

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

In the Matter of a Complaint by Julie Learson, Milford

File No. 2019-100

**FINDINGS AND CONCLUSIONS**

The Complainant filed the instant complaint with the Commission pursuant to Connecticut General Statutes § 9-7b. The Complainant alleged that Respondent improperly had his name displayed on an electronic sign connected to a public works project. The following are the Commission's findings of fact and conclusions of law:

**PARTIES**

1. At all times relevant hereto, Respondent Peter Bass was the Mayor of the Town of New Milford and a candidate for reelection to that same office.

**ALLEGATION**

2. The Complainant alleged that Respondent improperly had his name displayed on an electronic sign at the site of a public works project.

**STATEMENT OF THE LAW**

3. General Statutes § 9-610 (d) provides:

(d) (1) No incumbent holding office shall, during the three months preceding an election in which he is a candidate for reelection or election to another office, use public funds to mail or print flyers or other promotional materials intended to bring about his election or reelection.

(2) No official or employee of the state or a political subdivision of the state shall authorize the use of public funds for a television, radio, movie theater, billboard, bus poster, newspaper or magazine promotional campaign or advertisement, which (A) features the name, face or voice of a candidate for public office, or (B) promotes the nomination or election of a candidate for public office, during the twelve-month period preceding the election being held for the office which the candidate described in this subdivision is seeking.

4. General Statutes § 9-622 (5) further provides that the following persons are guilty of an illegal practice:

Any person who, directly or indirectly, pays, gives, contributes or promises any money or other valuable thing to defray or towards defraying the cost or expenses of any campaign, primary, referendum or election to any person, committee,

company, club, organization or association, other than to a treasurer, except that this subdivision shall not apply to any expenses for postage, telegrams, telephoning, stationery, express charges, traveling, meals, lodging or photocopying incurred by any candidate for office or for nomination to office, so far as may be permitted under the provisions of this chapter;

#### STATEMENT OF THE FACTS

5. In the month of June, 2019, the Department of Public Works for the Town of New Milford was performing a road improvement project at the intersection of State Route 202 and Elm Street in New Milford.
6. At the site of the project, the Department of Public Works had a sign that displayed a rotating message: “2nd Hill Rd Rebuild”; “Summer 2019”; “Rebuild New Milford”; and “Mayor Pete Bass”.
7. The sign was removed at the end of the project.
8. Once the Respondent received complaints about the sign, the Respondent directed his director of public works to change the message for future projects.

#### DISCUSSION

9. While it is common for the name of a Chief Executive of a municipality, or state, to be displayed on signage connected with public work projects, the display of such signage near the time of an election or primary is a matter that is of concern to the Commission.
10. Moreover, as has been repeatedly noted by this Commission, the laws concerning the use of public resources to benefit a campaign, leave much potentially concerning conduct unregulated. The Commission has previously noted such when it stated that there is a “clear disconnect between the current state of communications and the statutory provisions that the Commission must utilize to regulate expenditures by incumbent candidates.” See *In the Matter of a Complaint by Robert Berriault, New Britain*, File No. 2017-049.
11. The Commission here, again, highlights this troubling hole in the Election Laws of the State of Connecticut.
12. The Commission has, at appropriate times, found that use of certain public resources to benefit a campaign to also be an inappropriate “defraying the cost” of a campaign in violation of General Statutes § 9-622 (5).

13. In this case, however, while the Commission strongly cautions the Respondent and the regulated community that inappropriate use of public signage to benefit a campaign will draw the scrutiny of the Commission, in light of the fact that the Respondent has already take remedial action, the Commission declines to pursue a further sanction in this matter.

ORDER

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

That no further action shall be taken with regard to this matter.

Adopted this 16<sup>th</sup> day of September, 2020 at Hartford, Connecticut.

A handwritten signature in black ink, reading "Salvatore A. Bramante". The signature is written in a cursive style with a large initial "S".

~~Anthony J. Castagno, Chairperson~~

By Order of the Commission

Salvatore Bramante, Vice Chair