

STATE OF CONNECTICUT
STATE ELECTIONS ENFORCEMENT COMMISSION

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In the Matter of a Complaint by Maria Pereira, Bridgeport

File No. 2020-016

FINDINGS AND CONCLUSIONS

The Complainant alleged that 2019 Bridgeport Board of Education candidate Joseph Lombard may have spent more than \$1,000 on his campaign, but failed to file a campaign finance disclosure statement, in violation of General Statutes § 9-608.¹

Background

1. On or about July 25, 2019 Respondent Joseph Lombard filed a “Registration of Candidate” form (SEEC Form 1) with the Bridgeport Town Clerk declaring his candidacy for the Bridgeport Board of Education as a Republican candidate.
2. On the aforementioned date, Respondent Lombard also filed a “Certification of Exemption From Forming a Candidate Committee” form (SEEC Form 1B) with the Town Clerk claiming an exemption from the requirement to file periodic campaign finance disclosure statements stating his intent to neither raise nor spend more than \$1,000.
3. Respondent Lombard prevailed in both the September 10, 2019 Republican Party Primary as well as gained a sufficient amount of votes in the November 5, 2019 General Election to gain a seat on the Board of Education.
4. Consistent with his July 25, 2019 statement in SEEC Form 1B, Respondent Lombard did not file any campaign finance disclosure statements related to this candidacy.

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 § 9-604 reads, 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. (Emphasis added.)

Allegations

6. The Complainant's allegations here are based on her review of the Respondent's posts on Facebook during the campaign season. Specifically, the Complainant alleged:
 - a. "On August 14, 2019, [Respondent] announced he was running for the Bridgeport Board of Education and solicited donations on his Facebook page. The thread includes several people requesting information on how they could donate."
 - b. "On August 24, 2019, [Respondent] posted what appeared to be either a walk card/mailler or both. He also thanked his relatives for making the 'cards' possible indicating they paid for them in some way."
 - c. "On October 12, 2019, [Respondent] posted another photo of campaign literature printed at Staples while indicating literature from a 'professional printer' was on its way."
 - d. "On October 29, 2019, [Respondent] posted yet another piece of campaign literature that was either a walk card/mailler or both."
 - e. "On November 4, 2019, the day before the General Election, [Respondent] posted a photo of what appears to be a lawn sign"
 - f. "I have actively worked on campaigns for ten years, therefore I am fairly knowledgeable about the costs associated with running for office. The three pieces of literature alone entail design, printing and possibly postage costs. I am not a Republican, therefore I did not receive any Republican mailings. Lawn signs can be fairly expensive as well."

Investigation

7. After review of the Respondent's Facebook page, the investigation was able to confirm that Respondent Lombard did make a campaign announcement on or about August 14, 2019 and did make a solicitation for contributions.
8. However, the investigation was unable to corroborate the Complainant's allegation that the thread included "several people requesting information on how they could donate." The investigation revealed only one commenter on his post asking where he could make a contribution, which is consistent with the screenshot of the Facebook post included with the Complainant.
9. The other allegations of what appeared on the Facebook page were materially consistent with what was discovered during the Investigation.

Response

10. Respondent Lombard was cooperative in this investigation and prompt with his responses from SEEC Investigators.
11. Respondent generally denied the allegations and asserted that he paid close attention to his spending and receipts in order to remain under the \$1,000 threshold.
12. He asserted that as the Republican Party commands a demonstrably smaller proportion of the registered electors in Bridgeport, his campaign did not require the kind of undertaking for which a Democratic Party candidate like Complainant Pereira is accustomed.
13. Respondent Lombard submitted receipts for the expenditures made by the campaign, including those questioned in the Complaint, which amounted to \$924.70 in total expenditures.
14. Respondent Lombard also included copies of contribution checks received by the campaign, which amounted to \$830 in total contributions.
15. Specifically, Respondent Lombard asserted that no lawn sign was ever created and that what he posted on the Facebook page was only a prototype that he created himself.
16. Respondent Lombard submitted receipts totaling \$383.24 to Midnight Printing for the literature portrayed in the August 24, 2019 posting.

17. Respondent Lombard submitted receipts totaling \$41.46 to Staples for the literature mentioned in the October 12, 2019 posting that he created himself.

18. Respondent Lombard submitted receipts totaling \$500 to “Premier Printing” for the mailing mentioned in the October 29, 2019 posting.

Analysis and Conclusion

19. Considering the aforesaid, the Commission investigation did not reveal evidence showing that it was more likely than not that Respondent Lombard made expenditures or received contributions for his 2019 candidacy for the Bridgeport Board of Education in excess of \$1,000 such that he would be required to file a campaign finance disclosure statement per General Statutes § 9-604.

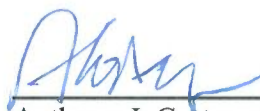
20. Accordingly, this matter should be dismissed.

ORDER

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

Dismissed

Adopted this 17 day of FEB, 2021 at Hartford, Connecticut.



Anthony J. Castagno, Chairperson
By Order of the Commission