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STATE OF CONNECTICUT  
STATE ELECTIONS ENFORCEMENT COMMISSION

In the Matter of a Complaint by Kimberly Agyekum,  
New Haven

File No. 2021-145

**FINDINGS AND CONCLUSIONS**

Complainant, Kimberly Agyekum, made this complaint pursuant to General Statutes § 9-7b. Complainant alleged that Karen Dubois-Walton, a mayoral candidate, coordinated with an ongoing political committee to benefit her campaign in violation of campaign finance laws prior to the November 2, 2021 election in the City of New Haven. After investigating the allegations raised in the complaint the Commission makes the following findings and conclusions:

1. Complainant alleged that Karen Dubois-Walton, a mayoral candidate received an impermissible in-kind contribution from Ella's Fund PAC, which she allegedly "co-controlled."
2. Specifically, Complainant alleged that on March 31, 2021, an entity conducted a poll on behalf of Ella's Fund PAC costing \$6, 000 that was an in-kind benefit to Respondent Dubois-Walton's candidate committee "Dubois-Walton 2021" (hereinafter "Committee").
3. Karen DuBois-Walton, Karimah Mickens, LaMara Russell, were all named as potential Respondents in this matter by the Commission.
4. By way of background, the Committee was registered by Respondent Dubois-Walton on May 3, 2021 for her mayoral campaign in the City of New Haven. The Committee was preceded by her exploratory committee that was registered on March 5, 2021 and terminated on May 4, 2021. Donald McAuley, Sr., was designated treasurer of the Committee.
5. Further, it is not disputed that Ella's Fund PAC was co-founded by Karen Dubois-Walton on or about June 6, 2020. Ella's Fund PAC is registered with the Commission as a "traditional political" committee. Respondent Mickens was the chairperson of Ella's Fund PAC until on or about October 12, 2021. Respondent Russell was treasurer of Ella's Fund PAC until on or about October 12, 2021, at which time she became chairperson.
6. At all relevant times, Respondent Dubois-Walton was either exploring a run for municipal office or a mayoral candidate in New Haven. Her opponent was the incumbent, Mayor Justin Elicker.

*Applicable Law*

7. General Statutes § 9-601e, provides:

If the State Elections Enforcement Commission finds that an expenditure, as defined in section 9-601b, is coordinated with a candidate committee or candidate or an agent of the candidate, in a manner not permissible under the provisions of this chapter, the candidate, agent of the candidate, if applicable, or treasurer of such committee who participated in or had knowledge of such coordination, shall be jointly and severally liable for paying any penalty levied by the commission under section 9-7b.

8. General Statutes § 9-607, specifically provides that a “permissible expenditure” includes:

...  
(g)(2)(S) conducting polls concerning any political party, issue, candidate or individual.

9. General Statutes § 9-622, provides that the following persons will be guilty of “illegal practices:

...  
(10) Any person who solicits, makes or receives a contribution that is otherwise prohibited by any provision of this chapter;

*Facts After Investigation*

10. The investigation determined that Respondent Russell contacted Commission staff prior to Ella’s Fund PAC commissioning the poll to receive guidance advice. Respondent received guidance from Commission staff regarding “in-kind” contributions and coordination between committees.

11. After investigation, the Commission finds that Ella’s Fund PAC commissioned the poll on or about March 8, 2021. The Commission finds that the poll contained specific questions regarding public issues pertaining to the City of New Haven and various questions regarding the handling of such issues by Mayor Justin Elicker and his administration.

12. Further, the Commission finds that the polls included a professional biography of Respondent Dubois-Walton as an official in the City of New Haven and framed questions regarding issues of public interest by comparing Respondent Walton-Dubois and Justin Elicker and his administration.

13. The Committee responded to this complaint and investigation and provided the following documents: (1) Invoice from Ella's Fund PAC to the Committee, July 26, "For: Public Policy Polling PAC Vendor," in the amount of \$6,000.00; and, (2) Check in the amount of \$6,000.00 drawn on the Committee account on July 26, 2021 made payable to Ella's Fund PAC.
14. The Commission finds that Committee and Ella's Fund PAC financial disclosure statements filed with the Commission indicate that the Committee and Ella's Fund reported the transaction regarding the payment of a reimbursement from the Committee to Ella's Fund PAC in the amount of \$6,000 for the polling.
15. The Commission finds that the Committee reported this expenditure on its October 12, 2021 termination report and itemized campaign disclosure statement, as "Reimbursement to Ella's Fund PAC for the cost of the poll" from the Committee in the amount of \$6,000. It was reported as paid July 26, 2021.
16. Further, the Commission finds that Ella's Fund PAC reported this transaction on its October 10, 2021 itemized campaign disclosure statement, as "Reimbursement of March Public Polling Policy expenditure [sic]" from the Committee in the amount of \$6,000. It was reported as received July 26, 2021.
17. The Commission finds that Respondent Dubois-Walton suspended her mayoral candidacy on or about July 27, 2021 and endorsed incumbent Justin Elicker at that time.

*In-Kind Contribution*

18. An in-kind contribution is the donation of goods, services or anything of value given free of charge or at less than the usual charge to the recipient committee. An in-kind contribution is valued at the usual and normal charge *less any amount paid by the recipient committee and must be disclosed in the committee's financial statements. See General Statutes § 9-601a.*
19. If an expenditure is coordinated by an individual or a committee with a candidate (or a candidate's agent) and payment or reimbursement *is not made within a "reasonable timeframe,"* the coordinated expenditure constitutes an in-kind contribution to that candidate's campaign.<sup>1</sup>
20. The investigation determined that both the Committee and Ella's Fund PAC disclosed the Committee's reimbursement for the costs of the poll.

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<sup>1</sup> See *Understanding the Connecticut Campaign Finance Laws: A Guide for Municipal Candidates* (Connecticut State Elections Enforcement Commission, Hartford, Connecticut) January 2021, at page 27.

21. The Commission finds that the Committee reimbursed Ella's Fund PAC for the cost of the polling within a "reasonable timeframe." *See Complaint by Thomas Brummett, Canterbury, File No. 2018-001B.* The Commission concludes therefore that an impermissible in-kind contribution was avoided between the committees under the specific facts. *See Id.*
22. The Commission therefore dismisses the allegation regarding an alleged in-kind contribution made by Ella's Fund PAC to the Committee as it was not supported by the facts after investigation.
23. Based on the determination that the Committee reimbursed Ella's Fund Pac for the poll and that Respondent Dubois-Walton suspended her campaign prior to competing in a mayoral primary the Commission takes no further action regarding any potential impermissible coordination between the committees and their agents.
24. The Commission, for the reasons detailed herein, dismisses this complaint as the allegation was not supported by the facts after investigation.

### ORDER

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

The complaint is dismissed.

Adopted this 6<sup>th</sup> day of July 2022, at Hartford, Connecticut.



Stephen T. Penny, Chairman  
By Order of the Commission