

STATE OF CONNECTICUT
STATE ELECTIONS ENFORCEMENT COMMISSION

In the Matter of a Complaint by Meredith P. Devanney
and John O'Hare, Chester

File No. 2017-066

FINDINGS & CONCLUSIONS

Complainants filed this complaint pursuant to Connecticut General Statutes § 9-7b alleging that Lauren Gister, Town of Chester First Selectwoman and Charlene Janecek, Selectwoman, violated General Statutes § 9-610 (d) when she posted a Facebook post on the Chester town Facebook page soliciting votes.

After investigating the allegations raised in the complaint, the Commission makes the following findings and conclusions:

1. At all times relevant to this complaint, Lauren Gister was the incumbent First Selectwoman and Charlene Janecek was a Selectwoman in the Town of Chester.
2. Further, Complainant O'Hare were on the ballot at the November 7, 2017 municipal election in Chester.
3. The Town of Chester maintains a Facebook page. Ms. Gister, as First Selectwoman, has the ability to edit that page.
4. The town's Facebook page that is the subject of this complaint was posted on or about October 14, 2017 and available online from the evening of October 14 to the morning of October 15. The aforementioned Facebook page contained the following language:
VOTE GISTER-JANECEK – On November 7th, choose the GISTER-JANECEK team to keep us thriving as a community. Working in a bipartisan manner to the case the challenges that are looming from the State Budget crisis while creatively planning for the increased stability and vitality without the loss of our small town character – that's our specialty! ...
5. Chester First Selectwoman Gister and Selectwoman Janecek do not dispute that the Facebook post referenced above was on the Chester town Facebook page for some period on October 14, 2017. There is no dispute that the aforementioned post advocated for the re-election of the "Gister-Janecek" team.

6. General Statutes § 9-610, provides in pertinent part:

(d) (1) No incumbent holding office shall, during the three months preceding an election in which he is a candidate for reelection or election to another office, use public funds to mail or print flyers or other promotional materials intended to bring about his election or reelection.

(2) No official or employee of the state or a political subdivision of the state shall authorize the use of public funds for a television, radio, movie theater, billboard, bus poster, newspaper or magazine promotional campaign or advertisement, which (A) features the name, face or voice of a candidate for public office, or (B) promotes the nomination or election of a candidate for public office, during the twelve-month period preceding the election being held for the office which the candidate described in this subdivision is seeking.

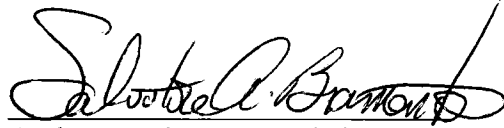
7. Upon investigation, the Commission finds that First Selectwoman Gister and Selectwoman Janecek cooperated fully with the investigation. Further, the Commission finds credible evidence that First Selectwoman Gister took down the offending post to the Chester town Facebook page that promoted the re-election of the "Gister-Janecek" team on the morning of October 15, 2017 it was posted on October 14, 2017. Finally, the Commission finds that First Selectwoman Gister showed contrition for what she understands to be a potential error in light of the prohibitions in General Statutes § 9-610 (d).
8. The Commission, by this disposition, deems First Selectwoman Gister and Selectwoman Janecek of the Town of Chester on notice of the requirements of General Statutes § 9-610 (d) and its prohibitions on the use of public funds by incumbents to promote their election to office.
9. Nevertheless, based on the *de minimis* nature of the expenditure and the short time period for which the offending post to the Chester town Facebook page was available online, the Commission will dismiss this matter with no further action.

ORDER

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

That this matter is dismissed with no further action.

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



~~Anthony J. Castagno, Chairperson~~ Salvatore Biemonte
By Order of the Commission