

STATE OF CONNECTICUT
STATE ELECTIONS ENFORCEMENT COMMISSION

In the Matter of a Complaint by Jaqueline Lightfield
Norwalk

File No. 2021-044

FINDINGS & CONCLUSIONS

Complainant Jaqueline Lightfield of Norwalk filed this complaint on March 3, 2021 alleging that John Kydes, who had registered an exploratory committee to consider a run for mayor of Norwalk, had engaged in behavior that necessitated him transitioning from exploratory committee to a candidate committee as required under General Statutes § 9-608 (f). After investigating the allegations raised in the complaint the Commission makes the following findings and conclusions:

1. Complainant Lightfield asserted that John Kydes, who formed an exploratory committee to determine whether he should run for the office of mayor of Norwalk, should actually form a candidate committee because he had already determined which office he is seeking. Complainant posited that because Kydes had formed the exploratory committee to determine whether to seek nomination or election for a particular office, he was not eligible to utilize the exploratory committee option and should instead create a candidate committee.
2. Complainant attached several news articles to her complaint; all cited a press release issued by Kydes in which he stated that he was “testing the waters to see if there is support for me to continue on in higher office.” At the time these articles were written, Kydes was a member of the Norwalk Common Council and had been elected majority leader of that legislative body.
3. Kydes, a Democrat, formed an exploratory committee for municipal offices in Norwalk on December 8, 2020. He filed the paperwork in the office of the Norwalk Town Clerk and identified the November 2, 2021 election as the election date for which he was forming the exploratory committee.
4. General Statutes § 9-601 (5) defines “exploratory committee” as:

[A] committee established by a candidate for a single primary or election (A) to determine whether to seek nomination or election to (i) the General Assembly, (ii) a state office, as defined in subsection (e) of section 9-610, or (iii) any other public office, and (B) if applicable, to aid or promote such candidate's candidacy for nomination to the General Assembly or any such state office.

5. General Statutes § 9-604 (c) allows a candidate to form an exploratory committee. The statute states, in relevant part:

No candidate shall establish, agree to or assist in establishing, or give his consent or authorization to establishing a committee other than a single candidate committee to promote his candidacy for any public office except that a candidate may establish an exploratory committee. The candidate shall designate on the statement of organization for the exploratory committee the type of office to which the candidate is determining whether to seek nomination or election, as follows: (A) The General Assembly, (B) a state office, or (C) any other public office. The candidate may also certify on the statement of organization that the candidate will not be a candidate for the office of state representative. Not later than fifteen days after a public declaration by the candidate of the candidate's intention to seek nomination or election to a particular public office, the candidate shall form a single candidate committee, except that in the case of a candidate establishing an exploratory committee for purposes including aiding or promoting the candidate's candidacy for nomination or election to the General Assembly or a state office, the candidate shall form a single candidate committee not later than fifteen days after the date that the treasurer of such exploratory committee is required to file a notice of intent to dissolve the committee under subsection (f) of section 9-608.

6. General Statutes § 9-608 (f) requires a candidate to dissolve the exploratory committee within 15 days of declaring the intent to seek nomination or election to a particular public office. As stated in the statutory provision:

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 . . .

7. The Commission has also provided additional guidance on when candidates who have formed exploratory committees need to transition into a single candidate committee for a specific office.¹

¹ See Declaratory Ruling 2009-01 – *Public Declarations by Candidates in Exploratory Committee* (State Elections Enforcement Comm'n, May 6, 2009) (providing guidance to candidates forming exploratory committees about when they need to transition to candidate committees for specific offices).

8. The Commission has stated that when evaluating public declarations to determine whether a candidate needs to transition to candidate committee it will consider several factors, including: the extent to which the declaration was public; the form of the declaration; the efforts that the committee made to avoid making a public declaration; similar statements made by the exploratory committee regarding the office being sought; and the level of “good faith” shown by the committee to avoid making a public declaration.²
9. The Commission has stated that each evaluation of whether a candidate in an exploratory committee has made a public declaration and must transition to a candidate committee is fact-specific and must be considered on a “case-by-case” basis.³
10. In this instance, the statements that the candidate made were recited in several news articles that were attached to the complaint. The candidate sent an e-mail to approximately eight news outlets when he formed his committee on December 8, 2020, which included a press release about his formation of an exploratory committee. The press release stated:

Today Councilman John Kydes (D- District C) announced that he has formed an exploratory committee for a possible Mayoral run. "It has been a great honor serving our city on the Common Council and now I am testing the waters to see if there is support for me to continue on in higher office". Councilman Kydes is in his fourth term on the Common Council and prides himself on being a life-long Norwalk resident. "To properly serve the community you must understand the needs of that community. From the senior on a fixed income to the Parent with a child in the public school system, everyone needs to be included in the conversation". When asked about his vision for Norwalk's future, John replied "Norwalk has changed considerably in recent years. It's time we take a breath, evaluate those changes and plan for the future. Increasing our tax base is important but just as important is the quality of life".

In his time on the Common Council John has served as Council President, Chairman of the Planning Committee, Energy & Environment Task Force, Nathan Hale Middle School Governance Council and currently as Majority Leader of the Common Council. With the support and encouragement of his wife Naomi Kydes and their two children, John (14) and Sophia (16), John has decided to pursue a possible Mayoral run. "I would not be able to begin down this long road without the full support of my family".

11. In addition to his statements included in the press release, Kydes was also quoted in news outlets stating that he was exploring a possible run for mayor and using the exploratory

² *Id.*

³ *Id.*

committee to determine if he should “begin a mayoral campaign this election, the next or not at all . . . I’m hopeful this exploratory committee will help me with that decision.”⁴ In the same article, Kydes was quoted as saying, “I felt it was the right time” to establish the exploratory committee. The article paraphrased Kydes, stating “One year from the election is the customary time to being gauging interested and raising funds for an election, he said.”⁵ In another article about the formation of his exploratory committee, Kydes was paraphrased as saying “he will be working with a team with market research and political campaign experience to conduct research to make a decision by early summer.”⁶

12. In preparing to create his exploratory committee, Kydes consulted with the Commission about how properly to create the exploratory committee for the 2021 election year and how to avoid making a public declaration regarding the office that he was seeking. Kydes also sought advice later in the cycle about transitioning into a candidate committee and establishing a separate exploratory committee to assess viability for the 2023 election cycle.
13. The statements made by Kydes in his press release regarding the establishment of his exploratory committee make clear that he was utilizing the exploratory committee to gauge his viability as a candidate for mayor in Norwalk. The press release that he created was sent to news organizations covering Norwalk. In his additional quotes provided to news outlets and statements attributed to him in news reports, Kydes made clear that he was considering running for the mayor’s office but that formal decision about whether he would run for the mayor’s office would be made in the future.⁷
14. The Commission concludes here that Kydes did not make a public declaration that would necessitate transitioning to a candidate committee for mayor for the 2021 cycle. Kydes’s statements cited by the complainant and gathered during the course of the Commission’s investigation maintained clearly that he was still considering running for the city’s mayoral office when he formed the exploratory committee and that he was using the exploratory committee to evaluate his viability for election to that office before creating a candidate committee. At the time that he formed his exploratory committee in December of 2020,

⁴ Abigail Brone, ‘*It was the right time*’: *Norwalk mayor, Common Council member explore run for city’s top seat*, THE HOUR (Dec. 8, 2020) <https://www.ctinsider.com/news/thehour/article/It-was-the-right-time-Norwalk-mayor-15785629.php>

⁵ *Id.*

⁶ Erin Kayata, ‘*Norwalk Common Council member considering mayoral run*’, THE HOUR (Dec. 8, 2020) <https://www.thehour.com/news/article/Norwalk-Common-Council-member-considering-mayoral-15783956.php>

⁷ In fact, upon making a decision regarding the 2021 mayoral election, Kydes transitioned his 2021 exploratory committee into a candidate committee for common council and opened a separate exploratory committee to consider running for mayor in 2023.

Kydes had yet to conclude that he was running for specific office in Norwalk, so his establishment of an exploratory committee to determine which office he should seek in the 2021 election cycle was appropriate and within the parameters of the statute creating the exploratory vehicle.

ORDER

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

That this matter will be dismissed.

Adopted this 26th day of May, 2022 at Hartford, Connecticut.



Stephen Penny, Chairperson
By Order of the Commission