

STATE OF CONNECTICUT
STATE ELECTIONS ENFORCEMENT COMMISSION

In the Matter of a Complaint by Peter A. Nystrom, Norwich

File No. 2017-063

FINDINGS AND CONCLUSIONS

The Complainant, Peter A. Nystrom, brings this Complaint pursuant to Connecticut General Statutes § 9-7b, alleging that the Respondent, Jon Oldfield, violated campaign finance laws by using a public access television program to promote his candidacy for the office of Mayor of the City of Norwich.¹ As the conduct alleged does not support a finding of a violation, it is the Commission's determination that this matter should be dismissed. The following are the Commission's findings of fact and conclusions of law:

1. On April 26, 2017, Respondent registered as a candidate for the Office of Mayor of the City of Norwich and formed a candidate committee.
2. In 2017, Respondent hosted an ongoing weekly television program titled "What's your Gripe?" on Comcast Channel 14, a public access station in Norwich. This program has been broadcast since at least 2016.
3. The October 3, 2017 episode of "What's your Gripe?" included segments that were promotional of the Respondent's campaign.
4. Comcast is a cable television provider in the Town of Norwich and a business entity as defined by General Statutes § 9-601 (8).
5. Business entities are prohibited from making contributions, including in-kind contributions to a candidate for public office in Connecticut. General Statutes § 9-613. Candidates are similarly prohibited from accepting such contributions. General Statutes § 9-622 (10).
6. Thus, generally it would be a violation for a business entity to allow a candidate to use specialized business equipment, like a television studio, to record and broadcast material promotional of his campaign.

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.

7. However, Connecticut's campaign finance law specifically exempts from the definition of contribution the use of equipment to produce and transmit a public access program unless the "major purpose of providing such facilities, equipment, support and time is to influence the nomination or election of a candidate." General Statutes § 9-601a (b) (14).
8. Moreover, the Commission has previously considered a candidate's use of public access programming to promote his or her candidacy. In those cases, the complaints were dismissed because the statute specifically exempted such public access programming from the definition of contribution and because the cable company allowed other candidates access to the programming if they requested it. See *In the Matter of a Complaint by Thomas N. Brummett, Canterbury*, File No. 2014-090; *In the Matter of a Complaint by Ronald Bonola, Rocky Hill*, File No. 2001-136.
9. In response to an inquiry from a Commission investigator, Comcast stated:

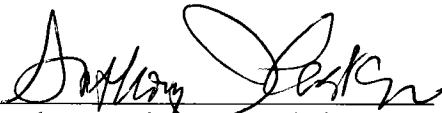
Comcast provides channel time, production equipment, training, and technical assistance free of charge to Public Access Users for the production and presentation of noncommercial programs. Public Access Users include residents of this town/franchise area and representatives or employees of non-profit organizations, or local, state, or federal agencies that serve this town/franchise area. Comcast's Public Access channels and facilities are a medium for expression and free speech. No individual will be denied the use of the facilities on the basis of race, sex, age, physical disability, religion, or political belief. It is hoped that Access Users will utilize this resource as a means to produce a wide variety of programs.
10. The facts in this case mirror those in *Brummett* and *Bonola*. The cable provider in this case allows all candidates to use their public access facilities to create and broadcast programming. The company did not provide the facilities and broadcast time to the candidate to promote his candidacy. Instead, the cable company provided the facilities and broadcast capabilities to the Respondent to the same extent they would have provided them to other candidates upon request.
11. Accordingly, as the activity detailed in the complaint is specifically permitted by General Statutes § 9-601a (b) (14) this matter should be dismissed.

ORDER

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

That this matter be dismissed.

Adopted this 18th day of April, 2018 at Hartford, Connecticut.


Anthony J. Castagno, Chairperson
By Order of the Commission