

STATE OF CONNECTICUT
STATE ELECTIONS ENFORCEMENT COMMISSION

In the Matter of a Complaint by Anthony A. Cane, New Britain

File No. 2017-047

FINDINGS AND CONCLUSIONS

The Complainant, Anthony A. Cane, brings this Complaint pursuant to Connecticut General Statutes § 9-7b, alleging that the Respondents, Patricia McNamara and Gay Merrill, improperly obtained contributions from minors in support of Respondent Merrill's campaign for mayor of New Britain.¹ As the facts do not support the allegations, it is the Commission's determination that this matter should be dismissed. The following are the Commission's Findings and Conclusions concerning this matter:

1. The Complainant alleges that seven individuals under the age of 18 made contributions to the Merrill for Mayor 2017 candidate committee. The Complainant further alleges that these individuals were "manipulated" into making these contributions or that these contributions were fraudulent.
2. The Commission, upon investigation, found no support for the allegations in the Complaint as detailed herein.
3. Individuals under the age of 18 are permitted to make contributions to candidate committees, provided such contributions do not exceed \$30 in the aggregate. *See* General Statutes § 9-611 (e). Those contributions, however, must come from the minors own funds and must be voluntarily given to the recipient committee. General Statutes § 9-622. *See also, In re Grant Verification of Contributions by Garrett Moore Jr.*, File No. 2014-017.
4. However, misrepresenting the source of a contribution is prohibited. General Statutes § 9-622 (7) provides that a person shall be guilty of an illegal practice if such person "directly or indirectly, individually or through another person, makes a payment or promise of payment to a treasurer in a name other than the person's own, and any treasurer who knowingly receives a payment or promise of payment, or enters or causes the same to be

¹ Any allegation not specifically addressed herein is hereby dismissed as such allegations, even if true, would not have amounted to violation of Connecticut's election laws.

entered in the person's accounts in any other name than that of the person by whom such payment or promise of payment is made.”

5. Falsely signing another's name to a contribution certification card may also subject an individual to possible criminal liability. *See e.g.*, General Statutes §§ 53a-130 (criminal impersonation); 53a-139 (forgery in the second degree); 53a-302 (criminal misrepresentation).
6. After reviewing relevant financial documentation, including the contribution cards for each individual, and obtaining statements from the minors in question, there is no evidence to support the allegations in this case.
7. Specifically, each minor was questioned about these contributions. All of the minors, who were of high school age, stated that they had voluntarily made contributions of less than thirty dollars and confirmed that they had personally completed the contribution certification cards associated with such contributions.
8. These individuals also provided information about the fundraising event where the contributions were collected, supporting a finding that they were in attendance.
9. Finally, the minors stated that they provided these contributions voluntarily, from their own personal funds, and that such contributions were made free from any threat or promise.
10. Accordingly, the Commission concludes that the allegations against the Respondents should be dismissed.

ORDER

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

That this matter be dismissed.

Adopted this 23 day of MARCH, 2018 at Hartford, Connecticut.


Anthony J. Castagno, Chairperson
By Order of the Commission