

STATE OF CONNECTICUT
STATE ELECTIONS ENFORCEMENT COMMISSION

In the Matter of a Complaint by Catherine F. Abercrombie,
Meriden

File No. 2018-101

FINDINGS AND CONCLUSIONS

Complainant filed this complaint with the Commission pursuant to General Statutes § 9-7b, stating that she had received a mailing and seen a newspaper advertisement promoting respondent that failed to include the proper disclaimer as required under General Statutes § 9-621. After an investigation of the complaint, the Commission makes the following findings and conclusions:

1. Respondent Lou Arata was a candidate for the office of state representative in 2018.
2. Respondent Arata formed a candidate committee¹ and participated in the Citizens' Election Program.² David White, the committee treasurer, was also named a respondent in this matter. The candidate committee received a grant from the Citizens' Election Fund on August 21, 2018.³
3. Respondent Arata sent a letter regarding the "Meriden budget referendum" using his own funds, for which he was reimbursed by the committee. That letter and a business card included with the letter that also promoted his candidacy did not include attribution reflecting who had "paid for" the communications and whether the candidate had approved the message.
4. The letter was written in the first person by the candidate and included his candidate committee logo, which stated "Vote Arata State Representative." The business card included with the letter also featured the candidate committee logo on one side and, on the opposite side, showed the candidate committee's website address, the statement "No Taxes – Not Tolls" and the candidate's e-mail address and a telephone number.
5. Respondent Arata's candidate committee also placed an advertisement in the Berlin Citizen newspaper, promoting his candidacy, that likewise lacked the appropriate attributions required under General Statutes § 9-621.

¹ See SEEC Form 1 – Registration of Candidate Committee (*Arata 2018*, Feb. 28, 2018) (reflecting establishment of candidate committee by Lou Arata and appointment of David White as treasurer).

² See SEEC Form CEP 10 – Affidavit of Intent to Abide by Expenditure Limits and Other Citizens' Election Program Requirements (*Arata 2018*, Aug. 2, 2018) (reflecting intent of candidate and treasurer to participate in Citizens' Election Program and follow voluntary program rules).

³ See SEEC Form 30 – Itemized Campaign Finance Disclosure Statement: October 10 Filing (*Arata 2018*, Oct. 7, 2018) (reporting grant received from Citizens' Election Fund on Aug. 21, 2018).


6. The advertisement featured the candidate committee's logo – "Vote Arata State Representative" as well as a photo of the candidate and the language "Vote November 6th; Arata; State Representative District 83; No Taxes – No Tolls."
7. Based on the above, the Commission finds that the reasonable observer would conclude that the candidate issued the communications.
8. The Respondents have cooperated fully with this investigation and have admitted that they failed to include the necessary attributions on the mailer, the business card, and the advertisement placed in the Berlin Citizen.
9. General Statutes § 9-621 (a) states, in relevant part:
 - (a) No . . . candidate or committee shall make or incur any expenditure . . . for any written, typed or other printed communication, or any web-based, written communication, which promotes the success or defeat of any candidate's campaign for nomination at a primary or election or promotes or opposes any political party or solicits funds to benefit any political party or committee unless such communication bears upon its face as a disclaimer (1) the words "paid for by" and the following: . . . (B) in the case of a committee other than a party committee, the name of the committee and its treasurer; . . . and (2) the words "approved by" and the following: . . . (B) in the case of a candidate committee, the name of the candidate.
10. Based on the above, the Commission concludes that the communications should have stated "paid for by" the candidate committee and "approved by" the candidate.
11. Nevertheless, the Commission declines to take further action based on the Commission's finding that the source of the communications was clear to the reasonable observer, the absence of any prior violations by the respondents, and the lack of any evidence of any intent to deceive or mislead the public. *See, e.g.*, Compliant by Michael Gongler and Victor L. Hapley, Cromwell, File No. 2009-126; Complaint of Robert W. Prentice, Wallingford, File No 2011-134; Complaint by John D. Norris, Southbury, File No. 2011-108; Complaint of Arthur Scialabba, Norwalk, File No. 2012-011, Complaint of Arthur Scialabba, Norwalk, File No. 2012-0125; Complaint of Keith G. Golnik, Terryville, File No. 2013-154.

ORDER

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

That no further action be taken.

Adopted this 6th day of November, 2019 at Hartford, Connecticut.


Commissioner Anthony J. Castagno, Chair
By Order of the Commission