

**STATE OF CONNECTICUT
STATE ELECTIONS ENFORCEMENT COMMISSION**

In the Matter of a Complaint by James M. Capra,
Shelton

File No. 2019-112

AGREEMENT CONTAINING A CONSENT ORDER

This Agreement by and between Annmarie Francino-Quinn, Shelton, State of Connecticut, hereinafter referred to as "Respondent", and the undersigned authorized representative of the State Elections Enforcement Commission, is entered into in accordance with Connecticut General Statutes § 4-177 (c) and Regulations of Connecticut State Agencies § 9-7b-54. In accordance herewith, the parties agree that:

1. Complainant, James M. Capra, alleged that "Republicans For Continued Tax Stability" (hereinafter "Committee") violated General Statutes § 9-621 by including "approved by endorsed candidates" in its disclaimer pertaining to a September 10, 2019 Republican primary in the Town of Shelton.
2. Further, Complainant alleged that because he was an "endorsed" candidate at the primary and was not consulted and did not approve the advertisement it was incorrect and violated the law.
3. The Committee was an ongoing political committee formed by two or more individuals registered with the Shelton Town Clerk on August 14, 2019 and Respondent was designated its treasurer. Respondent has no prior history with the Commission.
4. 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.]

5. Upon investigation, it was determined that the Committee was an ongoing political committee formed by two or more individuals registered with the Shelton Town Clerk on August 14, 2019. Each individual, whose candidacies are promoted by materials that are subject to this complaint, filed a Form 1B designating the Committee as their sole funding vehicle with the Shelton Town Clerk.
6. Complainant alleged that because he was an "endorsed" candidate¹ at the primary and was not consulted and did not approve the advertisement it was incorrect and violated the law. The Commission concludes that the status of individual candidates, as to town committee endorsements at the September 10, 2019 Shelton Republican primary, is not relevant, or necessary, for its analysis pursuant to General Statutes §9-621.
7. The Commission finds that there were two pages of an advertisement attached to the complaint; one of which was an invitation to an event from 6:00 to 8:00 PM "*In Support of Shelton Republican Candidates – In The September 10th Primary*" and the other was a "Sample Ballot" highlighting in yellow rows of candidates for various offices at the primary.
8. The Commission further finds that of the two sides of the advertisement contained the attribution: *Paid for by Republicans For Continued Tax Stability, Annemarie Franco Quinn, Treasurer. Approved by All Endorsed Candidates.* The pages did not include "approved by" and the list of candidates funded by the Committee at the September 10, 2019 Shelton Republican primary. Finally, the Commission concludes that language "endorsed candidates" was not sufficiently descriptive to *name* the candidates for purposes of satisfying the requirements of General Statutes § 9-621.

¹ The investigation indicated that Complainant was a 1 B filer and designated the political slate committee "Here for Shelton," which ran candidates in opposition to the Committee, as his sole funding vehicle.

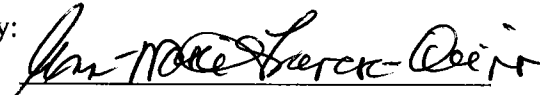
9. The Commission finds, however, that the sample ballot did highlight the names of every individual that designated committee as their sole funding vehicle by filing a 1B with the Shelton Town Clerk.
10. The Commission finds that the Committee in good faith had attempted to identify the candidates included on the mailer and there was little risk of confusion based on the language included in the attribution and the emphasis on individual candidates provided for in the piece.
11. Nevertheless, the Commission concludes that the Respondent failed to include the proper attribution on the campaign literature in question as required by General Statutes § 9-621, in violation of that section.
12. The Respondent admits all jurisdictional facts and concurs that this Agreement and Order shall have the same force and effect as a final decision and Order entered after a full hearing and shall become final when adopted by the Commission. The Respondent shall receive a copy hereof as provided in Section 9-7b-56 of the Regulations of Connecticut State Agencies.
13. The Respondent waives:
 - a. Any further procedural steps;
 - b. The requirement that the Commission's decision contain a statement of findings of fact and conclusions of law, separately stated; and
 - c. All rights to seek judicial review or otherwise to challenge or contest the validity of the Order entered into pursuant to this Agreement.
14. It is understood and agreed that this Agreement will be submitted to the Commission for consideration at its next meeting and, if the Commission does not accept it, it is withdrawn and may not be used as an admission by either of the parties in any subsequent hearing, if the same becomes necessary.

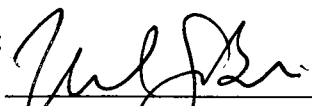
ORDER

IT IS HEREBY ORDERED that the Respondent shall henceforth strictly comply with General Statutes § 9-621.

The Respondent

For the State of Connecticut

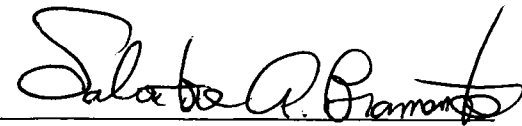
By: 
Annmarie Francino-Quinn
24 Sanford Drive
Shelton, Connecticut

By: 
Michael J. Brandi, Esq.
Executive Director and General Counsel
And Authorized Representative of the
State Elections Enforcement Commission
20 Trinity Street, Suite 101
Hartford, Connecticut

Dated: 6/16/20

Dated: 6/22/2020

Adopted this _____ day of _____, 20____ at Hartford, Connecticut by vote of the Commission.


~~Anthony J. Castagno~~, Chairman - Vice
By Order of the Commission
SALVATORE A. BRAMANTE