

**STATE OF CONNECTICUT**  
**STATE ELECTIONS ENFORCEMENT COMMISSION**

In the Matter of a Complaint by Michael E. Pohl  
City of Manchester

File No. 2016-061

**FINDINGS AND CONCLUSIONS**

Complainant Michael E. Pohl brought this complaint pursuant to General Statutes § 9-7b, alleging that Respondent John Topping, a candidate for a state representative seat, had failed to register a candidate committee within the 10-day timeframe mandated by General Statutes § 9-604. After investigating the allegations in the complaint, the Commission makes the following findings of fact and conclusions of law:

1. Complainant alleged that Respondent Topping had failed to register a candidate committee within 10 days of one of several events Complainant believed should have triggered his registration as a candidate.
2. First, Complainant averred that Respondent announced his intention to run for the 12<sup>th</sup> district General Assembly seat in May, 2016. His announcement was reported in an article in the May 9, 2016 edition of the Hartford Courant.<sup>1</sup>
3. Complainant also noted that Respondent was endorsed twice by the Republican town committee. The first endorsement came on May 11, 2016, but that meeting was subsequently deemed improper and disregarded. The Manchester Republican Town Committee endorsed Respondent a second time on May 18, 2016. The Certificate of Party Endorsement, naming Respondent as the Republican candidate, was delivered to the Secretary of the State on May 27, 2016.
4. On May 31, 2016, Respondent formed a candidate committee by filing an SEEC Form 1A with the State Elections Enforcement Commission.<sup>2</sup>

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<sup>1</sup> See Jesse Leavenworth, *Former Manchester Director Topping Announces Run for 12<sup>th</sup> House District*, HARTFORD COURANT, May 9, 2016.

<sup>2</sup> See SEEC Form 1 – Registration of Candidate Committee (*Topping for the 12<sup>th</sup>*, May 31, 2016) (reflecting establishment of candidate committee for John Topping).

5. General Statutes § 9-604 (a) requires an individual to form a candidate committee “no later than 10 days after becoming a candidate.”<sup>3</sup>
6. General Statutes § 9-601 (11) establishes several instances in which an individual would become a “candidate” under the statute and thus be required to form a candidate committee. For the purposes of this case, the most important is the first definition, which says an individual will become a candidate when that individual has been “endorsed by a party or become eligible for a position on the ballot.”<sup>4</sup>
7. The Commission has previously concluded that a party endorsement becomes effective only when that endorsement is delivered to proper election authority, in this case the Secretary of the State.<sup>5</sup>
8. The Secretary of the State received the Manchester Republican Town Committee’s endorsement of Respondent as its candidate for the 12<sup>th</sup> General Assembly district seat on May 27, 2016.
9. Respondent registered his candidate committee on May 31, 2016, four days after the endorsement was effective and safely within the 10-day deadline imposed by General Statutes § 9-604 (a).
10. As stated initially, Complainant also referred to Respondent’s announcement of his candidacy earlier on or about May 9, 2016. The Commission has previously concluded that only candidates who have created an exploratory committee face restrictions on making a “public declaration” for a specific office that would force them to create a candidate committee.<sup>6</sup>

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<sup>3</sup> General Statutes § 9-604 (a) (stating that individual must form candidate committee within 10 days of becoming candidate).

<sup>4</sup> General Statutes § 9-601 (11) (defining “candidate” for purposes of Connecticut’s campaign finances statutes).

<sup>5</sup> See In the Matter of a Complaint by Janet L. Aiken, Clinton, SEEC File No. 2015-181, Findings and Conclusions (determining, based on Connecticut Supreme Court precedent, that party endorsement is effective only when it is delivered to proper authority).

<sup>6</sup> See In the Matter of a Complaint by Thomas Barnes, Bristol, SEEC File No. 2009-157, Findings and Conclusions (concluding that “where . . . an individual is not in an exploratory committee, he must form a committee or file a certification within ten days only after becoming a ‘candidate’” under General Statutes § 9-601 (11)).

11. In this matter, Respondent had not created an exploratory committee so his announcement that he was seeking the 12<sup>th</sup> district seat alone would not trigger a requirement to form a candidate committee or otherwise register with the Commission.

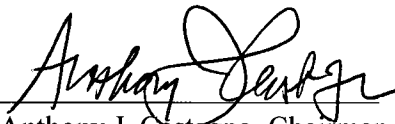
12. Complainant's allegation is therefore dismissed.

**ORDER**

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

That the Complaint be dismissed.

Adopted this <sup>22<sup>nd</sup></sup> ~~15<sup>th</sup>~~ day of March of 2017 at Hartford, Connecticut.



Anthony J. Castagno, Chairman

By Order of the Commission