

**STATE OF CONNECTICUT**  
**STATE ELECTIONS ENFORCEMENT COMMISSION**

In the Matter of a Complaint by Dennis Savitsky,  
Weston

File No. 2018-016

**FINDINGS AND CONCLUSIONS**

Complainant Dennis Savitsky filed this Complaint pursuant to General Statutes § 9-7b. The Complainant alleged violations of General Statutes Connecticut campaign finance and elections laws by a non-profit and its directors for “acting as a political committee without registering” in connection with a vote in Weston. After its investigation, the Commission makes the following findings and conclusions:

1. Complainant alleged that the non-profit organization, Weston Dog Park, Inc. (hereinafter “WDP”), and its Officers and Directors, “...are acting as a political committee within the definition of the Connecticut Campaign Finance Laws yet has not registered as such nor have they met periodic reporting requirements.”
2. More specifically, Complainant asserts that the “WDP’s activities to influence the Board of Selectmen and the ultimate outcome of the referendum” required them to comply with the requirements for ongoing political committees pursuant to General Statutes § 9-603, § 9-605 and § 9-608.
3. Finally, Complainant asserts that the Town of Weston used public funds to support the April 4, 2018 vote in violation of General Statutes § 9-369b.
4. Failing to register a referendum committee could be a violation of General Statutes § 9-603 and § 9-605. The failure to report expenditures or contributions in connection with advocating for a referendum is a violation of § 9-608. The use of public funds to advocate for a referendum by Weston municipal employees would be a violation of § 9-369b.
5. The Commission notes that neither the municipality of Weston, nor the State of Connecticut reported that a referendum occurred on April 4, 2018 in the Town of Weston.
6. Allegations, as they pertain to the WDP as an Internal Revenue Code Sec. 501 (c), but are unrelated to Title 9, General Statutes are not addressed by this disposition, as they are beyond the scope the Commission’s jurisdiction.

7. General Statutes § 9-1, provides in pertinent part:  
(n) "Referendum" means (1) a question or proposal which is submitted to a vote of the electors or voters of a municipality at any regular or special state or municipal election, as defined in this section, (2) **a question or proposal which is submitted to a vote of the electors or voters**, as the case may be, of a municipality at a meeting of such electors or voters, **which meeting is not an election**, as defined in subsection (d) of this section, **and is not a town meeting**, or (3) a question or proposal which is submitted to a vote of the electors or voters, as the case may be, of a municipality at a meeting of such electors or voters pursuant to section 7-7 or pursuant to charter or special act; ... [Emphasis added.]
8. General Statutes § 9-369b provides in pertinent part:  
(a)(1)(A) Except as provided in subdivision (2) of this subsection, any municipality may, by vote of its legislative body, authorize the preparation, printing and dissemination of concise explanatory texts or other printed material **with respect to local proposals or questions approved for submission to the electors of a municipality at a referendum**. For the purposes of this section, in a municipality that has a town meeting as its legislative body, the board of selectmen shall be deemed to be the legislative body of such municipality.... [Emphasis added.]
9. General Statutes § 9-603, provides in pertinent part:  
(a) Statements filed by party committees, political committees formed to aid or promote the success or defeat of a referendum question, ... shall be filed with the State Elections Enforcement Commission.
10. General Statutes § 9-605, provides in pertinent part:  
(d) A group of two or more individuals who have joined solely to promote the success or defeat of a referendum question shall not be required to file as a political committee, make such designations in accordance with subsections (a) and (b) of this section or file statements pursuant to section 9-608, if the group does not receive or expend in excess of one thousand dollars for the entire campaign. ... The group shall provide the designated treasurer with all information required for completion of the statements for filing as required by section 9-608.

11. By way of background, the WDP was organized as a 501(c)(3) not-for-profit with a stated purpose to raise money to defray some of the cost to the Town of Weston for “constructing a fenced in off-leash dog park.”
12. The threshold question in this instance is whether the April 4, 2018 machine ballot vote in Weston was a “referendum” pursuant to General Statutes § 9-1 (n) (2) and Title 9, Chapter 152 (Referenda), and thereby triggered the requirements of § 9-603, for spending money to advocate for a referendum.
13. Moreover, the parameters and prohibitions pertaining to spending funds while a referendum is pending pursuant to General Statutes § 9-369b, would also require the Commission to determine whether the Weston vote on the dog park was a “referendum.”
14. The Commission finds, after investigation, that the machine ballot vote, which is subject of this complaint and investigation, was not held pursuant to General Statutes § 9-369 or otherwise a referendum defined pursuant to municipal code § 7-7 and /or § 9-1 (n). Rather, the Commission finds that the April 4, 2018 Weston machine ballot vote was called pursuant to § 7-9, based on petitions circulated to request a “special town meeting” under that section of the municipal code.
15. General Statutes § 9-1 (n) (2) specifically excludes from the definition of a “referendum,” a town meeting. In this instance, as detailed in paragraph 15 above, a *town meeting* was the mechanism by which the Town of Weston held the machine ballot vote of April 4, 2018 pertaining to a dog park.
16. The Commission consequently concludes that a referendum, as defined by General Statutes § 9-1 (n), or as governed by 9-369 *et seq*, did *not* occur based on the specific circumstances and facts as described herein. It follows that the various requirements of §9-603, § 9-605 and § 9-608, and the prohibitions of § 9-369b, did not apply to the allegations and facts under consideration in this matter.
17. The Commission concludes that the forming of a political committee by the WDP pursuant to the campaign finance laws of General Statutes, Title 9, was not required in that there was no evidence that the WDP, its member and/or its agents made expenditures to support or oppose ballot question or referendum within the parameters of elections and campaign finance laws pursuant to § 9-1 (n) and § 9-369, *et seq*.
18. The Commission concludes that *because* General Statutes § 9-369b, § 9-603, § 9-605 and §9-608, did not apply to the machine ballot vote held at the April 4, 2014 town meeting in Weston, the allegations regarding potential violations of such statutes by the WDP, its members, officers and/or agents and the Town of Weston are dismissed.

**ORDER**

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

That the Complaint be dismissed.

Adopted this 19<sup>th</sup> day of December 2018, at Hartford, Connecticut



~~Anthony J. Castagno, Chairman~~

By Order of the Commission

Salvatore A. Bramante, Co Chair