

STATE OF CONNECTICUT
STATE ELECTIONS ENFORCEMENT COMMISSION

In the Matter of a Complaint by
Peter J. Talbot, Cheshire

File No. 2018-084

FINDINGS AND CONCLUSIONS

Complainant brought this complaint pursuant to General Statutes § 9-7b alleging that there were television advertisements attributed to Change PAC and directing viewers to reference the Commission website to review filings. Complainant alleged that the Change PAC filings failed to list contributors or adequately itemize its reports as required by General Statutes § 9-608. After the investigation of the complaint, the Commission makes the following findings and conclusions:

1. Salvatore Listro, as Chairman, registered the political committee "Change PAC" (hereinafter "Committee") with the Commission on August 13, 2018. The Committee was registered as a durational independent expenditure only committee. Its registration was for with the purpose of making independent expenditures pertaining to the November 6, 2018 election and Ian G. Bossert was designated its treasurer.¹
2. Complainant identified six dates of alleged violations, on which he believes the Committee should have reported covered transfers. Further, Complainant alleged that the committee failed to identify the Committee's sources of funding.²
3. Finally, Complainant alleged that the Committee failed to disclose the identities of its contributors, as required by General Statutes § 9-608.
4. By way of background, Complainant filed this complaint after seeing television advertisements that were attributed to the Committee and referenced the Commission for further information.³
5. General Statutes § 9-608 in pertinent part, provides:
 - (a) (1) Each treasurer of a committee, other than a state central committee, shall file a statement, sworn under penalty of false statement with the proper authority in accordance with the provisions of section 9-603, ... *Each statement filed under*

¹ See Change PAC, *Independent Expenditure Only Political Committees* (SEEC FORM 8), filed with the Commission

² See *Affidavit of Complaint* (SEEC) by Peter J. Talbot (Rec'd October 14, 2018).

³ Upon contacting the Commission based on the television advertisements disclaimers provided by the Committee, Complainant admits that he was directed by Commission staff to the electronic filings by the Committee and instructed by staff on how to review such filings.

subsection (a), (e) or (f) of this section shall include, but not be limited to: (A) An itemized accounting of each contribution, if any, including the full name and complete address of each contributor and the amount of the contribution; (B) an itemized accounting of each expenditure, if any, including the full name and complete address of each payee, including secondary payees whenever the primary or principal payee is known to include charges which the primary payee has already paid or will pay directly to another person, vendor or entity, the amount and the purpose of the expenditure, the candidate supported or opposed by the expenditure, whether the expenditure is made independently of the candidate supported or is an in-kind contribution to the candidate, and a statement of the balance on hand or deficit, as the case may be; ... [Emphasis added.]

6. General Statutes § 9-601c, provides in pertinent part:
 - (a) As used in this chapter and chapter 157, the term “independent expenditure” means 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.

7. General Statutes § 9-601d, provides in pertinent part:
 - ...
 - (b) Any person who makes or obligates to make an independent expenditure or expenditures in an election or primary for the office of Governor, Lieutenant Governor, Secretary of the State, State Treasurer, State Comptroller, Attorney General, state senator or state representative, which exceed one thousand dollars, in the aggregate, during a primary campaign or a general election campaign, as defined in section 9-700, shall file, electronically, a long-form and a short-form report of such independent expenditure or expenditures with the State Elections Enforcement Commission pursuant to subsections (c) and (d) of this section. The person that makes or obligates to make such independent expenditure or expenditures shall file such reports not later than twenty-four hours after (1) making any such payment, or (2) obligating to make any such payment, with respect to the primary or election. If any such person makes or incurs a subsequent independent expenditure, such person shall report such expenditure pursuant to subsection

(d) of this section. Such reports shall be filed under penalty of false statement.

8. Upon investigation, the Commission finds that the Committee disclosed independent expenditures in support of Bob Stefanowski and in opposition to Ned Lamont; pertaining to their gubernatorial campaigns and the November 6, 2018 election.
9. The Commission finds, after investigation, that the Committee detailed the following activity pertaining to its activity regarding the November 6, 2018 statewide election:
 - On August 13, 2018, Change PAC registered with the Commission.
 - Change PAC received its first covered transfer (in the amount of (\$650,000) on August 15, 2018, and filed its Initial Contribution Disbursement report on August 17, 2018, within 48 hours of the covered transfer.
 - Change PAC received its second covered transfer (\$350,000) on August 30, 2018, and disclosed it on its first report filed thereafter, which was a 24 Hour Independent Expenditure Report dated September 1, 2018.
 - Change PAC received its third covered transfer (\$250,000) on September 7, 2018, and disclosed it on the first report it filed thereafter, a 24 Hour Independent Expenditure Report filed on September 13, 2018.
 - Change PAC received its fourth covered transfer (\$500,000) on October 5, 2018, and disclosed it on its next report, which was an Amended 24 Hour Independent Expenditure Report dated October 9, 2018.
 - Change PAC received its fifth covered transfer (\$500,000) on October 12, 2018, and disclosed it on the next report it filed, a 24 Hour Independent Expenditure Report dated October 16, 2018.
 - Change PAC received its sixth covered transfer (\$1,000,000) on October 19, 2018, and disclosed it on the next report it filed, a 24 Hour Independent Expenditure Report submitted on October 23, 2018

- Change PAC received its seventh covered transfer (\$1,700,000) on October 29, 2018, and disclosed it on its next report, a 24 Hour Independent Expenditure Report filed on October 30, 2018.
- Finally, Change PAC received its eighth and final covered transfer (\$1,650,000) on October 30, 2018, and disclosed it on the first report it filed thereafter, a 24 Hour Independent Expenditure Report dated October 31, 2018.

10. Registration statements and independent expenditure filings with the Commission confirm the above representations made by the Committee. Furthermore, the aforementioned filings disclosed both covered transfers and detailed contributors pertaining to the Committee and its independent expenditures in August through September 2018, as required by General Statutes § 9-608.

11. More specifically, the Commission finds that the reports by the Committee correlate with the six dates⁴ in August through September 2018 provided by the Complainant, upon which various violations by the Committee allegedly occurred.

12. Specifically, the Committee reported sources of funding, contributors and payees in connection with its independent expenditures in support of, or in opposition to, gubernatorial candidates at the November 6, 2018 election.⁵

13. The Commission, for the reasons detailed above, dismisses the allegations made by Complainant as they were not supported by the facts.

14. The Commission therefore finds that no violations occurred by the Committee as alleged and concludes therefore that this matter warrants dismissal.

⁴ Complainant asserted that the Committee television advertisements that formed the basis for alleged independent expenditure reporting and disclosure requirements occurred on August 17, 22 and September 1, 5, 13 and 21, 2019.

⁵ According to Complainant, television advertisements that aired in August through September 2018 and were attributed to the Committee supported or opposed gubernatorial candidates at the November 6, 2018 statewide election in Connecticut and lead to his filing of this complaint.

ORDER

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

That the matter is dismissed.

Adopted this 18 day of September of 2019 at Hartford, Connecticut.



Anthony J. Castagno

By Order of the Commission

Salvatore Bramante