

STATE OF CONNECTICUT
STATE ELECTIONS ENFORCEMENT COMMISSION

In the Matter of a Complaint by
Ray Ingraham, Branford

File No. 2011-119

FINDINGS AND CONCLUSIONS

Complainant Ray Ingraham of Branford brings this complaint pursuant to General Statutes § 9-7b alleging that Respondent Ed Meyer, incumbent state senator for the 12th senatorial district, used public funds to promote the election of Anthony “Unk” DaRos, a candidate running for the office of first selectman in Branford. The Complainant alleged that a mailing sent in October 2011 included a photograph of DaRos testifying before a legislative committee about the damage to the Town of Branford caused when Tropical Storm Irene made landfall in Connecticut in August of 2011. After investigation, the Commission makes the following findings and conclusions:

1. Respondent Meyer has represented the 12th senatorial district since 2005. Respondent DaRos was elected Branford’s first selectman in 2007 and has served in that office since then. DaRos sought reelection to this office in the November 8, 2011 election.
2. On or about September 28, 2011, Meyer authorized the sending of a legislative mailing that discussed public utility responses to Tropical Storm Irene in August 2011 and included a photograph of DaRos as well as his name and title. According to Meyer, each week senators send mailings to their constituents and the towns that receive the mailings are rotated. The October 2011 mailing in question here was sent to Branford residents. A statement from the U.S. Postal Service reflects that a total of 2,642 pieces were sent to residents in Branford on September 28, 2011, at a cost of \$627.32. *See* United States Postal Service Form 3602-R1, Postage Statement – Standard Mail (For Permit held by Legislative Management) (reflecting cost of “After Irene” mailer sent by Meyer to constituents).
3. General Statutes § 9-610 (d) comprises two different prohibitions on the use of public funds to promote the candidacy of a public official. First, § 9-610 (d) (1) prevents an incumbent within the three months preceding an election from using public funds “to mail or print flyers or other promotional materials” that are intended to promote the candidacy of the incumbent. General Statutes § 9-610 (d) (1). Second, § 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.
4. In this instance, neither subsection (d) (1) or (d) (2) apply. Section (d) (1) prevents an incumbent from using public funds to “mail or print flyers” that promote the candidacy of the incumbent. Even assuming for the sake of argument that this mailer does promote DaRos’s

candidacy, he was not the incumbent that authorized the expenditure of public funds. Respondent Meyer authorized the expenditure of those funds. Section 9-610 (d) (1) does not apply here.

5. Section 9-610 (d) (2) prohibits a public official from authorizing the use of public funds that include the name or likeness of a candidate for public office in the 12 months preceding the election in a promotional campaign or advertisement. While DaRos's photograph and name appeared in the mailer, that was not part of a larger promotional campaign or advertisement. Because (d) (2) places strict limitations on the types of promotional campaigns and advertisements covered by the ban, this subsection would not apply in this instance.
6. Because neither portion of the bans in § 9-610 (d) apply, the Commission finds that Respondent Meyer's actions here did not violate the statutory prohibitions against use of public funds and dismisses this complaint.

ORDER

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

That the matter be dismissed.

Adopted this 8th day of August of 2012 at Hartford, Connecticut.



Stephen F. Cashman
By Order of the Commission