

STATE OF CONNECTICUT
STATE ELECTIONS ENFORCEMENT COMMISSION

In the Matter of a Complaint by
Richard R. Brantley, Milford

File No. 2018-058

FINDINGS AND CONCLUSIONS

Complainant brought this complaint pursuant to General Statutes § 9-7b alleging that the candidate, or an “unknown party,” paid for a billboard promoting the senatorial candidacy of Anthony S. Giannattasio, which did not contain a disclaimer in violation of General Statutes § 9-621. Alternatively, Complainant alleged, violations of Connecticut campaign finance laws based on independent expenditures for the anonymous billboard advocating for the election of Mr. Giannattasio to the state senate from the 14th Senatorial District at the November 6, 2018 election. After the investigation of the complaint, the Commission makes the following findings and conclusions:

1. Respondent Anthony S. Giannattasio registered the candidate committee “Tony G. for Senate” (hereinafter “Committee”) in connection with his candidacy for state senate for the 14th Senatorial District at the November 6, 2018 election. The Committee was registered on March 14, 2018, and Respondent Ila M. Tokarz was designated the treasurer of the Committee.
2. Complainant alleged that the Committee paid for a billboard that advertised for the election of Respondent Giannattasio but did not include the required disclaimer, and therefore that he and Respondent Tokarz were in violation of General Statutes § 9-621.
3. Further, Complainant alleged that the Committee failed to report the expenditure for the billboard on its itemized campaign finance disclosure statements, in violation of General Statutes § 9-608.
4. Alternatively, Complainant alleged that, if this was an independent expenditure in support of the Committee, an individual failed to satisfy the filing and disclosure requirements for independent expenditures in violation of General Statutes § 9-601c and § 9-601d.
5. 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, ... 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:* (A) In the case of such an individual, the name and address of such individual; *(B) in the case of a committee other than a party committee, the name of the committee and its treasurer;* (C) in the case of a party committee, the name of the committee; or (D) in the case of a group of two or more individuals that receives funds or makes or incurs expenditures not exceeding one thousand dollars in the aggregate and has not formed a political committee, the name of the group and the name and address of its agent, *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.* [Emphasis added.]

6. 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 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.]

7. 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.

8. General Statutes § 9-601b, 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.

Failure to Include a Disclaimer on a Billboard

9. The Commission finds, after investigation that the Committee had the campaign sign designed and then manufactured and installed on the billboard through two vendors. The Commission finds that the Committee and vendors used the wrong measurements when designing the Committee’s sign. More specifically, the Commission finds that the Committee and vendors initially used the measurement of 12 feet by 24 feet. After investigation, it was determined that the billboard used for the sign in question had an actual size of 10 feet by 20 feet.
10. The Commission finds that due to use of incorrect measurements by the vendors, the vinyl sign was too large for the billboard and was therefore installed with the bottom portion of the vinyl folded under and affixed to the bottom of the billboard, which obscured the disclaimer language at the bottom of the sign.

11. The investigation revealed that when the error was discovered the Committee had the sign adjusted so that the obscured portion was hanging free from the billboard frame rather than being affixed. The Commission finds that the sign had the following disclaimer: *Paid for by Tony G for Senate, Ila Tokarz, Treasurer. Approved by Tony Giannattasio.*
12. The Commission concludes that the sign in question had the disclaimer of the Committee, as required by General Statutes § 9-621. The Commission finds that the Committee in good faith had the sign re-installed when it learned, by no fault of its own, that the disclaimer was obscured when originally installed.
13. The Commission, for the reasons detailed above, dismisses this allegation and takes no further action.

Alleged Failure to Report Expenditures by the Committee

14. The Commission finds, after investigation, that the invoice for design of the sign used on the billboard was reported by the Committee on its itemized campaign finance disclosure statement filed August 9, 2018.
15. The expenditure was in the amount of \$500.00 and paid to The Still Lyfe. The purpose of the expenditure was coded for advertising/sign and the invoice was provided to the Commission in the course of this investigation.
16. The Commission further finds that the invoice for the production and installation of the sign used on the billboard was received by the Committee on August 17, 2018 and reported by the Committee on September 13, 2018. The expenditure was in the amount of \$1,119.05 and paid to x84 Billboard LLC. The purpose of the expenditure was coded as advertising/sign and the invoice was provided to the Commission in the course of this investigation.
17. The Commission finds that the Committee reported expenditures for the design, production, and installation of the sign that was hung on the billboard that is in question on its campaign finance statements as required by General Statutes § 9-608.
18. The Commission concludes that there were no violations of General Statutes § 9-608, as alleged, and therefore dismisses the allegations as they were not supported by the facts after investigation.

Alleged Violations Regarding Independent Expenditures

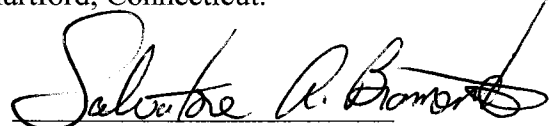
19. The Commission finds, after investigation, that there were no independent expenditures regarding the Committee's expenditure for the sign and billboard in this instance.
20. Therefore, the Commission dismisses the alleged violations of General Statutes § 9-601c and § 9-601b, regarding the filing and disclosure statements pertaining to incurred independent expenditures, as they were not supported by the facts. investigation.
21. The Commission dismisses this complaint as the allegations were not supported by the facts.

ORDER

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

That the matter is dismissed.

Adopted this 15th day of May of 2019 at Hartford, Connecticut.



~~Anthony J. Castagno~~

By Order of the Commission

Salvatore A. Bramante

Vice-Chair