

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

In the Matter of a Complaint by Joseph Romano

File No. 2018-115

**FINDINGS AND CONCLUSIONS**

Complainant Joseph Romano of Southington filed this complaint on November 29, 2018, per Connecticut General Statutes § 9-7b, alleging that Connecticut Majority Team PAC, House Democrats Campaign Committee and House Majority Committee failed to report an organization expenditure and provide a proper attribution on the same had made an impermissible organization expenditure to oppose Republican candidates at the November 2018. After investigating the allegations raised in the complaint the Commission makes the following findings and conclusions:

1. The Connecticut Majority Team PAC (“CTMT”) is a legislative leadership committee. At all times relevant to this complaint, David Desjardins served as CTMT treasurer.
2. The House Democrats Campaign Committee “HDCC” is a legislative caucus Committee. At all times relevant to this complaint, Jeffrey Greenfield served as HDCC treasurer.
3. The House Majority Committee (“HMC”) is a legislative leadership committee. At all times relevant to this complaint, Richard Baltimore served as HMC treasurer.
4. Complainant alleged that the CTMT, HDCC and HMC failed to disclose organization expenditures and provide proper attribution pertaining to expenditures for website advertisements that opposed Republican candidates at the November 2018 election.

5. The Complainant specifically alleged:

*The website features pictures of Republican legislative candidates: State Representatives Mike France, Doug Dubitsky, Sam Belsito, Scott Storms, Craig Fishbein, Jason Perillo, Themis Klarides [and] State Senate candidate Representative Rob Sampson. In addition to the image of the candidates contained on the website, the web ad directing voters to the website contained the images of the same legislative candidates above. The treasurers of ...[CTMT,HDCC and HMC ] listed in the attribution of digital advertisements and website failed to disclose these organizational expenditures... as required by Sec. 9-608 (c) (5).*

6. Further, Complainant alleged that:

*[T]he aforementioned advertisements and website failed to list the appropriate approvals from candidates benefiting from the expenditures, as required by Sec. 9-621.*

7. General Statutes § 9-621, provides in pertinent part:

(a) No individual shall make or incur any expenditure with the consent of, in coordination with or in consultation with any candidate, candidate committee or candidate's agent, no group of two or more individuals acting together that receives funds or makes or incurs expenditures not exceeding one thousand dollars in the aggregate and has not formed a political committee shall make or incur any expenditure, and no candidate or committee shall make or incur any expenditure including an organization expenditure for a party candidate listing, as defined in subparagraph (A) of subdivision (25) of section 9-601, 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: (A) In the case of an individual, group or committee other than a candidate committee making or incurring an expenditure with the consent of, in coordination with or in consultation with any candidate, candidate committee or candidate's agent, the name of the candidate; or (B) in the case of a candidate committee, the name of the candidate.

8. General Statutes § 9-608, provides in pertinent part:

(c) (1) Each statement filed under 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, ...

...

(5) Each statement filed by the treasurer of a party committee, a legislative caucus committee or a legislative leadership committee shall include an

itemized accounting of each organization expenditure made by the committee. Concomitant with the filing of any such statement containing an accounting of an organization expenditure made by the committee for the benefit of any candidate for the office of state senator, state representative, Governor, Lieutenant Governor, Attorney General, Secretary of the State, State Comptroller or State Treasurer such treasurer shall provide notice of the organization expenditure to the candidate committee of such candidate.

9. The advertisements by HTMT, HDCC and HMC were posted to a website that was created on or about October 20, 2018. The website containing advertisements that are subject of this complaint contained the following attribution: "WEBSITE Paid for by CTMT, David Desjardins, Treasurer; HDCC, Jeffrey Greenfield, Treasurer; HMC, Richard Baltimore, Treasurer."
10. The advertisements included images of the Republican candidates identified herein, but did not contain their names. The advertisements contained the following language on the respective advertisements: (1) Stop the House Republican Agenda – Wrong for Connecticut, Wrong for Our Values – Donate Volunteer; and, (2) Learn More About Their Agenda – [www.CTHOUSEREPUBLICANAGENDA.COM](http://www.CTHOUSEREPUBLICANAGENDA.COM).
11. By way of background, Respondents cooperated fully with this investigation and claimed that the advertisements in question were considered by them as "promoting the Democratic political party by contrasting it with the state policy aged of Connecticut House Republicans organization."
12. Further, Respondents asserted that they reported their expenditures to promote the political party generally and did not therefore include the candidates or provide for them with valuations on a pro rata basis as they believed it was unnecessary. They stressed that there was coordination with any candidate committees and that the communications did not solicit support for any specific candidate.
13. The Commission has acknowledged that where, as in this instance, there are clearly identified candidates included in a communication within 90 days of an election it need not result in a violation for an impermissible expenditure in all cases. See Declaratory Ruling 2011-03 and Advisory Opinion 2014-04. The finding of a violation may not be necessary where the Commission determines the benefit to a candidate or candidates was incidental.
14. The Commission may look to indicia to give guidance in evaluating whether a communication that clearly identifies candidates within 90 days of election, but nevertheless provides only incidental benefit to those candidates or their opponents. These incorporate the reasoning

behind Declaratory Ruling 2011-03 and Advisory Opinion 2014-04, and, depending on the facts, may include:

- *Distribution*, to what extent was the communication disseminated or targeted outside the attacked candidate's district;
- *Allocation of space and message*; what portion or percentage of the communication incorporated or included a clearly identified candidate or candidates;
- *Cost*; does the communication include videos or photos that were provided by a volunteer as part of ongoing content development and delivery for social media on the Internet or by telephone;
- *Series*; was the immediate communication part of a series of such communications or a pattern of communications by the sponsoring committee or was it an isolated incident;
- *CEP*, did the candidate or candidates supported or opposed participate in the CEP, which may trigger a heightened scrutiny in that all public funds must directly further the election of participants;
- *Endorsements*, did the communication fit within exemptions for endorsements or otherwise contain traditional campaign speech and associational rights in support of an individual candidate by the sponsor, such that the exercise of discretion is warranted;
- *Prior bad history*, consistent with Commission regulations for assessing penalties, whether the individual or entity sponsoring such communication has prior history with the Commission or whether discretion can be extended to newcomers to the process;
- *Coordination*, whether or not the communication was coordinated with benefited candidates; and,
- *Disclosure*, whether or not the expenditures were fully disclosed.

15. In applying these factors to the circumstances alleged herein, the Commission finds that the use of the candidates' images was incidental to the broader message targeting the Republican Party and was minor with respect to the overall content of the webpage:

a. The amount of space and messaging allocated to the images of the Republican candidates is relatively small. A montage comprised of eight candidates in varying degrees of clarity--takes up approximately one-fifth of the webpage and is used as a background for a donation and volunteer button as well as text that opposes the Republican platform generally. Only part of the faces of two of the candidates are shown. The candidates are not named in the text nor is any information provided about their candidacies or their public office. Most of the page is a list of policy items ascribed to the Republican Party generally and links to volunteer and to donate to the political committees sponsoring the ad. All of the text is devoted to this general messaging, none is specific to the races of the eight candidates identified by picture.

b. There was no evidence that the webpage was targeted to the districts of the appearing candidates.

c. The advertisement was posted to the web at a relatively low cost.

d. There was no evidence that this was part of a series of similar ads targeting the same candidates.

e. The spending by the political committees for the advertisement did not involve public funds and they were permitted to make organization expenditures coordinated with CEP candidates.

f. None of the named respondents have a history of campaign finance violations.

g. The attributions for the political committees are listed at the bottom of the page, indicating which committees paid for the site, so the origin of the ad was clear on its face.

16. The Commission concludes after investigation that the communication primarily supported the Democratic party as opposed to targeting specific candidates or races. Where the benefits to specific Democratic candidates were incidental, this lends to the Commission exercising discretion as to whether they had to be allocated and reported as otherwise permissible organization expenditures.

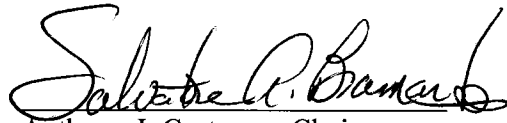
17. The Commission determines in this instance that it will take no further action.

**ORDER**

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

That the Commission will take no further action in this matter.

Adopted this 18<sup>th</sup> day of December, 2019 at Hartford, Connecticut.



~~Anthony J. Castagno, Chairperson~~

By Order of the Commission

Salvatore A. Bramante, <sup>vice</sup> Chair