

STATE OF CONNECTICUT
STATE ELECTIONS ENFORCEMENT COMMISSION

In the Matter of a Complaint by Shaun Mastroianni
Stonington

File No. 2020-073

FINDINGS & CONCLUSIONS

Complainant Shaun Mastroianni of Stonington filed this complaint on November 4, 2020, pursuant to General Statutes § 9-7b, alleging that the *Statchen for Connecticut* candidate committee had made expenditures for mailers that opposed the candidacy of Donald Trump, the Republican Party candidate for president in 2020. The Commission adopts the following findings of fact and conclusions of law related to this complaint:

1. Complainant filed this complaint against candidate Robert Statchen and Anne-Marie Foster, the treasurer for Statchen's candidate committee in the 2020 election cycle.
2. The complaint alleged that mailers sent jointly by the *Statchen for Connecticut* candidate committee and the Stonington and Groton Democratic town committees opposed the candidacy of Donald Trump, in addition to promoting Statchen's candidacy.
3. The complaint referenced that as of September 30, 2020, neither town committee had reported expenditures related to the mailers which opposed the candidacy of Donald Trump. The complaint noted, however, that both mailers included attributions stating that the two town committees had shared in the cost of the mailer.
4. The complainant references two mailers which were sent prior to the November 3, 2020 election. Both mailers opposed Somers and her purported support of Donald Trump. Both mailers also made clear that they were paid for by the Statchen candidate committee as well as the Democratic town committee's for Stonington and Groton.
5. This complaint is similar to one filed in 2016 in which the candidate committee for Tim Bowles paid for mailers that opposed Bowles's opponent, Somers, as well as the Republican presidential candidate in 2016, Donald Trump.¹

¹ See SEEC File No. 2016-086, In that Matter of a Complaint by J.R. Romano, Branford (October 17, 2018) (finding that Bowles candidate committee had paid for mailer that opposed Trump candidacy).

6. In that matter, the Commission concluded that “the costs of this mailer associated with its opposition to Trump, a Republican candidate on the November, 2016 general election ballot in a federal election contests, *which were not allocated to a committee that could properly make such an expenditure opposing Trump*, did not represent permissible expenditures for a qualified candidate committee using funds received from the Citizens’ Election Fund. (Emphasis added)”²
7. In this matter, however, the costs of the mailers that opposed both Somers and Trump are split between the Statchen candidate committee and two party committees – the Stonington and Groton Democratic town committees – that can make expenditures to oppose a federal candidate.³
8. According to campaign finance filings submitted to the Commission, the Groton Democratic Town Committee reported paying \$1,000 on October 15, 2020 for joint expenditures with the Stonington Democratic Town Committee and the *Statchen for Connecticut* candidate committee and the Stonington Democratic Town Committee reported paying \$212.70 on October 10, 2020 for joint mailers with the Groton Democratic Town Committee and the *Statchen for Connecticut* candidate committee.
9. These expenditures represent a portion of the total cost of the mailers referenced by the Complainant, which could be attributed to the portion of the mailers that directly opposed the candidacy of Donald Trump instead of opposing the candidacy of Heather Somers, who was Statchen’s direct opponent in the 2020 election.
10. As noted in the 2016 decision related to the actions of the Bowles’ candidate committee, a candidate committee may only spend its money to oppose its direct opponent in the election. It may not spend money in its account, including money that it received from the Citizens’ Election Fund, to oppose a federal candidate.
11. In the instant matter before the Commission, it appears that the two party committees that shared in the expenses associated with these mailers paid for the portion of the mailers that opposed the federal candidate featured in those mailers,

² *Id.*

³ See General Statutes § 9-617 (a)(3) (allowing party committees to make “unlimited contributions” for the benefit of “committee of a candidate for federal or out-of-state office”).

satisfying the requirements laid out in the Commission's 2018 decision cited previously.

ORDER

IT IS HEREBY ORDERED THAT the Commission shall dismiss this matter.

Adopted this 3rd day of ~~November~~ 2021 at Hartford, Connecticut by vote of the Commission.



Commissioner
By Order of the Commission