

STATE OF CONNECTICUT
STATE ELECTIONS ENFORCEMENT COMMISSION

In the Matter of a Complaint by
Marie E. Desousa, East Windsor

File No. 2015-139

FINDINGS AND CONCLUSIONS

Complainant brought this complaint pursuant to Connecticut General Statutes § 9-7b and alleged that a group called "NotEastWindsor" violated General Statutes §§ 9-602 and 9-605 pertaining to raising funds and making expenditures for political purposes in the Town of East Windsor without complying with campaign finance registration and disclosure requirements. After an investigation of the complaint, the following findings and conclusions are made:

1. Complainant alleged that Michael S. Scalzo and the group *NotEastWindsor* through a newsletter, attendance at public meetings and fundraising advertisements undertook an effort to oppose the proposed Connecticut State Police (CSP) firing range, a portion of which would have been located in East Windsor and therefore was required to register as a political committee pursuant to General Statutes § 9-602 and § 9-605.
2. Further, Complainant alleged that Mr. Scalzo and *NotEastWindsor* disseminated printed communications that "discredited" elected officials that required Mr. Scalzo, as Chairperson of *NotEastWindsor*, to register that group as a *Political Committee (PAC) Registration* (SEEC Form 3) as required by Chapter General Statutes § 9-602 and § 9-605.
3. Mr. Scalzo cooperated with this investigation and admitted the various activities regarding *NotEastWindsor* and its opposition to the CSP firing range proposal. Mr. Scalzo denies that he supported or opposed candidates for election, advocated for a referendum or that the group otherwise engaged in such activities that would have required its registration as an ongoing political committee pursuant to General Statutes § 9-602 and § 9-605.
4. Connecticut General Statutes § 9-602, provides in pertinent part:
 - (a) Except with respect to an individual acting on his own, no contributions may be made, solicited or received and no expenditures may be made, directly or indirectly, in aid of or in opposition to the candidacy for nomination or election of any individual or any party or referendum question, unless (1) the candidate or chairman of the committee has filed a designation of a campaign 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. Connecticut General Statutes § 9-605, provides in pertinent part:
 - (a) *The chairperson of each political committee shall designate a treasurer and may designate a deputy treasurer. The treasurer and any deputy treasurer so designated shall sign a statement accepting the designation.* The chairperson of each political committee shall file a registration statement described in subsection (b) of this section along with the statement signed by the designated treasurer and deputy treasurer with the proper authority, within ten days after its organization, provided that the chairperson of any political committee organized within ten days prior to any primary, election or referendum in connection with which it intends to make any contributions or expenditures, shall immediately file a registration statement.
 - (b) The registration statement shall include: (1) The name and address of the committee; (2) a statement of the purpose of the committee; (3) the name and address of its treasurer, and deputy treasurer if applicable; (4) the name, address and position of its chairman, and other principal officers if applicable; (5) the name and address of the depository institution for its funds; (6) the name of each person, other than an individual, that is a member of the committee; ... (9) if the committee is supporting or opposing any referendum question, a brief statement identifying the substance of the question; ... (12) if the committee files reports with the Federal Elections Commission or any out-of-state agency, a statement to that effect including the name of the agency; *(13) a statement indicating whether the committee is established for a single primary, election or referendum or for ongoing political activities*; ... and (16) any information that the State Elections Enforcement Commission requires to facilitate compliance with the provisions of this chapter or chapter 157. ... The report shall be in the same form as statements filed under section 9-608.

...

(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.

[Emphasis added.]

6. After investigation, the Commission finds that *NotEastWindsor* participated in public meetings, purchased fundraising advertising, published a newsletter and engaged in social media and other methods to raise public awareness of and opposition to the proposed CSP firing range. Further, the Commission finds to date and at all times relevant to this complaint the proposed CSP firing range has *not* been subject to a referendum or ballot question to date.

7. The Commission finds that the *NotEastWindsor* October 15, 2015 newsletter titled “Message from Mike” included the following:

*We need to hold ALL our “elected officials” accountable to enforce regulations and respond timely to our concerns. That applies to Town government as well as the State. **We elect and we can certainly UN-elect by our votes.***

8. The Commission notes that, while 2015 was a municipal election year, the excerpted language above does not identify or otherwise mention a political party, an elected office, candidate or individual incumbent by name and does not in fact allude to the municipal elections of November 2015.

9. The Commission finds that the activities engaged in by Mr. Scalzo and *NotEastWindsor* in opposition to the CSP firing range proposal, while pertaining to an issue of local public interest, did not advocate for or against any referendum or ballot question and therefore did *not* trigger the application of General Statutes § 9-602 and § 9-605.
10. Further, the Commission finds a lack of evidence that the activities engaged in by Mr. Scalzo and *NotEastWindsor* that generally referenced the ability to vote for or against “elected officials” rise to the level of supporting or opposing candidates for nomination or election to public office and therefore did *not* trigger the application of General Statutes § 9-602 and § 9-605.
11. Finally, because Mr. Scalzo and *NotEastWindsor* did *not* solicit or receive contributions or make expenditures to support or oppose a candidate or political party or otherwise influence elections, primaries or referenda, the Commission concludes that General Statutes § 9-602 and § 9-605 did not apply and therefore no registration of an ongoing political committee was required as alleged by Complainant.
12. The Commission concludes that the alleged violations of General Statutes § 9-602 and § 9-605 by Mr. Scalzo and *NotEastWindsor* were not supported by the facts or the law after investigation and therefore under these specific facts and circumstances Complainant’s allegations are dismissed.

ORDER

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

The complaint is dismissed.

Adopted this 13th day of April, 2016 at Hartford, Connecticut.


Anthony J. Castagno, Chairman
By Order of the Commission