

STATE OF CONNECTICUT
STATE ELECTIONS ENFORCEMENT COMMISSION

In the Matter of a Complaint by Sean M. Hughes,
Wolcott

File No. 2020-009

FINDINGS AND CONCLUSIONS

Complainant Sean M. Hughes of Wolcott filed this complaint on January 21, 2020, per Connecticut General Statutes § 9-7b, alleging that Jack Perry failed to convert from an exploratory committee to a candidate committee after becoming a candidate for State Representative for the 16th District for the November 2020 election. After investigating the allegations raised in the complaint the Commission makes the following findings and conclusions:

1. Jack Perry registered the exploratory committee Perry 2020 (hereinafter "Committee"). At all times relevant to this complaint, Ralph F. Holyst served as the Committee treasurer.
2. The Committee was registered on June 17, 2019 and was designated an exploratory committee for offices that include general assembly only.
3. The Complainant specifically alleged:

Jack Perry has set up an Exploratory Committee, Perry 2020, to explore whether he should run for State office, specifically the 16th Senate District. He is using a website to support this campaign: www.votejackperry.com. The website was used for a previous municipal candidate campaign in 2017 (candidate for Southington Town Council). Mr. Perry's use of the website shows he has made himself a candidate for the 16th Senate District without filing as such. In addition, he is continuing to fundraise as an exploratory candidate when he should have established a candidate committee. Two examples:

- 1. The name of the website itself (votejackperry.com) seeks votes for a candidate.*
- 2. A section of the website, "Endorse Jack," seeks endorsements. Some of these endorsements are ones from his candidate campaign for the Southington Town Council two years ago. But some are for his campaign for the 16th, e.g., ones that were added after the setting up of his exploratory committee on June 17, 2019 and include Allison Sova, Mark Latham, Paul Bedard.*

4. General Statutes § 9-608, provides in pertinent part:
 - (f) If an exploratory committee has been established by a candidate pursuant to subsection (c) of section 9-604, the treasurer of the committee shall file a notice of intent to dissolve it with the appropriate authority not later than fifteen days after the candidate's declaration of intent to seek nomination or election to a particular public office, except that in the case of an exploratory committee established by a candidate for purposes that include aiding or promoting the candidate's candidacy for nomination or election to the General Assembly or a state office, the treasurer of the committee shall file such notice of intent to dissolve the committee not later than fifteen days after the earlier of: (1) The candidate's declaration of intent to seek nomination or election to a particular public office, (2) the candidate's endorsement at a convention, caucus or town committee meeting, or (3) the candidate's filing of a candidacy for nomination under section 9-400 or 9-405. ...
5. Upon investigation it was determined that the Committee website had the following attribution pursuant to General Statutes § 9-621: *Paid for by Perry 2020 Exploratory Committee, Ralph Holyst, Treasurer. Approved by Jack Perry.* The aforementioned disclaimer satisfies the requirements of § 9-621.
6. Further, the website contained on its home page the following: That is why he is exploring a run for Connecticut General Assembly in 2020. On its solicitation page the Commission finds that the Committee's website also included: *Join Jack Perry as he explores a run for the Connecticut General Assembly by chipping in \$5 or more today! The Commission finds that the aforementioned are indicative of a candidate exploring a run for office and do not identify a determined office. The Commission finds that the website does not otherwise identify an office that Mr. Perry is seeking and that the website is plainly attributed to and promotional of an exploratory committee and an individual exploring a candidacy for unspecified office.*
7. The indicia of whether an individual has qualified for the ballot or has been nominated for an office by a party, and is therefore a candidate for purposes of General Statutes §9-608 (f), are not present under these facts and allegations.
8. Therefore, the threshold issue for this complaint and investigation is whether Mr. Perry has otherwise triggered the requirements for dissolving an exploratory committee by that section by making a public declaration that he is a candidate for specified office. *See* General Statutes § 9-608 (f).

9. To determine whether an individual properly remains in an exploratory stage of a potential candidacy, the Commission for purposes of applying General Statutes § 9-608 (f), must consider whether that individual has made a “public declaration” pertaining to seeking a specific office and therefore no longer qualifies for an exploratory committee and must therefore register a candidate committee.
10. The term “public declaration” means an announcement made to a wide audience within the state or relevant community that the candidate seeks nomination or election to a specific office. *See Declaratory Ruling 2009-1.* In order to constitute a “public declaration” of intent to seek a specific office, the candidate must meet both the “public” and the “declaration” prongs. *Id.* More specifically, the term “public” refers to “...communications and actions directed to or intended for the general public, those people with whom it will be necessary for the candidate to communicate in order to win election to public office.” *Complaint by Christopher Healy, Wethersfield, File No. 2009-075 and DR 2009-01.*
11. The Commission finds that under these facts and circumstances that Mr. Perry’s requesting support for a potential candidacy and receiving endorsements by supporters for a yet unidentified office did not make him a candidate and require the dissolution of his exploratory committee. A review of the endorsements and the Committee’s website do not indicate Mr. Perry’s determination to seek a specific office and do not mention the 16th General Assembly District.
12. The Commission concludes that the website communications by the Committee and the use of “votejackperry.com,” as alleged, does not satisfy the requirements of a “public declaration” as a candidate and therefore trigger the need for Mr. Perry to dissolve his exploratory committee. Moreover, the Committee’s own disclaimers, as detailed herein, provide ample disclosure to the public that Mr. Perry continues to explore a run for a yet undetermined elected public office. Third party declarants who endorse Mr. Perry through the Committee’s website are not a public declaration by him of his candidacy.
13. The Commission concludes therefore that Mr. Perry and Mr. Holyst did not violate General Statutes § 9-608 (f) by failing to dissolve an exploratory committee or continue to act in an exploratory committee under these specific facts and circumstances.
14. Complainant’s allegations are dismissed, after preliminary review pursuant to P.A. 2017-02, as the narrow and specific facts do not support the conclusion that a violation of General Statutes § 9-608 (f) occurred.
15. The Commission determines this matter should be dismissed.

ORDER

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

This matter is dismissed.

Adopted this 5th day of February, 2020 at Hartford, Connecticut.



Anthony J. Castagno, Chairperson

By Order of the Commission

Stephen Penny