

STATE OF CONNECTICUT
STATE ELECTIONS ENFORCEMENT COMMISSION

In the Matter of a Complaint by Louis DeCilio, Stratford

File No. 2019-133

FINDINGS AND CONCLUSIONS

The Complainant filed the instant complaint with the Commission pursuant to Connecticut General Statutes § 9-7b. The Complainant alleged that a campaign advertisement for the candidate Respondent James Simon did not contain a proper attribution as required by General Statutes § 9-621. The following are the Commission's findings of fact and conclusions of law:

1. Complainant alleged that a campaign advertisement for the candidate Respondent James Simon did not contain a proper attribution as required by General Statutes § 9-621.
2. General Statutes § 9-621 (a) provides

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: (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.

3. At all times relevant hereto, *Voices of Stratford PAC* was a durational political slate committee registered in the Town of Stratford to make expenditures concerning the November 11, 2019 election.
4. On or about July 24, 2019, Respondents Kathleen Callahan and Karen Tracy registered the *Voices of Stratford PAC* as a political slate committee within the Town of Stratford Town Clerk.
5. From on or about July 24, 2019 through on or about October 1, 2019, Respondent Kathleen Callahan was the chairperson of *Voices of Stratford PAC*.
6. From on or about July 24, 2019 through on or about October 1, 2019, Respondent Karen Tracy was the treasurer of *Voices of Stratford PAC*.
7. From on or about July 24, 2019 through on or about October 1, 2019, Stephanie Phillips was the deputy treasurer of *Voices of Stratford PAC*.
8. From October 1, 2019 through its termination Stephanie Phillips was the chairperson of *Voices of Stratford PAC*.
9. At all times relevant hereto, Respondent James L. Simon was a 2019 candidate for municipal office in the Town of Stratford.
10. At all times relevant hereto, Respondent Simon's 2019 campaign was funded by *Voices for Stratford PAC*.
11. In the course of the 2019 municipal campaign in the Town of Stratford, *Voices for Stratford PAC* produced campaign literature that promoted Respondent Simon and did include the proper attribution.
12. However, Respondent Simon did produce one campaign piece at his own home of approximately 75 pieces that did not contain any attribution. However, it was clear on the face of the advertisement who had produced the document.
13. In addition, Respondent posted a number of items to a personal Facebook page that did not contain the proper attribution, but, again, it was clear that Mr. Simon was the source of the Facebook posts.
14. While the failure to include necessary information in an attribution is a matter important to the Commission, when the identity of the person making the expenditure is clear and there is no evidence of bad faith, the Commission has a history of exercising its discretion not to

pursue sanctions against respondents. See *In the Matter of a Complaint by Michael Gongler and Victor L. Harpley, Cromwell*, File No. 2009-126 (“The Commission concludes that the authorship of the flyer was clear to the reasonable observer and notes that the Respondents have no history of violations of the election laws.”); *In the Matter of a Complaint by John D. Norris, Southbury*, File No. 2011-108 (“Based on the Commission's finding that the person issuing the e-mail communication was clear to the reasonable observer, and the absence of a history of similar violations, and noting the absence of any evidence of any intent to deceive or mislead the public, the Commission declines to further investigate the attribution matter.”); *In the Matter of a Complaint by Arthur Scialabba, Norwalk*, File 2011-125; *Complaint of Robert W Prentice, Wallingford*, File No 2011 -134; *In the Matter of a Complaint by Arthur Scialabba, Norwalk*, File 2012-011; *In the Matter of Complaints by Pete Bass, New Milford*, File 2012-158 & 162; *In the Matter of a Complaint by Michael J. Flint, Lakeville*, File No. 2013-135.

15. In light of the fact that it was clear from the advertisements in question that Respondent Simon was the source and that Respondent Simon was a first time candidate with no history before the Commission, the Commission directs staff to take no further action with regard to this allegation.

ORDER

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

That Commission staff take no further action with regard to this matter.

Adopted this 16th day of December, 2020 at Hartford, Connecticut.



~~Anthony J. Castagno, Chairperson~~

By Order of the Commission

SALVATORE A. BRAMANTE Vice-Chair