

STATE OF CONNECTICUT
STATE ELECTIONS ENFORCEMENT COMMISSION

In the Matter of a Complaint by Kirk Carr, Jr., Clinton

File No. 2017-037

FINDINGS AND CONCLUSIONS

The Complainant in this matter alleges that the Respondent, treasurer of the Clinton Democratic Town Committee (the “Clinton DTC”) made expenditures in connection with a referendum but did not file a financial disclosure statement on the seventh day preceding the referendum as required by General Statutes § 9-608. As detailed hereinafter, it is the Commissions determination that the Counts of the complaint noted herein should be dismissed.¹

1. Respondent Charlene Best was, at all times relevant hereto, the treasurer of the Clinton DTC.
2. As the Clinton DTC is a party committee, it is required to file its financial disclosure statements with the Commission. General Statutes § 9-603 (a).
3. The Complainant alleges that the Clinton DTC “mounted a vote Yes campaign in budget referendums [sic] that were held on May 10, May 24, and June 7”, but did not file financial disclosure statements seven days preceding the referenda.
4. Pursuant to General Statutes § 9-608, treasurers must file and campaign finance disclosure statements on or by certain calendar dates or other triggering dates. Specifically, General Statutes § 9-608 (a) provides, in relevant part, as follows:

(1) Each 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, . . . (C) *if the committee has made or received a contribution or expenditure in connection with any other election, a primary or a referendum, on the seventh day preceding the election, primary or referendum, . . .* The statement shall be complete as of eleven fifty-nine o'clock p.m. of the last day of the month preceding the month in which the statement is required to be filed, except that for the statement required to be filed on the seventh day preceding the election, primary or referendum, the statement shall be

¹ The Complaint lists Andrea Rau, the chairperson of the Clinton DTC, as a Respondent. As filing financial disclosure statements is solely the responsibility of a committee’s treasurer, the allegations against Ms. Rau are dismissed.

complete as of eleven fifty-nine o'clock p.m. of the second day immediately preceding the required filing day. The statement shall cover a period to begin with the first day not included in the last filed statement. In the case of a candidate committee, the statement required to be filed in January shall be in lieu of the statement formerly required to be filed within forty-five days following an election.

(Emphasis added).

5. General Statutes § 9-623 (b) (1) further provides as follows:

(1) If any campaign treasurer fails to file any statement required by section 9-608, or if any candidate fails to file either (A) a statement for the formation of a candidate committee as required by section 9-604, or (B) a certification pursuant to section 9-603 that the candidate is exempt from forming a candidate committee as required by section 9-604, within the time required, the campaign treasurer or candidate, as the case maybe, shall pay a late filing fee of one hundred dollars.

6. Moreover, General Statutes § 9-623 (b) (2) further provides that once the Commission provides proper notice to a treasurer, the Commission can initiate enforcement proceedings if the failure to file is not remedied within twenty-one days.
7. The Town of Clinton held referenda concerning the town budget on May 10, 2017, May 24, 2017, and June 7, 2017.
8. Evidence shows that the Clinton DTC made expenditures to support the aforementioned referenda on May 1, 2017; May 19, 2017; and May 30, 2017.
9. The Respondent admits that the Clinton DTC made expenditures of \$470.30 in support of pending referenda, but did not file a financial disclosure statement seven days preceding any of them.
10. Based upon the dates of the aforementioned referenda and the expenditures that the committee made in connection with said referenda, the Clinton DTC was required to file financial disclosure statements on May 3, 2017 and May 31, 2017.²

² The Clinton DTC was not required to file a financial disclosure statement on May 17, 2017 (seven days preceding the May 24, 2017 referendum because the Clinton DTC made no expenditure in connection with that referenda that would have been reportable in that reporting period. The May 1, 2017 expenditure would have been properly included in the May 3, 2017 financial disclosure statement. The expenditure on May 19, 2017 would not have been covered by the May 17, 2017 filing, but should have been included in the May 31, 2017 financial disclosure statement.


11. The Respondent filed a financial disclosure statement on July 8, 2017 that covered the time period relevant to this complaint.
12. The July 8, 2017 financial disclosure statement filed by the Respondent disclosed the expenditures the Clinton DTC made in connection with the aforementioned referenda.
13. The Respondent filed the July 8, 2017 financial disclosure statement before it had received notice from the Commission that it had 21 days to file its outstanding financial disclosure statements.
14. Accordingly, the Commission determines that this case should be dismissed, but directs Commission staff to pursue collection of the two \$100 late filing fees incurred by the Respondent pursuant to § 9-623 (b) (1) for failure to file financial disclosure statements seven days preceding referenda for which the committee made expenditures.

ORDER

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

1. This matter is dismissed.
2. Commission staff is directed to pursue collection of the two \$100 late filing fees incurred by the Respondent pursuant to § 9-623 (b) (1) for failure to file financial disclosure statements on May 3, 2017 and May 31, 2017.

Adopted this 20th day of September, 2017 at Hartford, Connecticut.


Anthony J. Castagno, Chairperson
By Order of the Commission