

STATE OF CONNECTICUT
STATE ELECTIONS ENFORCEMENT COMMISSION

In the Matter of a Complaint by Heather G. Dean,
Fairfield

File No. 2020-001

FINDINGS AND CONCLUSIONS

Complainant Heather G. Dean filed this Complaint pursuant to General Statutes § 9-7b. The Complainant alleged violations of General Statutes Connecticut campaign finance and elections laws pertaining to a municipal candidate “chose to exploit the [local] crisis for political gain” in connection with the creation of a website and distributing yard signs prior to the November 5, 2019 municipal election in Fairfield. After its investigation, the Commission makes the following findings and conclusions:

1. Complainant alleged that Dana Kery, while a candidate for Representative Town Meeting (“RTM”) in Fairfield created a website and yard signs prior to the November 5, 2019 municipal election in Fairfield with the intent of opposing incumbent First Selectman Mike Tetreau and supporting his challenger Brenda Kupchick.
2. More specifically, Complainant asserts that:
 - *Sometime in August of 2019, the town experienced crises known as the “fill pile” whereby two Fairfield town employees and a member of a refuse carting company were arrested and charged with financial and environmental crimes.*
 - *This was in connection to an illegal dumping scheme involving the Fairfield landfill. This was a terrible situation made worse when Dana Kery-then a Republican candidate for the local legislative body, Representative Town Meeting-chose to exploit the crises for political gain by creating a web page and more specifically, distributing yard signs.*
 - *This web page and yard signs were designed to influence the outcome of a political race rather than educate residents. By using scare tactics, the voters were influenced to vote against the Democratic incumbent, Mike Tetreau, and support the Republican challenger, Brenda Kupchick.*
3. Complainant indicated that the majority of the signs came down following election day, which resulted in Ms. Kupchick defeating the incumbent Mr. Tetreau, but without the resolution of the “illegal dumping issue” in Fairfield. Therefore, Complainant stressed that the website and yard signs had a “political purpose.”

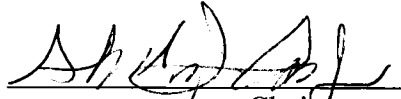
4. Pursuant to its authority in General Statutes 9-7a (g) (1), as amended by June Sp. Sess. Public Act 17-02, the Commission conducted a preliminary investigation. At this time, the Commission therefore determines to take no further action under these specific and narrow circumstances.
5. The lawn signs did not clearly identify any candidates. They did include a website which included clearly identified candidates.
6. The Commission takes a reasonable approach in determining whether or not a communication that contains a clearly identifiable candidate amounts to an impermissible expenditure inside of the 90 day window, or whether any benefit to a candidate is merely incidental. *See* OC 2019-02 and SEEC File Nos. 2018-115 and 2018-183.
7. Consistent with its past opinions and precedent, the Commission in this instance finds the following:
 - The allocation of space in the website dedicated to the appearing candidates, was minimal;
 - The cost of the website communication and percentage of the cost attributable to the candidate's appearance was minimal;
 - The website was created on social media by volunteers;
 - There were no Citizens' Election Program ("CEP") funds involved;
 - The communication was an isolated event, as opposed to a part of a series;
 - The actors involved have no prior history of making impermissible expenditures; and,
 - There is no indication that the website was coordinated with candidates.

ORDER

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

The Commission takes no further action.

Adopted this 4 day of MARCH 2020, at Hartford, Connecticut



, Chairman
By Order of the Commission