

STATE OF CONNECTICUT
STATE ELECTIONS ENFORCEMENT COMMISSION

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

File No. 2017-038

FINDINGS AND CONCLUSIONS

The Complainant in this matter alleges that the Respondents, the president and treasurer of the Clinton Parent Teacher Association (the "Clinton PTA") 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 this matter should be dismissed.

1. Respondent Valerie Nye was, at all times relevant hereto, the president of the Clinton PTA.
2. Respondent Kathy Tessman was, at all times relevant hereto, the treasurer of the Clinton PTA.
3. The Complainant alleges that the Clinton PTA "once again mounted an aggressive vote yes campaign for the school budget referendums held on May 10 and 24. . . . Their political activity all year and intensification prior to the referendum adds upon to in-kind and out-of-pocket expenses that must surely exceed \$1,000."
4. The Complaint further included screen shots of social media posts concerning the PTA's support of the referenda and photographs of signs attributable to the PTA advocating support of the referenda.
5. General Statutes § 9-601 (10), defines "person" to mean, "an individual, committee, firm, partnership, organization, association, syndicate, company trust, corporation, limited liability company or any other legal entity of any kind but does not mean the state or any political or administrative subdivision of the state."
6. The Clinton PTA is a local PTA organized under the authority of the Connecticut Congress of Parents and Teachers, a branch of the National Congress of Parents and Teachers.¹

¹ The evidence in this case confirms that the Clinton PTA was not a recipient of public funds.

7. Based upon the foregoing, the Commission concludes that Clinton PTA is a person for the purposes of chapter 155 of the General Statutes.

8. General Statutes § 9-601b (a) defines “expenditure” as:

(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.

(emphasis added).

9. General Statutes § 9-601c (a) defines “independent expenditure” as “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.”

10. General Statutes § 9-601d (a) further provides:

Any person, as defined in section 9-601, may, unless otherwise restricted or prohibited by law, including, but not limited to, any provision of this chapter or chapter 157, make unlimited independent expenditures, as defined in section 9-601c, and accept unlimited covered transfers, as defined in said section 9-601. Except as provided pursuant to this section, any such person who makes or obligates to make an independent expenditure or expenditures in excess of one thousand dollars, in the aggregate, shall file statements according to the same schedule and in the same manner as is required of a treasurer of a candidate committee pursuant to section 9-608.

11. The evidence in this matter, including financial records of the Clinton PTA, supports a finding that the group made expenditures of \$895.31 to advocate for the passage of the referenda at issue. These expenditures were for automated telephone calls, mailings, signs, and sign making supplies.

12. The evidence further supports a finding that such expenditures were independent expenditures pursuant to General Statutes § 9-601c.
13. As the total amount spent by the Clinton PTA to advocate for the passage of the referenda was less than \$1000, the Clinton PTA was not required to file a financial disclosure statement concerning that activity. See General Statutes § 9-601d (a)
14. Accordingly, this matter should be dismissed.

ORDER

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

1. This matter is dismissed.

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



Anthony J. Castagno, Chairperson
By Order of the Commission