

STATE OF CONNECTICUT
STATE ELECTIONS ENFORCEMENT COMMISSION

In the Matter of a Complaint by Marc Riccio,
Branford

File No. 2018-089

FINDINGS AND CONCLUSIONS

Complainant filed this complaint alleging that the qualified candidate committee of Christine Cohen had solicited contributions for Democratic town committees in the 12th senate district via emails sent out by her campaign. The complaint alleged that, after qualifying for a grant from the Citizens' Election Fund, Cohen's committee solicited contributions for Democratic Town Committees that were supporting her campaign. After the investigation of the complaint, the Commission makes the following findings and conclusions:

1. Christine H. Cohen registered the candidate committee "Christine Cohen 2018" (hereinafter "Committee") with the Commission on March 15, 2019. The Committee was registered for Cohen's candidacy for election to the 12th state senatorial district at the November 6, 2018 election and William M. Bloss was designated its treasurer.¹
2. Cohen participated in the Citizens' Election Program (CEP) and received a grant from the Citizens' Election Fund (CEF) for her senatorial campaign for the November 6, 2018 election.
3. Complainant alleged that Cohen solicited contributions from her candidate committee to the Democratic Town Committees of the following towns: Guilford, Branford, North Branford, Madison, Durham and Killingworth.
4. Upon investigation, it was determined that these solicitations were included in five emails promotional of Cohen's election to the state senate that were disseminated by her candidate committee. Each of the five emails included an attribution to her candidate committee. Each of the five emails contained the following:

How Can You Help?

There are so many ways you can help to ensure we win in November. Here are just a few:

Sign up to knock on doors! I'm out speaking with friendly neighbors in our district as often as possible and could always use a partner. Email Chris to volunteer.²

¹ See "Christine Cohen 2018", *Registration by Candidate* (SEEC FORM 1), filed with the Commission on March 15, 2019.

² Two of the emails included the language "Email Chris to volunteer," while one read "Fill in our Volunteer Form and we will be in touch!" and two did not include invitations to door knock with the candidate.

Contribute to your Democratic Town Committee who will be supporting my campaign³ – Guilford, Branford, North Branford, Madison, Durham and Killingworth.

Share my Facebook page and forward this email to friends – we need everyone on board and voting in November.⁴

5. In this case, each of the five email solicitations contained the following attribution: Paid for by Christine Cohen 2018. Bill Bloss, Treasurer, Approved by Christine Cohen. Further each included a “hyperlink” to the respective Democratic Town Committee’s websites, along with the suggestion by Cohen to contribute.⁵
6. The Commission finds that in each instance Cohen indicated that a “way to help” her campaign for state senate was to contribute to the town committees listed, twice noted that the party committees “will be supporting my campaign.” The Commission finds that the solicitations on behalf of town committees were at the end of each of the emails and posts that generally focused on the promotion of Cohen as candidate for the 12th Senatorial District.
7. Connecticut includes within the definition of solicit “requesting that a contribution be made.” General Statutes § 9-601 (26) (A). On its face, the Cohen solicitations request that contributors make contributions to six Democratic Town Committees, and would satisfy the definition of “solicit.”
8. Because the Committee used an email solicitation to suggest that a contributor make a contribution to a Democratic Town Committee, with which the Cohen as a Democratic senatorial candidate had a formal affiliation as a member of the political party, lends to the conclusion that the candidate committee, at a minimum, is making an in-kind contribution to that party committee.

³ In two of the five solicitations the language “who will be supporting my campaign” was replaced with “who will be working hard to elect Democrats in November.” This latter reference to “elect Democrats” generally is arguably less problematic than the specific indication that the solicitation is being made on behalf of party committees that will specifically support Cohen’s election.

⁴ Two of the emails amended “Share” to encourage readers to “Like and share” Cohen’s email page.

⁵ Two of those hyperlinks linked directly to Town Committee contribution forms to facilitate the making of a contribution.

9. On prior occasions the Commission has advised committees in the past that including a statement such as “Vote Democratic” or “Vote Row B” to promote a particular party may be included in mailers or other communications, even if the mailer is paid for with a qualified candidate committee’s grant funds. That is distinct from this instance where the majority of emails indicated that you could “help” Cohen as a candidate by making contributions to specific party committees that would be “supporting [her] campaign.”
10. General Statutes § 9-607 provides, in relevant part, as follows: (g) (1) As used in this subsection, (A) ***"the lawful purposes of the committee" means: (i) For a candidate or exploratory committee, the promoting of the nomination or election of the candidate who established the committee,*** except that after a political party nominates candidates for election to the offices of Governor and Lieutenant Governor, whose names shall be so placed on the ballot in the election that an elector will cast a single vote for both candidates, as prescribed in section 9-181, a candidate committee established by either such candidate may also promote the election of the other such candidate; ... (Emphasis added.)
11. General Statutes § 9-616 provides, in relevant part, as follows: (a) ***A candidate committee shall not make contributions to, or for the benefit of, (1) a party committee,*** (2) a political committee, (3) a committee of a candidate for federal or out-of-state office, (4) a national committee, or (S) another candidate committee except that (A) a pro rata sharing of certain expenses in accordance with subsection (b) of section 9-610 shall be permitted, and (B) after a political party nominates candidates for election to the offices of Governor and Lieutenant Governor, whose names shall be so placed on the ballot in the election that an elector will cast a single vote for both candidates, as prescribed in section 9-181, an expenditure by a candidate committee established by either such candidate that benefits the candidate committee established by the other such candidate shall be permitted. (Emphasis added.)
12. General Statutes § 9-706 provides, in relevant part, as follows: (a) (1) A participating candidate for nomination to the office of state senator or state representative in 2008, or thereafter, or the office of Governor,- Lieutenant Governor, Attorney General, State Comptroller, Secretary of the State or State Treasurer in 2010, or thereafter, may apply to the State Elections Enforcement Commission for a grant from under the Citizens' Election Program for a primary campaign, after the close of the state convention of the candidate's party that is called for the purpose of choosing candidates for nomination for the office that the candidate is seeking, ... The State Elections Enforcement Commission shall make any such grants to participating candidates in accordance with the provisions of subsections (d) to (g), inclusive, of this section. (e) The State Elections Enforcement Commission shall adopt regulations, in accordance with the provisions of chapter 54, on

permissible expenditures under subsection (g) of section 9-607 for qualified candidate committees receiving grants from the fund under sections 9-700 to 9-716, inclusive.

13. Regulations of Connecticut State Agencies § 9-706-1 provides, in relevant part, as follows: (a) *All funds in the depository account of the participating candidate's qualified candidate committee*, including grants and other matching funds distributed from the Citizens' Election Fund, qualifying contributions and personal funds, *shall be used only for campaign-related expenditures made to directly further the participating candidate's nomination for election or election to the office* specified in the participating candidate's affidavit certifying the candidate's intent to abide by Citizens' Election Program requirements. (Emphasis added.)
14. Regulations of Connecticut State Agencies § 9-706-2 provides, in relevant part, as follows: (a) In addition to the requirements set out in section 9-706-1 of the Regulations of Connecticut State Agencies, participating candidates and the treasurers of participating candidates shall comply with the following citizens' election program requirements. Permissible campaign- related expenditures shall include but are not limited to expenditures for the following: 1. Purchase of political campaign advertising services from any communications medium, including but not limited to newspaper, television, radio, billboard or Internet; 2. Political campaign advertising expenses, including but not limited to printing, photography, or graphic arts related to flyers, brochures, palm cards, stationery, signs, stickers, shirts, hats, buttons, or other similar campaign communication materials; 3. Postage and other commercial delivery services for political campaign advertising... . (b) In addition to the requirements set out in section 9-706-1 of the Regulations of Connecticut State Agencies, participating candidates and the treasurers of such participating candidates shall comply with the following citizens' election program requirements. *Participating candidates and the treasurers of such participating candidates shall not spend funds in the participating candidate's depository account for the following... . 8. Contributions, loans or expenditures to or for the benefit of another candidate, political committee or party committee... . 10. Any expenditure made in conjunction with another candidate for which the participating candidate does not pay his or her proportionate share of the cost of the joint expenditure... . 13. Independent expenditures to benefit another candidate; 14. Expenditures in violation of any federal, state or local law;* (Emphasis added.)
15. These solicitations for the town committee were impermissible for a CEP candidate committee to make with her candidate committee. General Statutes § 9-601 b, § 9-607, § 9-616, § 9-706, and Regs. Conn. State. Agencies § 9-706-1 and § 9-706-2.

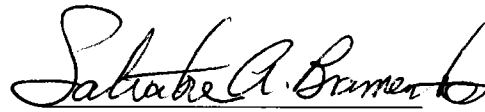
16. Nevertheless, the Commission notes that the postings and emails in this instance focused on the promotion and election of Cohen as the candidate and the Committee did not include a focus on the post as fundraising, but rather how you can further help Cohen as the candidate.
17. The Commission stresses that the use of Committee resources when participating in the CEP to solicit on behalf of other committees is prohibited. To avoid any risk of providing an in-kind contribution to another committee the Commission strongly urges both the candidate and the treasurer in this instance to avoid including such solicitations on behalf of party committees in the future.
18. The Commission, in these narrow and specific circumstances, therefore declines to take further action regarding the allegations of this complaint.

ORDER

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

That no further action is taken pertaining to this matter.

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


Anthony J. Castagno
By Order of the Commission
Salvatore Bramante