

STATE OF CONNECTICUT
STATE ELECTIONS ENFORCEMENT COMMISSION

In the Matter of a Complaint by Andreas Bisbikos and Taras Rudko
Colchester

File No. 2021-152

FINDINGS & CONCLUSIONS

Complainants Andreas Bisbikos and Taras Rudko, both of Colchester, filed this complaint on August 19, 2021, per Connecticut General Statutes § 9-7b, alleging that Mary Bylone, the first selectman of the Town of Colchester, violated General Statutes § 9-610 (d)(1) by allegedly posting photographs about a political opponent to a social media account affiliated with the “First Selectman’s Office Town of Colchester.” After investigating the allegations raised in the complaint the Commission makes the following findings and conclusions:

1. Respondent Bylone was the incumbent mayor of the Town of Colchester, who sought reelection to that office in the 2021 municipal election cycle.¹
2. According to the complaint, on or about August 8, 2021, several pictures were posted to the Facebook site “First Selectman’s Office Town of Colchester” showing complainants, Messrs. Bisbikos and Rudko, both of whom were candidates in the municipal election in 2021. Mr. Rudko was the Republican candidate for first selectman, and Mr. Bisbikos was a candidate for selectman.
3. Respondent Bylone, in her role as first selectman, had hosted a Facebook Live event describing the status of the COVID-19 pandemic in Colchester and a viewer chastised Respondent for not wearing a mask in public. Respondent, who is a Democrat, posted the pictures of Bisbikos and Rudko, both Republicans, to show that other candidates for municipal office were not wearing masks in public and did not endure the same criticism. Respondent, who acknowledged posting the photos, did not include a caption or comments on the photos. Neither of the respondents were identified by name as being in the photos.
4. Complainants alleged that by posting the photos of them on the First Selectman’s Facebook account, Respondent violated General Statutes § 9-610 (d)(1).
5. General Statutes § 9-610 (d) comprises two prohibitions on the use of public funds to promote the candidacy of an incumbent. The first, codified at § 9-610 (d) (1), prevents an incumbent from using public funds “to mail or print flyers or other promotional materials”

¹ See <https://www.colchesterct.gov/home/news/results-municipal-election> (Last viewed on Feb. 4, 2022) (showing results of Colchester municipal election on Nov. 2, 2022).

that are intended to promote the candidacy of that incumbent within the three months preceding an election.² The second, found in the General Statutes at § 9-610 (d) (2), bans any individual from authorizing the use of public funds during the 12-months preceding an election for any promotional campaign or advertisement that features the name, face or voice of a candidate for public office or promotes the nomination or election of a candidate.³

6. Neither of the prohibitions outlined above would apply in this situation.
7. In the past, the Commission has also used General Statutes §9-622 (5) for instances where public funds were used to defray costs that should have been borne by a candidate committee. General Statutes § 9-622 (5) defines an "illegal practice" as "defraying costs" from a candidate's candidate committee to another entity without notifying the candidate committee's treasurer of the defrayal.⁴ A social media post may be included within this provision; however, the minimal costs and *de minimus* nature of the photograph is factually insufficient to support the allegation.

ORDER

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

That this matter will be dismissed.

Adopted this 16th day of February, 2022 at Hartford, Connecticut.



Stephen Penny, Chairperson
By Order of the Commission

² See General Statutes § 9-610 (d)(1).

³ See General Statutes § 9-610 (d)(2).

⁴ See General Statutes § 9-622 (5) (prohibiting persons from defraying costs of campaign by paying for items without making those payments to committee treasurer).