

STATE OF CONNECTICUT
STATE ELECTIONS ENFORCEMENT COMMISSION

In Re: Commission Initiated Investigation in
“Tim For Connecticut 2018,” Hartford

File No. 2023-009C

FINDINGS AND CONCLUSIONS

This matter was initiated by the Commission as a result of audit findings discovered in the course of the Commission’s Post-Election Audit Process of the candidate committee “Tim for Connecticut 2018” for the 2018 election cycle. The investigation was initiated pursuant to Connecticut General Statutes 9-7b. After an investigation, the Commission makes the following findings:

1. The candidate Timothy Herbst formed the candidate committee “Tim for Connecticut 2018” (hereinafter “Committee”) on June 8, 2017 to finance his candidacy for election to the office of Governor in the 2018 election cycle. The candidate committee maintained the same deputy treasurer but went through four different treasurers over the life of the committee. Just before the committee received a Citizens’ Election Program grant (CEP) totaling \$1,354,250.00, the campaign manager, Thomas Daly, was named as the fourth and final treasurer.
2. The Committee was reviewed as part of the Commission’s Post-Election Audit Process (the “Audit”). The Audit found nine areas of significant concern. Based upon those concerns, the Commission voted on December 21, 2022, to initiate an investigation to determine whether any provision of the campaign finance laws and/or rules and regulations pertaining to the CEP had been violated. Thomas Daly, Treasurer; Elaine Hammers, Deputy Treasurer; and Candidate Timothy Herbst were all designated and notified as Respondents in this matter.
3. This disposition is limited to Respondent Herbst. Resolutions of this matter as to additional Respondents are treated under separate documents.

Relevant Legal Authority

4. The statutory scheme governing the roles of treasurers and deputy treasurers is set forth in Connecticut General Statutes § 9-606, § 9-607 and § 9-608. Treasurers and deputy treasurers are required to keep records of all financial records and expenditures, including bank statements, cancelled checks, invoices and proof of “other written or documentary evidence showing the campaign or other lawful purpose of the expenditure.” *See, e.g.*, Connecticut General Statutes § 9-607 (f).

5. This matter is governed by Connecticut General Statutes § 9-608 (c) (1), which provides in pertinent part:

(B) an itemized accounting of each expenditure, if any, including the full name and complete address of each payee, including secondary payees whenever the primary or principal payee is known to include charges which the primary payee has already paid or will pay directly to another person, vendor or entity, the amount and the purpose of the expenditure ...

6. Finally, treasurers are required to keep all copies of all records for a period of four years from the last filing date of the report when the transactions were recorded. Connecticut General Statutes § 9-607 (f). Violations of these obligations are punishable by civil penalties not to exceed \$2,000 per violation or twice the improper expenditure, whichever is greater. Connecticut General Statutes § 9-7b (a) (2) (D).

Facts Found After an Investigation

7. After an investigation, the Commission determines that Respondent Herbst, did not, in the course of his campaign, assume either the role of treasurer or deputy treasurer for his candidate committee registered for the November 2018 election.

8. Respondent Herbst, as candidate, did not otherwise have liability for the audit findings regarding the duties and responsibilities of treasurers and deputy treasurers pursuant to Connecticut General Statutes § 9-606, § 9-607 and § 9-608 that gave rise to this Commission initiated investigation.

Analysis and Conclusions of the Law

9. As the committee went through four treasurers, it is clear there were significant issues with the financial checks and balances for this candidate committee, as revealed by the adverse audit findings. However, the errors appear to stem from negligence rather than malfeasance and did not otherwise provide a basis to extend liability to the Respondent Herbst as candidate.

10. Specifically, the Commission determines that Respondent Herbst did not assume the role of *de facto* treasurer or deputy treasurer of the Committee, or otherwise incur liability for errors in reporting or record keeping as determined by the audit findings.

11. The Commission concludes that Respondent Herbst, as candidate did not have liability pursuant to Connecticut General Statutes § 9-606, § 9-607 or § 9-608, for any errors as determined by the Post-Election Audit Process by the Committee treasurers or deputy treasurer for the 2018 election cycle.

12. The Commission therefore dismisses this matter as to Respondent Herbst for the reasons detailed herein.

ORDER

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

This matter is dismissed.

Adopted this 21st day of May 2025, at Hartford, Connecticut.



Stephen T. Penny, Chairman
By Order of the Commission