

STATE OF CONNECTICUT
STATE ELECTIONS ENFORCEMENT COMMISSION

+

In the Matter of a Complaint by Joene Hendry, East Haddam

File No. 2019-134

FINDINGS AND CONCLUSIONS

The Complainant alleged that Independent Party candidate for First Selectman Joseph Zaid expended funds for print advertisements promoting his candidacy without the appropriate attributions and without timely registering his candidacy with the Town Clerk during the November 5, 2019 municipal election.¹

Background and Allegation

1. During the November 5, 2019 election season, Respondent Joseph Zaid ran as a candidate for First Selectman in the Town of East Haddam, eventually receiving the endorsement under the Independent Party, a registered minor party in town.
2. The Complainant alleged that Respondent Zaid placed print advertisements promoting his candidacy in the May 30, 2019 and June 6, 2019 editions of the East Haddam News that failed to include the attributions required by General Statutes § 9-621.
3. The Complainant further alleged that Respondent Zaid did not timely register his candidacy for campaign finance purposes, as required by General Statutes § 9-604, when he filed a "Registration by Candidate" (SEEC Form 1) and "Certification of Exemption from Forming Candidate Committee" (SEEC Form 1B) with the East Haddam Town Clerk on or about September 3, 2019.
4. Finally, the Complainant alleged that Respondent Zaid solicited contributions through a GoFundMe page, which was an inappropriate funding vehicle, and which would made him ineligible for the exemption from forming a candidate committee that he claimed on his SEEC Form 1B.

¹ The following are the Commission's findings and conclusions based on those portions of the Complainant's statement of complaint which the Commission could reasonably construe as alleging facts amounting to a specific violation of those laws within the Commission's jurisdiction. Any statements within the Complaint not addressed herein either did not specifically allege a violation or alleged facts which if proven true would not have amounted to a violation within the Commission's jurisdiction.

Law

5. General Statutes § 9-601 (11) defines a “candidate” as follows:

(11) “Candidate” means an individual who seeks nomination for election or election to public office whether or not such individual is elected, and for the purposes of this chapter and chapter 157, *an individual shall be deemed to seek nomination for election or election if such individual has* (A) been endorsed by a party or become eligible for a position on the ballot at an election or primary, or (B) solicited or received contributions, other than for a party committee, *made expenditures* or given such individual's consent to any other person, other than a party committee, to solicit or receive contributions or make expenditures *with the intent to bring about such individual's nomination for election or election to any such office*. “Candidate” also means a slate of candidates which is to appear on the ballot in a primary for the office of justice of the peace. For the purposes of sections 9-600 to 9-610, inclusive, and section 9-621, “candidate” also means an individual who is a candidate in a primary for town committee members (Emphasis added.)

6. General Statutes § 9-601b defines “expenditure,” in pertinent part: provides, in pertinent part:

(1) Any purchase, payment, distribution, loan, advance, deposit or gift of money or anything of value, when made to promote the success or defeat of any candidate seeking the nomination for election, or election, of any person or for the purpose of aiding or promoting the success or defeat of any referendum question or the success or defeat of any political party; . . .

7. General Statutes § 9-604 provides, in pertinent part:

(a) Each candidate for a particular public office or the position of town committee member shall form a single candidate committee for which he shall designate a treasurer and a depository institution situated in this state as the depository for the committee's funds and shall file a committee statement containing such designations, not later than ten days after becoming a candidate, with the proper authority as required by section 9-603. The candidate may also designate a deputy treasurer on such committee statement. The treasurer and any deputy treasurer so designated shall sign a statement accepting such designation which the candidate shall include as part of, or file with, the committee statement.

(b) The formation of a candidate committee by a candidate and the filing of statements pursuant to section 9-608 shall not be required if the candidate files a certification with the proper authority required by section 9-603, not later than ten days after becoming a candidate, and any of the following conditions exist for the campaign: (1) The candidate is one of a slate of candidates whose campaigns are funded solely by a party committee or a political committee formed for a single election or primary and expenditures made on behalf of the candidate's campaign are reported by the committee sponsoring the candidate's candidacy; (2) *the candidate finances the candidate's campaign entirely from personal funds and does not solicit or receive contributions, provided if said candidate personally makes an expenditure or expenditures in excess of one thousand dollars to, or for the benefit of, said candidate's campaign for nomination at a primary or election to an office or position, said candidate shall file statements according to the same schedule and in the same manner as is required of a treasurer of a candidate committee under section 9-608;* (3) the candidate does not receive or expend funds in excess of one thousand dollars; or (4) the candidate does not receive or expend any funds, including personal funds, for the candidate's campaign. If the candidate no longer qualifies for the exemption under any of these conditions, the candidate shall comply with the provisions of subsection (a) of this section, not later than three business days thereafter and shall provide the candidate's designated treasurer with all information required for completion of the treasurer's statements and filings as

required by section 9-608. If the candidate no longer qualifies for the exemption due to the condition stated in the candidate's certification but so qualifies due to a different condition specified in this subsection, the candidate shall file an amended certification with the proper authority and provide the new condition for the candidate's qualification not later than three business days following the change in circumstances of the financing of the candidate's campaign. The filing of a certification under this subsection shall not relieve the candidate from compliance with the provisions of this chapter.

8. 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: (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.

Investigation

9. The investigation here confirmed that the advertisements appeared in the East Haddam News as alleged on May 30, 2019 and June 6, 2019.
10. The two small 2"x3" advertisements were identical, and read:

Joseph Zaid for 1st Selectman
Of East Haddam
860-389-8028
JoeZaid1st Selectman@gmail.com
FB-Elect Joe Zaid for 1st Selectman
11. The investigation also confirmed that Respondent Zaid submitted the aforementioned SEEC forms to the East Haddam Town Clerk on the date alleged.
12. The SEEC Form 1B asserted that Respondent Zaid was exempt from forming a candidate committee and making campaign finance disclosures because he was self-funding his candidacy and would not spend more than \$1,000.
13. Finally, the investigation confirmed that Respondent Zaid placed a GoFundMe link on his Facebook page on or about October 6th and received contributions totaling \$150 from Mr. Zaid's sister, mother, and step brother.

Response

14. The Respondent was cooperative in this investigation and confirmed the truth of the allegations made and apologized for his errors.
15. The Respondent asserted that at the time the advertisements were booked, he was not aware of the attribution requirements for advertisements, as he was a first-time candidate organizing his campaign with his spouse with limited funds.
16. The Respondent asserted that he originally booked four advertisements but was informed of the attribution issue after the first two were published, so he pulled the last two so that he could add an appropriate attribution.

17. The Respondent included proof of his assertions in the form of invoices and receipts from the East Haddam news (The total cost for the 4 ads was \$132).
18. The Respondent also admitted that he erred in setting up the GoFundMe page. He provided proof that the page was only up briefly and only resulted in contributions from 3 people, all family members, totaling \$150.
19. The Respondent provided proof that he returned all the contributions within 9 days of their receipt.

Analysis

20. As an initial matter, the Commission concludes that Respondent Zaid became a “candidate,” as that term is defined in General Statutes § 9-601 (11), when he made the expenditure for the May 30, 2019 advertisement on or about May 23, 2019. Pursuant to General Statutes § 9-604, Respondent Zaid was required to register as a candidate with the Town Clerk and submit any applicable reporting exemptions no later than 10 days after that date.
21. Further, the Commission concludes that the two advertisements should have included the attribution “Paid for by Joseph Zaid” along with his address.
22. Finally, the Commission concludes that not only was GoFundMe not an appropriate funding mechanism for a campaign, it contradicted his SEEC Form 1B, which asserted that he was self-funding his campaign.
23. Turning first to the attribution issue, while the 2 advertisements were missing the appropriate attributions, it was plain from the face of the advertisements and easily knowable that the funding source was the campaign. The ads featured his phone number, an email address for the campaign, and the means of going to the campaign’s Facebook website page. The Respondent addressed the issue as soon as it was brought to his attention and there was no evidence found that the issue reoccurred. The Commission declines to take further action here based on the Commission’s finding that the source of the communications was clear to the reasonable observer, the absence of any prior violations by the respondent, and the lack of any evidence of any intent to deceive or mislead the public².

² See, e.g., *In the Matter of a Complaint by Catherine F. Abercrombie, Meriden*, File No. 2018-101 *In the Matter of a Complaint by Michael Gongler and Victor L. Hapley, Cromwell*, File No. 2009-126; *In the Matter of a Complaint of*

24. Concerning the GoFundMe solicitations, the solicitations were limited in scope (\$150 from 3 people), were quickly returned by the Respondent when he recognized the issue, and no funds were used in the service of the campaign. The investigation did not reveal any further solicitations and/or receipts of external funds. For the reasons set forth above and including the absence of prior violations in this area, there is no need to take any further action regarding this issue.
25. Finally, while by the Respondent's own admission the late filing was due to his own inexperience and ignorance concerning the reporting and attribution requirements of a candidate, the Commission is confident that his experience in this instance prepared him to be fully compliant with the registration and reporting requirements in the future. There is also no need for any further remedy in this instance.

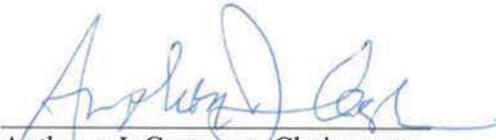
Robert W. Prentice, Wallingford, File No 2011-134; In the Matter of a Complaint by John D. Norris, Southbury, File No. 2011-108; In the Matter of a Complaint of Arthur Scialabba, Norwalk, File No. 2012-011, In the Matter of a Complaint of Arthur Scialabba, Norwalk, File No. 2012-0125; In the Matter of a Complaint of Keith G. Golnik, Terryville, File No. 2013-154.

ORDER

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

No further action.

Adopted this 20 day of JAN, 2021 at Hartford, Connecticut.



Anthony J. Castagno, Chairperson
By Order of the Commission