

**STATE OF CONNECTICUT**  
**STATE ELECTIONS ENFORCEMENT COMMISSION**

In the Matter of a Complaint by Daniel Dunn, Hamden

File No. 2021-163

**COMMISSION DISMISSAL**

1. This complaint was received September 20, 2021. Commission staff docketed this complaint on September 22, 2021. The Commission has one year from the date that it received the complaint to resolve the matter. The deadline to resolve this matter was September 20, 2021. The Commission as detailed herein dismisses this matter by motion and order of the Commission pursuant to General Statutes § 9-7a,<sup>1</sup> as detailed herein.
2. Complainant alleged that he received an electioneering communication in the form of an automated phone call that such phone call lacked the required attribution enumerated in General Statutes § 9-621.<sup>2</sup>
3. General Statutes § 9-621 provides, in pertinent part:
  - (a) No individual shall make or incur any expenditure with the consent of, in coordination with or in consultation with any candidate, candidate committee or candidate's agent, no group of two or more individuals acting together that receives funds or makes or incurs expenditures not exceeding one thousand dollars in the aggregate and has not formed a political committee shall make or incur any expenditure, and no candidate or committee shall make or incur any expenditure including an organization expenditure for a party candidate listing, as defined in subparagraph (A) of subdivision (25) of section 9-601, for

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<sup>1</sup> Pursuant to General Statutes § 9-7a (g) (1), "... *if the commission does not, by one year following receipt of such complaint, issue a decision thereon, the commission shall dismiss such complaint*, provided the length of time of any delay caused by (i) the commission or *commission staff granting any extension or continuance to a respondent prior to the issuance of any such decision*, (ii) any subpoena issued in connection with such complaint, (iii) any litigation in state or federal court related to such complaint, or (iv) any investigation by, or consultation of the commission or commission staff with, the Chief State's Attorney, the Attorney General, the United States Department of Justice or the United States Attorney for Connecticut related to such complaint, shall be added to such one year (emphasis added).<sup>2</sup> Accordingly, the Commission determines "resolved by dates" by calculating one year from the receipt of the complaint, as augmented by any statutorily appropriate extensions or continuances.

<sup>2</sup> The following are the Commission's findings and conclusions based on those portions of the Complainant's statement of complaint which the Commission could reasonably construe as alleging facts amounting to a specific violation of those laws within the Commission's jurisdiction. Any statements within the Complaint not addressed herein either did not specifically allege a violation or alleged facts which if proven true would not have amounted to a violation within the Commission's jurisdiction.

any written, typed or other printed communication, or any web-based, written communication, which promotes the success or defeat of any candidate's campaign for nomination at a primary or election or promotes or opposes any political party or solicits funds to benefit any political party or committee unless such communication bears upon its face as a disclaimer (1) the words "paid for by" and the following: (A) In the case of such an individual, the name and address of such individual; (B) in the case of a committee other than a party committee, the name of the committee and its treasurer; (C) in the case of a party committee, the name of the committee; or (D) in the case of a group of two or more individuals that receives funds or makes or incurs expenditures not exceeding one thousand dollars in the aggregate and has not formed a political committee, the name of the group and the name and address of its agent, and (2) the words "approved by" and the following: (A) In the case of an individual, group or committee other than a candidate committee making or incurring an expenditure with the consent of, in coordination with or in consultation with any candidate, candidate committee or candidate's agent, the name of the candidate; or (B) in the case of a candidate committee, the name of the candidate.

(b) In addition to the requirements of subsection (a) of this section

...

(3) No candidate or candidate committee or exploratory committee established by a candidate shall make or incur any expenditure for automated telephone calls which promote the success of such candidate's campaign for nomination at a primary or election or the defeat of another candidate's campaign for nomination at a primary or election, unless the candidate's name and voice are contained in the narrative of the call, before the end of such call. (Emphasis added.)

4. The Complainant alleged as follows:

On September 14, 2021 myself and others received multiple robocalls from Curt Leng's campaign from the following number: (405)548-2251. One of these calls, presumably also paid for by *Leng for Hamden 2021* did not include the required attribution requirements defined in General Statutes § 9-621(b)(3). Further, some these calls were made to members of the public who were not registered in the Democratic Party, which may indicate a use of the Town of Hamden's phone contact list for political activity.

5. The investigation here confirmed that the automated phone call was paid for by the candidate committee supporting mayoral candidate Curt Leng's campaign for re-election as mayor of Hamden and that the expenditures were timely reported in campaign finance disclosure statements by that candidate committee.
6. Former Town Clerk Vera Morrison confirmed with Commission investigators that, at the behest of Mr. Leng's campaign, she recorded a message encouraging voters to come to the polls to vote but asserted that she did so only on the condition that the message not contain any language exhorting a vote for any particular candidate.
7. The investigation also corroborated Ms. Morrison's statement with candidate Leng, who confirmed that his campaign paid an outside vendor to record and distribute the message from Ms. Morrison.
8. This matter was received on September 20, 2021, more than one-year ago. The Commission has one-year to investigate and resolve complaints that it receives. If the Commission fails to resolve those complaints it receives within the one-year statutory deadline, those complaints are dismissed as a matter of law.
9. Because this complaint has exceeded the one-year deadline and will be dismissed as a matter of law, the Commission makes no findings of facts or conclusions of law regarding whether Respondent violated General Statutes § 9-621 based on the lack of an attribution on the automated telephone call that was paid for by his campaign.
10. The Commission states, however, that, in general terms, communications paid for by a candidate committee should carry an attribution that complies with the tenets of General Statutes § 9-621. Exceptions to that blanket guidance would be few.
11. Pursuant to General Statutes 9-7a (g) (1)), the Commission dismisses this complaint as it has not resolved this matter within the year since the complaint was docketed.

**ORDER**

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

That this matter is dismissed, without prejudice.

Adopted this 5<sup>th</sup> day of October, 2022 at Hartford, Connecticut.

A handwritten signature in blue ink, appearing to read "Stephen T. Penny", written over a horizontal line.

Stephen T. Penny, Chairman  
By Order of the Commission