the Secretary of the State has the authority to “prescribe and require the use of forms for any ... documents ... or other papers required to be filed [with the Secretary of the State],” which includes campaign

finance filings. When the duties concerning the administration of the campaign finance provisions were transferred to the Commission, it follows that the authority to prescribe and require use of the Commission's forms was part of such transfer.

41. Reading all of these provisions together, it is concluded that when the legislature transferred the duties concerning the administration of campaign finance reporting from the Secretary of State to the Commission, it intended that the Commission have the authority to prescribe the forms required to be filed under the campaign finance provisions. To conclude otherwise would lead to unreasonable or bizarre results. It would be bizarre if the legislature intended that the Secretary of the State forms to have been frozen as of December 31, 2006, before the Commission became the filing repository for certain committees and had the responsibility to administer the campaign finance reporting provisions and adapt to the rapidly changing campaign finance laws.
42. It would also lead to unreasonable results if the Commission lacked the authority to prescribe the forms and require their use for campaign finance filings. The hearing included testimony about the cost of data-entering paper filings into the electronic campaign information reporting system (eCRIS), which is statutorily mandated by General Statutes § 9-676 and makes all campaign finance disclosure statements filed with the Commission available on the internet. *Testimony of Shannon Clark Kief.* Testimony was also provided concerning the impossibility of accurate and meaningful data entry of such paper filings if each of the hundreds of committees that file with the Commission were permitted to make up their own forms and the persons doing the data entry had to make guesses about how to enter the data into the searchable electronic format. *Testimony of Shannon Clark Kief.* In addition, the plain language of the statute evinces that the legislature intended for the Commission to be able to make certain specific information provided in the disclosures available to the public, such as detailed information concerning organization expenditures made by certain committees. General Statutes § 9-608 (c) (6); *Testimony of Shannon Clark Kief.* As discussed earlier, there are some substantive differences between the information required to be disclosed on SEEC Form 20 and SEEC Form 30.
43. It is concluded that the statutes vest the Commission with the authority to prescribe forms and require use of such forms for campaign finance filings required under General Statutes § 9-608 and as set forth in SEEC Advisory Opinion 2014-02.
44. It is concluded that the Respondent violated General Statutes § 9-608 in two instances, by failing to file a campaign finance disclosure filing on the form prescribed by the Commission on behalf of 35 is Alive and HRTC by July 10, 2015.
45. General Statutes § 9-623 (b) provides as follows: "(1) If any campaign treasurer fails to file any statement required by section 9-608 ... the campaign treasurer or candidate, as the case may be, shall pay a late filing fee of one hundred dollars. (2) In the case of any such statement or certification that is required to be filed with the State Elections Enforcement Commission, the commission shall, not later than ten days after the filing deadline is, or should be, known to have passed, notify by certified mail, return receipt requested, the person required to file that, if such statement or certification is not filed

not later than twenty-one days after such notice, the person is in violation of section 9-603, 9-604 or 9-608.”

46. General Statutes § 9-623 (b) (4) provides, in pertinent part, that “[t]he penalty for any violation of section 9-603, 9-604 or 9-608 shall be a fine of not less than two hundred dollars or more than two thousand dollars or imprisonment for not more than one year, or both.”
47. General Statutes § 9-7b (a) (2) provides, in pertinent part, that the Commission shall have the power to levy a civil penalty not to exceed “two thousand dollars per offense or twice the amount of any improper payment or contribution, whichever is greater, against any person the commission finds to be in violation of any provision of chapter 155 or 157.” The Commission may levy a civil penalty against any person only after giving the person an opportunity to be heard at a hearing. *See* General Statutes § 9-7b (a) (2).
48. General Statutes § 9-606 (d), as amended by Public Act 13-180, provides: “**No person shall act as treasurer or deputy treasurer (1) unless the person is an elector of this state, the person has paid any civil penalties or forfeitures assessed pursuant to chapters 155 to 157, inclusive, and a statement, signed by the chairman in the case of a party committee or political committee or by the candidate in the case of a candidate committee, designating the person as treasurer or deputy treasurer, has been filed in accordance with section 9-603, . . .**” (Emphasis added).
49. General Statutes § 9-706 (b), as amended by Public Act 13-180, provides that in order to apply for a grant from the Citizens’ Election Program, both the candidate and the treasurer of the candidate’s candidate committee must certify that they have paid any outstanding civil penalties or forfeitures assessed pursuant to chapters 155 to 157.
50. At the hearing, the State recommended a penalty ranging from \$300.00 - \$500.00 per committee.
51. Section 9-7b-48 of the State of Connecticut Regulations provides, “In its determination of the amount of the civil penalty to be imposed, the Commission shall consider, among other mitigating or aggravating circumstances: (1) the gravity of the act or omission; (2) the amount necessary to insure immediate and continued compliance; (3) the previous history of similar acts or omissions; and (4) whether the person has shown good faith in attempting to comply with the applicable provisions of the General Statutes.”
52. It was recommended that the Commission consider the following as mitigating circumstances per § 9-7b-48, Regs., Conn. State Agencies: (1) in both matters in this consolidated hearing, the Respondent did file a disclosure by the deadline, that substantially set forth the funds received and spent during the reporting period; (2) neither 35 is Alive nor the HRTC received or spent a substantial amount of funds during the reporting period at issue; (3) prior to the issuance of SEEC Advisory Opinion 2014-02, committees were permitted to submit their filings on their own forms or in different attachment formats; and (4) the Respondent has contacted the

Commission staff numerous times over many years regarding compliance questions about other provisions in the law.

53. It was recommended that the Commission consider the following as aggravating circumstances per § 9-7b-48, Regs., Conn. State Agencies: (1) Commission staff had many conversations with Respondent, and Respondent received ample notice that 35 is Alive and the HRTC were required to file the itemized campaign finance disclosure statements at issue on SEEC Form 20, the form prescribed by the Commission.
54. In consideration of the factors listed above, it was recommended that the Commission (1) assess a civil penalty in the amount of \$200.00 for each committee's violation of General Statutes § 9-608, for an aggregate civil penalty of \$400.00 and (2) issue a "henceforth order" ordering the Respondent to comply with the requirements of General Statutes § 9-608, as set forth in SEEC Advisory Opinion 2014-02 and in this final decision, to file campaign finance statements on the forms prescribed by the Commission.
55. In his post-hearing comments, the Respondent objected to paragraph 40 of the Proposed Final Decision, which contains a discussion of General Statutes § 3-99b. He contended that because this statute was not discussed at the hearing, he did not have "the opportunity to offer a counter argument as to why this statute ONLY applies to the Secretary of the State and NOT the State Elections Enforcement commission since it's 'powers and duties' are ONLY prescribed in [General Statutes §] 9-7b, NOT [General Statutes §] 3-99b and that it was unequivocally clear that the Legislature DID NOT intend the language in 3-99b to be added to 9-7b for the simple reason that it was excluded." The Respondent further asserted in his post-hearing comments that "[i]t's absolutely wrong and unfair that this proposed final decision includes the discussion and language in paragraphs 40 & 41 because it is completely based on facts not presented by either side during the hearing on December 1, 2015."
56. It is found that this argument lacks merit; paragraph 40 contains a discussion of the law and the legislative history of Public Act 05-5, and paragraph 41 contains a legal conclusion. At the hearing, both the State's witness and the Respondent discussed Public Act 05-5 as well as the Secretary of the State's role as filing repository prior to the effective date of Public Act 05-5.
57. Any argument that the Respondent was deprived of an opportunity to respond to the Proposed Final Decision is without merit. He was provided the Proposed Final Decision, and was given an opportunity to submit comments, which he did. If the Respondent wanted "to offer a counter argument as to why this statute [§ 3-99b] ONLY applies to the SOTS and not to SEEC," he could have provided a more detailed argument in his post-hearing comments. In his duty to render a fair and impartial decision, the Hearing Officer reviewed the statutes as a whole to interpret the statutes as instructed by the courts and as detailed in the Proposed Final Decision. Moreover, the existence of a statute is *not* a disputed factual question. Its application to the facts presented at the hearing is a legal question. The Proposed Final Decision carefully reviewed numerous provisions of the General Statutes, not only considering section 3-99b, but also other provisions in the law, including sections 9-603 (d), 9-608, 9-624,

9-675, and 9-676. Even absent section 3-99b, construing the statutes as a whole, it is concluded that the Commission has the authority to prescribe, and require use, of its forms for compliance with the campaign finance disclosure provisions.