

STATE OF CONNECTICUT
STATE ELECTIONS ENFORCEMENT COMMISSION

In re. Audit Report for Soliani 2014

File No. 2015-131

FINDINGS AND CONCLUSIONS

The State Elections Enforcement Commission voted to initiate an investigation in the *Soliani 2014* candidate committee based upon findings in an audit report completed by the Commission's Campaign Disclosure and Audit Unit. The draft audit report found that the candidate committee had made a payment to an individual who was likely the nephew by marriage of the candidate, prompting initiation of this enforcement proceeding by the Commission. After the investigation of the findings in the draft audit report, the Commission makes the following findings and conclusions:

1. In May 2014, Marie P. Soliani established the committee to support her nomination for election as a candidate in the 63rd General Assembly district.¹ The committee opted to participate in the Citizens' Elections Program.² The committee received grant funds totaling \$27,850.³
2. The Commission performed an in-depth review of the expenditures of the *Soliani 2014* candidate committee after the committee's selection in the random audit lottery conducted following the 2014 election cycle.
3. The Commission's audit of the Soliani candidate committee found that the candidate committee may have paid a member of the candidate's family for work he performed to promote her candidacy for election. According to the committee's campaign finance disclosure reports and other supporting documentation provided during the course of the

¹ See SEEC Form 1 – Registration of Candidate Committee (*Soliani 2014*, May 29, 2014) (reflecting establishment of candidate committee by Marie P. Soliani and appointment of Keri Hoehne as treasurer and Paul Summers as deputy treasurer).

² See SEEC Form CEP 10 – Affidavit of Intent to Abide by Expenditure Limits and Other Citizens' Election Program Requirements (*Soliani 2014*, June 19, 2014) (reflecting intent of candidate, treasurer, and deputy treasurer to participate in Citizens' Election Program and follow voluntary program rules).

³ See SEEC Form 30 – Itemized Campaign Finance Disclosure Statement: October 10 Filing (*Soliani 2014*, October 4, 2014) (reporting receipt of grant from Citizens' Election Fund of \$27,850 on August 1, 2014).

audit, the committee paid \$300 to Siro Soliani on November 8, 2014 for photographic work throughout the campaign.

4. According to the candidate committee's response to the audit findings, Siro Soliani is the nephew of the candidate's late husband, Enrico Soliani, who died in 2002. The candidate committee has acknowledged that it made the payments to the Siro Soliani, but maintains that this was not a result of his status as a family member.
5. General Statutes § 9-607 prohibits payments to a candidate's immediate family members for all candidate committees.⁴ But for candidate committees who have received a grant from the Citizens' Election Fund, the restrictions on payments to "family members" are much broader.
6. Section 9-706-2 of the Regulations of Connecticut State Agencies, provides, in relevant part:

(b) . . . Participating candidates and the treasurers of such participating candidates shall not spend funds in the participating candidate's depository account for the following:

. . .

3. Payments to . . . the participating candidate's family members, including: . . . the participating candidate's spouse's or civil union partner's sibling, child, grandchild, parent, grandparent, aunt, uncle; or the spouse, civil union partner, or child of any such individuals related to the participating candidate or his/her spouse or civil union partner, . . .⁵

7. Connecticut's courts have been torn on whether the dissolution of a marriage destroys the familial relationship between two otherwise unrelated individuals. In contrast to relationships based on consanguinity, or "blood relationships," courts have found that familial relationships based solely on affinity, which are created by marriage, may be

⁴ See General Statutes § 9-607 (g) (4) (prohibiting payments to candidate's immediate family). General Statutes § 9-607 (g) provides, in relevant part:

(1) As used in this subsection, (A) "the lawful purposes of his committee" means: (i) For a candidate committee or exploratory committee, the promoting of the nomination or election of the candidate who established the committee, . . . (2) Unless otherwise provided by this chapter, any campaign treasurer, in accomplishing the lawful purposes of his committee, may pay the expenses of: . . . (L) compensation for campaign or committee staff, fringe benefits and payroll taxes, provided the candidate and any member of his immediate family shall not receive compensation;

⁵ Regulations, Conn. State Agencies, § 9-706-2 (b) (3) (restricting payments from qualified candidate committees to relatives of candidate).

impermanent. For instance, in 1837, the Connecticut Supreme Court determined that a judge was not disqualified from hearing a case that in which one party to the matter was formerly his uncle by marriage.⁶

8. More recent decisions have also supported the idea that a familial relationship based solely on affinity does not survive the conclusion of the marriage that created the relationship. Other court decisions have also concluded that the dissolution of a marriage by death ends any affinitive relationship between two otherwise unrelated individuals.⁷ As the *Lavieri* decision noted in the probate tax arena, the context of the analysis plays a part in whether an affinity relationship continues after the termination of the marriage that created it.⁸ When a finding that a relationship based solely on affinity continued after the death of the relative whose existence gave rise to the relationship would do harm to an individual, courts have generally found that the relationship terminated upon the death of the relative.⁹
9. The Commission will follow a similar standard here. For the purposes of the regulations prohibiting payments from a qualified candidate committee to a relative of the candidate, the affinitive relationship between the candidate and Siro Soliani, her nephew by marriage, terminated upon the death of her husband. The payments from her candidate committee to her former nephew by marriage, Siro Soliani, did not violate regulations governing expenditures made by candidate committees that have received a grant from the Citizens' Election Fund.
10. Accordingly, the Commission concludes that this matter should be dismissed.

⁶ See *Winchester v. Hinsdale*, 12 Conn. 88, 1837 Conn. Lexis 6 (Conn. 1837) (concluding that death dissolved underlying marriage that gave rise to affinity relationship between nephew and uncle.) “[T]he dissolution of the marriage, by the death of the aunt, dissolved the relationship of the uncle and nephew which had been constituted by the marriage.” *Id.* at 93, **11-12.

⁷ See, e.g., *Wilson v. State of Connecticut*, 6 Law Rptr. 452 (Conn. 1843) cited by *Lavieri v. Commissioner of Revenue Services*, 184 Conn. 380, 439 A.2d 1012, 1981 Conn. Lexis 543 (Conn. 1981) (noting criminal ruling that found death of stepdaughter’s mother ended affinity relationship with stepfather).

⁸ See *Lavieri*, *supra*, at 184 Conn. at 384, 439 A.2d at 1015, 1981 Conn. Lexis at 6 (noting “context” influences whether “step” relationship survives marriage).

⁹ *Id.* (taxing stepchild’s portion of estate as if affinitive relationship continued after dissolution of marriage). This rule of lenity comports with treatment of familial relationships in the criminal context. See, e.g., *U.S. v. Lanier*, 520 U.S. 259, 266 (1997) (citing rule of lenity to decide ambiguous terms in favor of accused).

ORDER

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

That the matter is dismissed.

Adopted this 21 day of June, 2017 at Hartford, Connecticut.



Anthony J. Castagno, Chairperson
By Order of the Commission