

STATE OF CONNECTICUT
STATE ELECTIONS ENFORCEMENT COMMISSION

In the Matter of a Complaint by Dereck Czenczelewski
City of Bristol

File No. 2015-140

AGREEMENT CONTAINING A CONSENT ORDER

This Agreement by and between the respondent, Joanne Ferraro, hereinafter referred to as "Respondent," and the undersigned authorized representative of the State Elections Enforcement Commission, is entered into in accordance with Connecticut General Statutes § 4-177 (c) and Regulations of Connecticut State Agencies § 9-7b-54. In accordance herewith, the parties agree that:

1. Complainant Derek Czenczelewski of Bristol filed this complaint on October 22, 2015 alleging that a sign that promoted mayoral candidate Ellen Zoppo-Sassu, which was purportedly paid for by the Bristol Democratic Town Committee, had not been properly reported on the party committee's campaign finance disclosure reports.
2. Those signs stated "It's time – Ellen Zoppo-Sassu Mayor" and were distributed at the nominating committee meeting of the Bristol Democratic Town Committee. The signs also included the following disclaimer:

"Labor donated Approved by the DTC Karen Vibert Treasurer[.]"
3. The Commission investigated this matter and determined that the signs promoting Zoppo-Sassu were created by an individual, Joanne Ferraro, on her home computer.
4. The Bristol Democratic Town Committee met on July 28, 2015 to consider its endorsements for the mayoral election. Jack Ferraro, Respondent's husband, distributed his wife's signs at that meeting. Mr. Ferraro also stated that he collected all of the signs at the conclusion of the meeting.
5. Karen Vibert, treasurer of the Bristol Democratic Town Committee, responded to the Czenczelewski complaint, stating that the Ferraro signs were not made with the consent of the town committee. Vibert did not know that the signs carried a disclaimer referring to the Bristol Democratic Town Committee or that her name was included on the signs.

6. General Statutes § 9-621 requires attribution on any written communication that falls under the definition of “independent expenditure.”¹ General Statutes § 9-601c defines “independent expenditures as, first, “an expenditure, as defined in section 9-601b . . .”² General Statutes § 9-601b offers three definitions for “expenditure:”

- (1) Any purchase, payment, distribution, loan, advance, deposit or gift of money or anything of value, when made to promote the success or defeat of any candidate seeking the nomination for election, or election, of any person or for the purpose of aiding or promoting the success or defeat of any referendum question or the success or defeat of any political party;
- (2) Any communication that (A) refers to one or more clearly identified candidates, and (B) is broadcast by radio, television, other than on a public access channel, or by satellite communication or via the Internet, or as a paid-for telephone communication, or appears in a newspaper, magazine or on a billboard, or is sent by mail; or
- (3) The transfer of funds by a committee to another committee.³

If a written document does not qualify as an “expenditure” under Chapter 155, then no attribution is required on the document.

7. Lawmakers also carved out some exemptions to the definition of “expenditure.” Chief among those for this case is one that allows a “human being acting alone” to spend a total of \$200 on an expense, or expenses, “that benefits a candidate for a single election⁴.”

8. According to the Commission’s investigation, Respondent created the signs that promoted the endorsement of Zoppo-Sassu and that her husband distributed at the endorsement meeting of the Bristol Democratic Town Committee. The total cost of the signs was approximately \$7.20.

9. As cited above, lawmakers offered three definitions for expenditure. Working in reverse order, the third definition – “transfer or funds from one committee to another committee”

¹ See General Statutes § 9-621 (h) (21) (“No person shall make or incur an independent expenditure for any written, type or other printed communication . . . unless such communication bears upon its face, as a disclaimer, the words ‘Paid for by’ and the name of such person and the following statement: ‘This message was made independent of any candidate or political party.’”)

² General Statutes § 9-601c (a) (“As used in this chapter and chapter 157, the term ‘independent expenditure’ means an expenditure, as defined in section 9-601b, that is made without the consent, coordination, or consultation of, a candidate or agent of the candidate, candidate committee, political committee or party committee.”)

³ General Statutes § 9-601b (a).

⁴ General Statutes § 9-601b (b) (15) (allowing one human being to spend up to \$200 to benefit one candidate in one election).

– does not apply given that activity at question here involved neither funds nor committees.⁵ The second definition – “any communication that . . . is broadcast by radio, television . . . or by satellite communication or via the Internet . . . or appears in a newspaper, magazine, or on a billboard, or is sent by mail” – fails because the signs in question were distributed by hand at meeting, which is not included on the list of forms of delivery that render something a “communication” and thus an “expenditure.”⁶

10. The first, and broadest, definition of “expenditure,” in subsection (1), appears to capture the activity in which Respondent engaged here. That definition for “expenditure” – “anything of value . . . made to promote the success or defeat of any candidate seeking . . . election” – would include the flyer such as the one that Respondent created in July 2015.⁷
11. The exemption from the definition of “expenditure” created by the legislature for removes applies these flyers, given that they were created for less than \$200 by a human being acting alone.⁸ Because of this exemption, the flyer did not need a disclaimer.
12. Respondent, however, included a disclaimer on the flyers, implying that the Bristol Democratic Town Committee had approved the signs and made an expenditure to benefit the candidacy of Zappo-Sasso.
13. By falsely attributing the flyer to a party committee that did not pay for the creation of the flyer, Respondent violated General Statutes § 9-621 (a) (1) (C) by including an inaccurate party committee attribution on the flyer.
14. General Statutes General Statutes § 9-7b (a) (2) (D) authorizes the Commission to impose a civil penalty of as much as \$2,000 per violation of any provision of chapter 155 of the Connecticut General Statutes.⁹

⁵ See General Statutes § 9-601b (a) (3), *supra* at Fn. 6.

⁶ See General Statutes § 9-601b (a) (2), *supra* at Paragraph 6.

⁷ General Statutes § 9-601b (a) (1), *supra* at Paragraph 6.

⁸ See General Statutes § 9-601b (b) (15), *supra* at Paragraph 7.

⁹ See General Statutes § 9-7b (a) (2) (permitting Commission to levy civil penalty not to exceed two thousand dollars against any person it finds to be “in violation of any provision of chapter 155 or 157”).

15. Respondent waives:
 - a) Any further procedural steps;
 - b) The requirement that the Commission's decision contain a statement of findings of fact and conclusions of law, separately stated; and
 - c) All rights to seek judicial review or otherwise to challenge or contest the validity of the Order entered into pursuant to this Agreement.
16. Upon the Respondent's agreement to comply with the Order hereinafter stated, the Commission shall not initiate any further proceedings against them concerning this matter.
17. It is understood and agreed that this Agreement will be submitted to the Commission for consideration at its next meeting and, if the Commission does not accept it, it is withdrawn and may not be used as an admission by the Respondent in any subsequent hearing, if the same becomes necessary.

ORDER

IT IS HEREBY ORDERED THAT Respondent shall henceforth comply with the provisions of General Statutes § 9-621 and attribute publications only to those individuals, such as party committees, that have actually paid for the production of the publication on which the disclaimer appears.

The Respondent

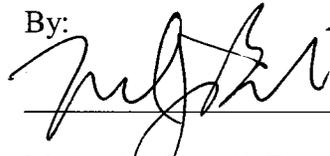
For the State of Connecticut

By:



Joanne Ferraro
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By:



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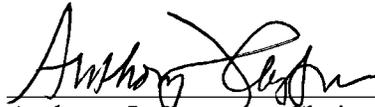
Dated:

2/27/17

Dated:

3/1/17

Adopted this 22nd day of March 2017 at Hartford, Connecticut by vote of the Commission.



Anthony J. Castagno, Chairman
By Order of the Commission

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ENFORCEMENT COMMISSION