

**STATE OF CONNECTICUT
STATE ELECTIONS ENFORCEMENT COMMISSION**

In the Matter of a Complaint by Dustin Bingham
Torrington

File No. 2020-070

FINDINGS & CONCLUSIONS

Complainant Dustin Bingham of Torrington filed this complaint on November 2, 2020,¹ pursuant to General Statutes § 9-7b, alleging that the *NR 20* candidate committee had made expenditures for videos on social media that lacked an attribution. The Commission adopts the following findings of fact and conclusions of law related to this complaint:

1. Complainant filed the complaint against candidate Noel Rodriguez and Jeremy Kincaid, the treasurer for Rodriguez's candidate committee in the 2020 election cycle, *NR 20*. The complaint alleged that videos produced by Mayce Torres, a campaign worker, did not include the proper attributions for a communication paid for by the candidate committee.
2. The Commission investigated the allegations against the candidate committee, which basically alleged that the committee had violated General Statutes § 9-621 by paying for video communications and then failing to include attributions such as "Paid for by" and the name of the candidate committee and treasurer, and "Approved by" and the name of the candidate.²
3. The videos at issue here were created by Torres, who has a YouTube channel where she posts videos about myriad topics, including Connecticut politics. Ms. Torres was paid \$800 by the *NR 20* candidate committee over the course of the 2020 election cycle for work that she performed for the candidate committee, primarily for phone banking and mail handling.
4. Initially the campaign planned to pay Torres for "social media," but Torres allegedly never created any content for the committee's social media pages, according to Kincaid, who also served as campaign manager for the *NR 20* candidate committee in addition to acting as its treasurer.

¹ Pursuant to Executive Order 7M (March 25, 2020) the Commission has an additional ninety days beyond the normal one-year deadline to resolve cases because of the COVID-19 pandemic. The deadline to resolve this case was extended to January 27, 2022.

² See General Statutes §§ 9-621 (a)(1)(B) (requiring "Paid for by" and name of committee as well as treasurer) and 9-621 (b)(1) (requiring approval language and message on video communications).

5. The candidate committee executed a contract with Torres to work for the campaign. That contract was dated October 12, 2020 and listed as work that Torres was to perform on behalf of the Rodriguez candidate committee: door knocking, phone calling, and "miscellaneous tasks assigned by committee."³
6. This complaint alleging the failure to place proper attributions on the videos created by Torres was filed on November 2, 2020.
7. In a filing dated October 21, 2020, the *NR 20* candidate committee reported paying Torres \$200 on October 16, 2020 for "Social Media and Doorknocking."⁴ On January 11, 2021, after the filing of the instant complaint, the purpose of the payment to Torres was amended to reflect that the \$200 was paid to her for "Phone Banking/Sorting Direct Mailers #3," omitting references to "Social Media."⁵
8. The videos that Torres posted online were placed in the channel that she maintains, which is called "The 100." In two videos posted to the channel, Torres spoke about the Noel Rodriguez and Jay Case election contest as well as sexual assault charges that had been filed against Case.
9. As stated previously, Connecticut's campaign finance statutes require attribution on all communications paid for by the candidate committee.
10. Based on the information gathered as part of this investigation, however, the Commission cannot conclude that the *NR 20* candidate committee made payments to Torres to create the videos that she posted. The videos that she made were created with her personal equipment and posted to her personal YouTube account. She maintains that the videos were created in her personal capacity and therefore did not require attribution.
11. Both Kincaid, who served as the campaign manager and the candidate committee treasurer, and the candidate, Rodriguez, stated to the Commission investigator that while Torres worked for the campaign, she was not paid to create social media content for the campaign and her paid duties for the campaign were limited to phone banking, door-knocking, and mail handling. These statements were made to the Commission

³ Fee Arrangement for Work or Services, executed by Mayce Torres and Jeremy Kincaid, as treasurer of the *NR20* candidate committee (Oct. 12, 2020) (reflecting payment of \$200 per week for services rendered between October 19, 2020 through October 31, 2020 and on Election Day).

⁴ See SEEC Form 30 – First Weekly Supplemental Filing General Election – Original (*NR 20*, October 21, 2020) (reflecting payment of \$200 to Mayce Torres for "Social Media and Doorknocking").

⁵ See SEEC Form 30 – First Weekly Supplemental Filing General Election – Amended (*NR 20*, January 11, 2021) (changing purpose of payments to Torres to "Phone Banking/Sorting Direct Mailers #3").

investigator after the allegations in the complaint regarding Torres's potential creation of social media were known.

12. The Commission cannot conclude, however, that the NR20 candidate committee did or did not pay Torres, at least in part, for the social media posts that she created. The campaign finance disclosure report reflecting that the candidate committee paid Torres for "social media" coupled with the timing of the amendment to remove that designation create confusion as to whether Torres received compensation for the social media posts that she created to promote the candidacy of Noel Rodriguez. Based upon the aforesaid reasons and due to the small expenditure amount involved, the Commission will take no further action on this matter,

ORDER

IT IS HEREBY ORDERED THAT the Commission shall take no further action on this matter.

Adopted this 15th day of Dec., 2021 at Hartford, Connecticut by vote of the Commission.



Commissioner STEPHEN T. PLIMNEY
By Order of the Commission