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**Supreme Court**  
of the  
State of Connecticut

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**S.C. 20726**  
**JOE MARKLEY ET AL.**  
**v.**  
**STATE ELECTIONS ENFORCEMENT COMMISSION**

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Brief of the Defendant-Appellee  
with attached appendix

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### **Statement of issues**

- A. Whether the trial court properly concluded that Connecticut's Citizens' Election Program may require, consistent with the First Amendment, that participating CEP candidates spend public funds only to directly further their own candidacies?

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## I. Introduction

The Supreme Court has long held that the government has greater authority to regulate the expenditures of candidates who participate in a public financing program. Indeed, the fact that candidates relinquish the right to unlimited speech and fundraising in exchange for public money is central to a public financing program. *Buckley v. Valeo*, 424 U.S. 1, 57 n.65 (1976). Conditions on expenditures, solicitation and contributions are constitutionally tolerable to a greater degree in public financing context because these programs provide an optional alternative financing avenue that “facilitate[s] and enlarge[s] public discussion and participation in the electoral process . . .,” *id.* at 92-93. Because participation in public financing programs is voluntary, and candidates are wholly free to not participate in them, the conditions of the programs do not “abridge, restrict, or censor speech.” *Id.* The voluntary character of the programs has led multiple courts to conclude that requirements for participating in the programs do not even implicate—much less violate—the First Amendment. *See Corren v. Condos*, 898 F.3d 209, 230 (2d Cir. 2018); *N. C. Right To Life Comm. Fund For Indep. Political Expenditures v. Leake*, 524 F.3d 427, 436 (4th Cir. 2008); *Daggett v. Comm’n on Governmental Ethics & Election Pracs.*, 205 F.3d 445, 467 (1st Cir. 2000).

This case is a straightforward application of this established principle. When candidates, acting through their candidate committees, voluntarily choose to participate in the Citizens’ Election Program (CEP), they agree to limit the amount of their expenditures from their candidate committees and to limit those candidate committee expenditures to one topic: their own election to office. Like any citizen, participating CEP candidates remain free to speak during any election on any other topic using funds derived from sources



outside of their candidate committee so long as they adhere to campaign finance source and disclosure rules. The CEP conditions participation in the program on a candidate's voluntary consent to only "directly further" their own election with candidate committee funds in order to protect and advance compelling state interests. Requiring candidates, acting through their candidate committees, to expend taxpayer funds only to directly further their own election ensures the funds are used for the purpose for which they were awarded. The condition helps ensure that the funds are not diverted to ineligible or nonqualified candidates who cannot or did not receive CEP grants; it helps ensure the funds are not squandered by candidates or redirected to advance a party message or bolster a political ally or used to evade otherwise applicable contribution limits. The condition also enhances stability and predictability in the program which in turn encourages participation in it. Candidates who participate in the CEP understand the amount of CEP funds an opponent may have and can plan based upon that understanding. To the extent the condition helps prevent misuse and diversion of the grant funds, it fosters the public's confidence in the integrity and effectiveness of the program.

Here, the plaintiffs voluntarily chose to participate in the CEP, grasped its multiple conditions, and swore an oath to abide by them. After the State Elections Enforcement Commission (SEEC) awarded a grant to the plaintiffs in reliance on their oaths, they knowingly violated those oaths by spending CEP funds on mailers clearly identifying and opposing a candidate in a different election. The plaintiffs could have lawfully spent money on that same speech at issue here using their own personal or independent funds or by simply allocating the costs of the mailers between other parties legally permitted to expend funds on the gubernatorial campaign—a practice the plaintiffs clearly understood because they had allocated the costs of

mailers with others before 2014. They chose not to engage in this lawful spending. The SEEC therefore fined the plaintiffs for their clear violations of state election law.

The plaintiffs' First Amendment challenge largely ignores the public financing context of this case and the overwhelming authority that supports commonsense conditions like the one the plaintiffs agreed to and then violated. The plaintiffs do not argue that participation in the CEP is in any way coercive, nor do they claim they lacked other ways to engage in their desired speech. These concessions alone doom their claims.

Instead, the plaintiffs devote most of their brief to a hypothetical set of facts not presented here involving the application of campaign finance statutes to privately financed candidates. These plaintiffs were not privately financed candidates; the regulation that required them to spend CEP funds only to "directly further" their own election does not apply to privately financed candidates and would not have been applied to these plaintiffs had they made the free and voluntary choice not to participate in the CEP in 2014. This administrative appeal record does not establish how the SEEC would have addressed the plaintiffs' mailers, if it would have at all, had they not been CEP participants.

In any event, the plaintiffs' abstract and absolutist reading of the First Amendment fails even in the private financing context. Connecticut's prohibition against contributions from one candidate committee to another candidate committee ("inter-candidate transfers")—including the prohibition on in-kind contributions via expenditures that benefit another candidate committee—serves important anti-corruption and anti-circumvention interests that the Supreme Court has upheld.

Because the plaintiffs fail to meaningfully address the relevant context of this administrative appeal—a public financing program—and because the State’s interests in the challenged condition are weighty and well-supported, the decision of the trial court should be affirmed.

## **II. Counterstatement of facts**

### **A. Connecticut’s Citizens’ Election Program**

Connecticut offers a public financing option that allows candidates who have established a requisite level of public support to use taxpayer money to fund their political speech. Conn. Gen. Stat. §§ 9-702, 9-704. The program is entirely optional, and candidates are free to choose between privately financing their campaigns or seeking to qualify for a public grant. CEP grants come with conditions; CEP candidates agree to forgo additional private fundraising, among other rights available to privately financed candidates, and they agree to limit their expenditures to the amount of their CEP grant. *See e.g.* Conn. Gen. Stat. §§ 9-702(c), 9-706(b)(7).

In order to participate in the program, candidates must also sign an oath attesting that they agree to abide by the requirements and restrictions of the CEP. *See, e.g.,* [Defendant’s Appendix \(DA\) DA pp.39](#). Those requirements incorporate the campaign finance rules generally applicable to all candidates and also rules specific to the CEP.

As relevant here, candidates form candidate committees to fundraise and make expenditures for their campaigns. Conn. Gen. Stat. § 9-604. A candidate committee exists “for the purpose of a single primary or election and to aid or promote such candidate’s candidacy alone for a particular public office or the position of town committee member.” Conn. Gen. Stat. § 9-601(4). Candidate committees may only make expenditures for the purpose of “promoting of the

nomination or election of the candidate who established the committee.” Conn. Gen. Stat. § 9-607(g)(1)(A)(i).

Candidates for office in Connecticut are not permitted to make contributions from their candidate committees to other candidate committees. Conn. Gen. Stat. § 9-616. A contribution is not limited to money but is “anything of value” provided to another candidate. Conn. Gen. Stat. § 9-601a(a)(1). Since a candidate cannot contribute to another candidate directly from a candidate committee, it follows that he or she also cannot indirectly provide anything of value to another candidate or make “expenditures” related to another candidate’s race from a candidate committee.

An item or activity can be an “expenditure” if it promotes or opposes a candidate for election. Deeming something an “expenditure” under the statute does not mean that the speech is prohibited, it just means the speech is subject to certain regulations about reporting, disclosure of the speaker to the public, and funding sources. Even when speech does not use “express advocacy” terms—e.g. “vote for” or “vote against” candidate X—it will be subject to regulation if it promotes or opposes a candidate. Conn. Gen. Stat. § 9-601b(a)(1).

The General Assembly established some “bright line” rules to assist the SEEC in determining when speech should be regulated as an “expenditure.” One of those bright line interpretative rules is the presumption that when a speaker spends money on speech within the 90 days immediately preceding an election, *and* that speech clearly discusses or “identifies” a particular candidate for office, it is an “expenditure” under the statute. Conn. Gen. Stat. §§ 9-601b(a)(2) and 9-601b(b)(7). The statute creates a presumption that the speaker is influencing the identified candidate’s race for office, whether intentionally or not. Neither the specific intent behind the speaker’s words nor the listener’s subjective understanding of them is relevant to

the statutory analysis of whether speech meets the definition of “expenditure” within the 90-day window. Thus, speech that promotes or opposes a candidate is automatically an “expenditure” if it occurs within the 90-day window and clearly talks about a candidate, even if it lacks “express advocacy” language urging one to “vote for” or “vote against” a specific candidate.

The CEP specifically requires candidates to agree to abide by these generally applicable campaign finance rules before receiving a grant. And given the purposes of the CEP and the unique sensitivities surrounding the use of public funds for private political speech, the SEEC carefully applies these rules in the context of the public financing program. Since the inception of the CEP, the SEEC has applied two CEP-specific regulations—Conn. Agencies Regs. §§ 9-706-1 and 9-706-2—that require CEP candidates to agree to spend CEP money only on expenditures that “directly further” their candidacies. These regulations do not apply to privately financed candidates. So while all candidates are limited to “promoting” their own candidacies, Conn. Gen. Stat. § 9-607(g)(1)(A)(i), CEP candidates operate under an additional condition. In exchange for their grant, CEP candidates personally swear an oath and agree to the stricter requirement that their expenditures must be in “direct furtherance” of their own campaign.

Even with the “direct furtherance” condition applicable to CEP grants, the CEP permits a degree of flexibility for dual-purpose expenditures. CEP regulations permit participating candidates to make expenditures that may have an influence on other campaigns provided the CEP candidates allocate and share the costs with other spenders. *See* Conn. Agencies Regs. § 9-706-2(b)(10) (“Participating candidates ...shall not spend [CEP] funds...for...[a]ny expenditure made in conjunction with another candidate for which the

participating candidate does not pay his or her proportionate share of the cost of the joint expenditure.”).

The SEEC polices expenditures in the public financing program in this manner because the regulations require it to do so. Not all candidates who might wish to participate in the CEP are able to receive or benefit from public money either because they are precluded from the program, such as certain felons and candidates who have violated CEP rules in the past or are candidates who failed to apply for or qualify for a grant. The legislature has decided that these candidates should not be permitted to benefit from public CEP funds. *See, e.g., Ganim v. Brandi*, Docket No. 3:17cv1303 (MPS) (D. Conn. Nov. 29, 2017) (upholding CEP prohibition on participation of felons convicted of public corruption) available at <http://seec.ct.gov/Portal/data/Law/pdfs/GanimMSJRRulingTranscript.pdf> (last viewed February 22, 2023). It would be inappropriate for participating candidates to use public funds to support other ineligible candidates’ campaigns. Further, permitting CEP candidates to spend their grants on other CEP participating candidates’ races would allow participating candidates who receive the benefit of the expenditure to effectively circumvent the program’s grant limits. Unlike in the private fundraising context, where contributors and other supporters can influence the expenditures of funds by withholding additional contributions if they disagree with how the money is expended, diverted, or squandered, in the public financing context the SEEC is the only meaningful check on how CEP money is spent.

### **B. The plaintiffs were well versed in the requirements of the CEP.**

The plaintiffs were familiar with Connecticut’s campaign finance statutes and the CEP requirements. Markley was first elected to the State Senate in 1984 and applied for and received five CEP

grants from 2010 to 2018. [DA pp.136,137](#). He was long aware that he could not seek to influence other races by promoting or opposing other candidates without allocating the costs of such speech. Even dating back to his campaigns in 1984 and 1986, Markley allocated an expenditure with a fellow Republican who referenced him in some campaign materials or activities. He testified: “[s]o it’s always been my understanding that if you make mentions of other candidates in a way that would promote them, whether you’re part of the Citizens’ Election Committee (sic) or not, that you are responsible to share those expenses. And that the fact of participating in the Citizens’ Election Committee (sic) doesn’t change the fact that you have to properly share expenses.” [DA pp.136](#). The same is true for Sampson, who testified that he understood that “you need to spend the money on your campaign.” [DA pp.148](#).

In addition to understanding the prohibition against spending in another candidate’s race with CEP candidate committee funds, both Markley and Sampson and their campaign treasurers were experienced in complying with the CEP’s requirements. Markley participated in the CEP numerous times, and in 2014 he signed CEP Form 10 in which he swore “under penalty of false statement” that “I understand my obligation to abide by and will abide by the Program’s requirements, including expenditure limits . . . .” [DA pp.40](#). By signing that form, he expressly agreed to abide by the CEP rules, and he subsequently accepted and spent public funds on that basis. The campaign treasurer for Markley also was trained in and experienced with the CEP requirements, having served in that role in 2010, 2012, 2014 and 2016 for Markley, and in 2018 for Sampson. [DA pp.113-114](#). Markley understood that the rules for sharing expenditures between participating and nonparticipating candidates were the same in terms of how sharing of all expenditures were handled. [DA pp.134](#). He

agreed to abide by the rules in exchange for nearly \$57,000 in taxpayer funds. [DA pp.54](#). Sampson did the same in exchange for nearly \$28,000. [DA pp.67](#). Neither plaintiffs nor their treasurers testified that the CEP requirements for expending CEP grant funds were onerous or difficult to understand.

### **C. The plaintiffs regularly allocated the expenses of campaign speech between candidates.**

The plaintiffs knew they could not make an expenditure in another candidate's race, and routinely split the cost of their joint expenditures to avoid doing so. Well before 2014, the plaintiffs shared expenditure costs and did so without difficulty or burden. Markley and Sampson made joint expenditures in 2012, 2014, and 2016. [DA pp.154](#). They even consulted the SEEC to allocate appropriately before making joint expenditures. [DA pp.154](#). In 2012, they sent out mailers much like those at issue here and allocated the expenses without incident or complaint.

In 2014, the Markley and Sampson campaigns again made joint expenditures on mailers and were able to allocate between their two campaigns without confusion or difficulty. [DA pp.110](#). Their campaigns simply split the bill for the mailers and received separate bills from the printer allocating their portions. [DA pp.124-125](#). The printer did the breakdown of the allocation based on the number of mailers printed and where they were mailed. [DA pp.123](#). It was simple and seamless.

The record is therefore undisputed that the plaintiffs understood that when they were talking about another candidate outside their own race, including each other, they were influencing another's election and therefore had to properly allocate and share the cost. *See e.g.* SEEC Decl. Ruling 2011-03, p.7, available at [https://seec.ct.gov/Portal/data/DeclaratoryRulings/dec\\_ruling\\_2011-03-candidate\\_committees\\_and\\_joint\\_communications.pdf](https://seec.ct.gov/Portal/data/DeclaratoryRulings/dec_ruling_2011-03-candidate_committees_and_joint_communications.pdf) (last viewed



February 22, 2023) (CEP candidates must properly allocate joint expenditures).

**D. The plaintiffs agreed to abide by the CEP rules.**

The plaintiffs knowingly and voluntarily agreed to abide by the CEP rules in 2014. Like Markley himself, Markley's Treasurer, Barbara Roberts, also signed the CEP Form 10 and thereby attested that she understood and agreed to abide by the requirements of the CEP. [DA pp.41, 115-116](#). In particular, she understood the CEP imposed different requirements on candidates and treasurers than the private campaign finance system. Sampson's treasurer also understood that he was swearing to abide by the CEP rules. [DA pp.58](#).

The plaintiffs and their agents knew the CEP required them to forgo a wide range of otherwise permissible First Amendment conduct such as making unlimited expenditures, fundraising from certain sources, coordinating expenditures with certain individuals and committees, and expending CEP funds in a way that goes beyond "directly furthering" their own race. *See, e.g.*, [DA pp.117](#). So when the Markley campaign accepted nearly \$57,000 in taxpayer funds to pay for his personal political speech and activities, both he and Ms. Roberts knew those funds were conditioned upon Markley's relinquishment of a host of First Amendment rights. [DA pp.121](#).

Markley acknowledged when he signed the CEP forms that he would be personally liable for violating the CEP rules. [DA pp.151](#). After making this commitment, and thereby having induced the SEEC to award him a grant of public funds conditioned on complying with the CEP requirements, the Markley campaign spent virtually all of the public CEP money it received. [DA pp.122](#). Sampson likewise acknowledged that he signed the CEP forms to join the program, and that he knew it had rules more restrictive than the private fundraising context. [DA pp.143-144, 57](#).

**E. The plaintiffs ignored the CEP rules and SEEC guidance and distributed mailers in 2014 that clearly identified and opposed a candidate in another election.**

Plaintiffs distributed six communications to voters in their districts in the Fall of 2014 that clearly identified and discussed Governor Malloy and his record. Plaintiffs' Brief (PB) pp.149-159, [DA pp.81](#). Three of those six mailers were jointly paid for by both Sampson and Markley, and Sampson paid for three communications on his own. PB pp.149-159 (R72, 73, 75, 77, 79, 81), [DA pp.110](#). The mailers advocated for the election of Markley and Sampson, but the SEEC found that the mailers also opposed Governor Malloy's reelection and clearly identified him by referring to him by name, repeatedly. For example, mailer 4 stated that:

Rob & Joe consistently fought Governor Malloy's reckless spending and voted against his budget which resulted in nearly \$4 Billion in new and increased taxes for Connecticut residents . . . Fought the Malloy Tax Hike: As members of the Appropriations Committee, Rob & Joe opposed our state's largest tax hike ever, and helped craft an alternative budget that didn't raise a single tax or cut any aid to our community or its seniors . . . . Rob & Joe have consistently fought Governor Malloy's agenda and have tried to restore Common Sense and fiscal responsibility in state government.

PB pp.150-151.

Five of the mailers referred to Governor Malloy's "bad policies," "destructive policies," "wasteful spending," "corporate welfare" policies, "reckless spending," and being "bad for Connecticut." PB. pp.150-159.

The SEEC analyzed each mailer in its Final Decision, found that a reasonable person would have understood that Markley and

Sampson were encouraging voters to vote against Governor Malloy, and concluded that five of the mailers both “opposed” the reelection of Governor Malloy and unquestionably referred to him. Clerk’s Appendix (CA) pp.15-27. These mailers thus qualified as “expenditures” under two separate sections of Conn. Gen. Stat. § 9-601b. The plaintiffs do not challenge this factual determination on appeal.

**F. The plaintiffs allocated costs of the 2014 mailers between themselves but declined to allocate with any of the many speakers who could have lawfully funded the speech in the governor’s race.**

There is no dispute that allocating the costs of the mailers between speakers was simple and easy to do. Indeed, the plaintiffs simply had to request and pay separate invoices from the mailing house they hired to produce and distribute the mailers. [DA pp.124-125](#). There is also no dispute that the cost of the mailers likely could have been split between three or more speakers, and maybe up to an unlimited number of speakers if the plaintiffs attempted to do so. The mailing house could have sent a third, fourth, or as many invoices as needed to the campaign committee for the Republican candidate for governor, a Republican town committee, the Republican State Central Committee, or a host of other speakers.

Nevertheless, the plaintiffs made no attempt to share the cost of the mailers even when they knew the SEEC is lenient in its allocation requirements and had advised in 2011 and 2014 that allocation, even *de minimis* allocation, was the more prudent course. [DA pp.158-159](#). In fact, Markley testified that he never asked any of the four town committees in his or Sampson’s district or the state central committee to share even one dollar of the expenditures. [DA pp.185](#). He also did

not ask the Republican candidate who benefitted from his opposition to Governor Malloy to share the expense. [DA pp.186](#). He simply relied upon his own mistaken belief that the statutes did not apply to him because he was opposing a candidate and not promoting one. He concluded that “[w]e did not believe we were doing anything on behalf of the Foley campaign.” [DA pp.155](#). Of course, Markley’s own interpretation of what was an “expenditure” directly contravened the SEEC’s guidance. His narrow interpretation failed to account for the fact that candidates may benefit from not just expenditures that promote them directly but also from those that diminish an opponent. [DA pp.178](#). Negative speech or attacks can also be “something of value” in a political campaign. Sampson also did not attempt to allocate with another speaker, even though he acknowledged that the mailers could help Foley. [DA pp.198](#). When faced with a 2014 Advisory Opinion indicating attacks on Governor Malloy would be expenditures in the Malloy-Foley race, Markley followed his own interpretation of the law and not that of the SEEC. [DA pp.158-159](#).

**G. The SEEC properly found that the mailers violated the CEP and imposed minimal fines on the plaintiffs.**

The SEEC found that five of the six mailers contravened the CEP’s requirement that CEP candidates only spend on their own campaigns. CA p.26. The SEEC imposed minimal fines on Sampson and Markley of \$5,000 and \$2,000 respectively, and did not impose fines equal to or double the cost of the communications or require the plaintiffs to return the CEP grants that each received in 2014, even though it could have done so. CA p.27. On appeal to this Court, the plaintiffs no longer challenge the SEEC’s determination that they violated state law. They instead only argue that the applicable state

laws—and the SEEC’s proper application of them—violates the First Amendment.

### **III. Argument**

#### **A. Standard of review.**

The plaintiffs do not challenge any of the SEEC’s factual findings, including its finding that the mailers identified Governor Malloy and opposed his election. If the plaintiffs’ references to those findings can be construed as a challenge, this Court must uphold the SEEC’s determination unless the plaintiffs “establish that substantial evidence does not exist in the record as a whole to support [SEEC’s] decision.” *Samperi v. Inland Wetlands Agency*, 226 Conn. 579, 587 (1993) (citing *Feinson v. Conservation Comm’n*, 180 Conn. 421, 425 (1980)).

Where, as here, appellants challenge the trial court’s conclusions of law about the constitutionality of the statutory and regulatory scheme, this Court’s review is plenary. *Wagner v. Clark Equip. Co.*, 259 Conn. 114, 122 (2002). “In general, as in any constitutional challenge to the validity of a statutory scheme, the [statutory scheme] is presumed constitutional . . . and [t]he burden is on the [party] attacking the legislative arrangement to negative every conceivable basis which might support it. . . .” *Batte-Holmgrem v. Comm’r of Public Health*, 281 Conn. 277, 295 (2007) (quoting *State v. Long*, 268 Conn. 508, 534, *cert. denied*, 543 U.S. 969 (2004)).

#### **B. The trial court properly concluded that the requirements of the CEP do not violate the First Amendment.**

As long as participation in the CEP is not coerced—and plaintiffs do not argue it is—Connecticut may condition candidates’ voluntary participation in the CEP on their agreement to abide by the program’s conditions. Among those lawful conditions is a requirement

that participating candidates limit their expenditure of CEP funds to only those expenses that directly further their own candidacy and not use their CEP funds to contribute to other candidates' campaigns. That restriction does not even implicate the First Amendment, much less violate it.

- 1. Plaintiffs voluntarily chose to participate in the CEP, and the State constitutionally could condition their receipt of public funds without implicating or violating the First Amendment.**

- a. Connecticut lawfully conditions receipt of taxpayer funds on CEP participants' agreement to abide by campaign finance laws.**

The prohibition on making expenditures in other candidate's races with CEP funds is a constitutionally tolerable condition on the acceptance of public money. Conditions on expenditures contained in public financing programs do not even implicate the First Amendment, and even if they do, they do not violate it. The relinquishment of core First Amendment rights to unlimited speech and unlimited fundraising are at the heart of every public financing program. As the Supreme Court stated in *Buckley*, the legislature "may condition acceptance of public funds on an agreement by the candidate to abide by specific expenditure limitations. Just as a candidate may voluntarily limit the size of contributions he chooses to accept, he may decide to forgo private fundraising and accept public funding." *Buckley v. Valeo*, 424 U.S. at 57 n. 65; see also *Republican Nat'l Comm. v. Fed. Election Comm'n*, 455 U.S. 955 (1980) (affirming judgment of district

court that concluded that the Federal Election Campaign Act of 1971's conditional expenditure limit was not an unconstitutional condition).

Since *Buckley*, courts have followed its reasoning to uphold public financing programs against claims that they unconstitutionally conditioned a benefit on the relinquishment of a First Amendment right. The plaintiffs do not even attempt to grapple with these cases, all of which upheld spending conditions where participation in the public financing programs at issue was voluntary and the speakers were not coerced into surrendering their rights.

For example, in an appeal concerning Rhode Island's campaign finance scheme, the First Circuit did not expressly invoke the doctrine of unconstitutional conditions but emphasized that "voluntariness has proven to be an important factor in judicial ratification of government-sponsored campaign financing schemes." *Vote Choice, Inc. v. DiStefano*, 4 F.3d 26, 38 (1st Cir. 1993) (citing *Buckley*, 424 U.S. at 95). The court concluded that no coercion existed and that the scheme "achieves a rough proportionality between the advantages available to complying candidates (including the cap gap) and the restrictions that such candidates must accept to receive these advantages." *Id.* at 39. The rough proportionality conclusion was rooted in the court's determination that, although "Rhode Island's statutory scheme is not in exact balance," the law was not "unfairly coercive" where the statutory framework "merely presents candidates with a voluntary alternative to an otherwise applicable, assuredly constitutional, financing option." *Id.* The First Circuit has maintained this "rough proportionality" approach with a focus on the coercion issue. See *Daggett v. Comm'n on Gov't Ethics & Election Practices*, 205 F.3d at 467 (observing that a law providing public funding for campaigns is valid if it achieves "a rough proportionality between the advantages available to complying candidates . . . and the restrictions that such

candidates must accept to receive these advantages” (quoting *Vote Choice, Inc. v. DiStefano*, 4 F.3d at 39)).

Similarly, in addressing whether Vermont’s campaign finance scheme’s imposition of additional conditions on candidates that received public finance grants violated the First Amendment, the Second Circuit did not expressly address the doctrine of unconstitutional conditions but again emphasized the voluntariness of the scheme, noting that candidates had a choice between two methods of speaking and “remain free to reject . . . funding and [the] attendant Contribution Limit if they believe that private financing of their campaigns will facilitate greater speech . . . .” *Corren v. Condos*, 898 F.3d at 220. The court acknowledged the rough proportionality test articulated by other Courts of Appeal, but did not adopt the test. *Id.* at 219-220. Instead, the court took the view that no such test need be applied because a voluntary scheme like Vermont’s simply did not diminish First Amendment rights. *Id.* at 220-221.

The Fourth Circuit and Eight Circuit have also upheld public financing statutory schemes as consistent with First Amendment values. In *N.C. Right to Life Comm. Fund for Indep. Political Expenditures v. Leake*, 524 F.3d at 431-432, for example, the Fourth Circuit concluded that the scheme was “not unconstitutionally coercive,” reasoning that the incentives to choose public funding were “rather modest in comparison to those in similar systems that have been upheld against First Amendment challenges,” and observing that candidates could hardly say they were coerced when the limited amount of public funding (a maximum of \$649,950) paled in comparison to the amounts raised in other states for similar elections (millions of dollars). *Id.* at 436-437. Implicit in this reasoning was the availability of alternative (and perhaps more lucrative) avenues to raising funds.



Similarly, the Eighth Circuit upheld a voluntary campaign subsidy and limitation scheme because the scheme “presents candidates with an additional, optional campaign funding choice, the participation in which is voluntary.” *Rosenstiel v. Rodriguez*, 101 F.3d 1544, 1552 (8th Cir. 1996). The public financing scheme there was “not . . . so benefit-laden as to create such a large disparity between benefits and restrictions that candidates are coerced to publicly finance their campaigns.” *Id.* at 1550. The scheme achieved a “relative balance,” *id.*, and “achieve[d] the rough proportionality necessary to entice, but not coerce, candidate participation.” *Id.* It was the voluntariness of the scheme that made the difference, and it is a lack of voluntariness that can doom a scheme. *Compare id. with Russell v. Burris*, 146 F.3d 563 (8th Cir. 1998) (declining to apply more lenient standard of scrutiny to campaign finance scheme because, “unlike the schemes upheld in *Buckley* and *Rosenstiel*,” the scheme was imposed “upon all candidates” and candidates did “not have the power to opt out”).

Here, it is undisputed that the plaintiffs were not coerced into participating in the CEP. They voluntarily chose to participate in the CEP in multiple elections and with great success. Moreover, even as program participants they had several lawful alternative avenues for engaging in their desired political speech influencing another’ election, and did not claim otherwise below. To the contrary, they acknowledged that they could make the same speech by simply allocating the cost of the mailers with candidates in the gubernatorial campaigns or other third party speakers—a practice they were thoroughly familiar with and had done several times previously. [DA pp.134](#). They could also engage in political speech against any sitting Governor or other non-opponent by speaking through their political party, other political committees, and even their own separate personal

political committees so long as their CEP funds were not used. There were thus many options for the plaintiffs to engage in their desired speech even within the program, and the plaintiffs' voluntary choice to participate in the CEP and abide by its requirements did not burden their First Amendment rights at all

Because coercion is the standard by which unconstitutional conditions are measured in the context of public financing, the plaintiffs' claims must fail.

**b. The CEP condition does not implicate the First Amendment.**

Public financing programs like the CEP are not subject to heightened scrutiny because they expand First Amendment interests and do not contract them. The United States Supreme Court and Second Circuit both have concluded that public financing programs do not implicate the First Amendment because ineligible candidates, or those who choose not to participate in a completely voluntary program, like the CEP, remain free to speak and associate with voters by raising and spending unlimited amounts of money outside the program. *Buckley*, 424 U.S. at 92-93; *Green Party of Conn. v. Garfield*, 616 F.3d 213, 227 (2d Cir. 2010) (public financing programs function “not to abridge, restrict, or censor speech, but rather to use public money to facilitate and enlarge public discussion and participation in the electoral process...”). First Amendment rights are not implicated by a public financing program because citizens generally do not have a First Amendment right to government-subsidized speech. *Rosenberger v. Rector & Visitors of the Univ. of Va.*, 515 U.S. 819, 834 (1995) (“the Government is not required to subsidize the exercise of fundamental rights”); see also *Regan v. Taxation with Representation*, 461 U.S. 540, 546, 549-50 (1983) (“We again reject the notion that First Amendment rights are somehow not fully realized unless they are subsidized by the

State. . . . ‘although government may not place obstacles in the path of a [person’s] exercise of . . . freedom of [speech], it need not remove those not of its own creation.’”) (quoting *Harris v. McRae*, 448 U.S. 297, 316 (1980)).

So because the plaintiffs had no right to the CEP funding and could have privately financed their campaigns to avoid application of the CEP’s “direct furtherance” standard, the First Amendment is not even implicated. This Court should reject the plaintiffs’ claim of a First Amendment burden “out of hand” because their First Amendment rights are not implicated by their voluntarily choice to apply for and accept public funds and the attendant reasonable and neutral limitations on expenditure that come with those funds. *Green Party*, 616 F.3d at 227; *Buckley*, 424 U.S. at 94-95. Indeed, here, it is the CEP funds that enabled the plaintiffs’ speech in the first instance.

**2. Even if the CEP condition implicates the First Amendment, it is consistent with it.**

Even if the CEP condition implicates the First Amendment, it should be upheld. The State’s interest in prohibiting candidates from making contributions from their candidate committees to other candidates is especially strong in the context of a public financing program. In this context, the State may set conditions to ensure that, along with its primary interest in reducing public corruption, other State interests such as protecting taxpayer funds and maintaining the viability of the program are also advanced. *Buckley v. Valeo*, 424 U.S. at 92-93; *Green Party of Conn. v. Garfield*, 616 F.3d at 227.

The State’s interest in establishing and maintaining a healthy and viable public financing program is itself a compelling governmental interest because public financing reduces the influence of private contributors in elections and government. *Green Party v. Garfield*, 648 F. Supp. 2d 298, 352 (D. Conn. 2009) (“There can be no

dispute that a public financing scheme, generally speaking, serves a compelling state interest in removing actual and perceived corruption by cutting off avenues for influence by eliminating the need for, and opportunity to make, large campaign contributions.”). If the CEP is undermined and its purposes questioned, the State will be impeded in its ability to advance its compelling interest in having the program. Moreover, the ability to protect the public fisc from diversion of funds, improper or corrupt circumvention of contribution limits, and waste of public money are all important governmental interest. *Id.* The requirement that candidates limit their expenditures to their own election furthers these compelling and significant interests. *Green Party v. Garfield*, 648 F. Supp. 2d at 351; *see also Buckley*, 424 U.S. at 96 (“It cannot be gainsaid that public financing as a means of eliminating improper influence of large private contributions furthers a significant governmental interest”).

By requiring that CEP funds only be spent in the races of candidates who are entitled to them, the public is reassured that the CEP is fulfilling its intended purpose. This bolsters the public’s faith in the integrity in the program, and thus their willingness to expend millions of dollars on it every two years. Belief in the CEP also encourages citizens to give the small qualifying contributions candidates must raise to participate and thereby helps sustain the health of the CEP into the future. But that support for the CEP can easily be eroded if loopholes to the program, such as the one the plaintiffs advocate for here, are allowed. Allowing unlimited attack ads in other races funded with CEP funds, as these plaintiffs would permit, will erode participation in the program by candidates. Candidates will quickly recognize that they will be facing off not just against their opponent, who is likely to be a CEP participant with similar expenditure limits, but also against an entire network of

candidates ready to expend thousands of CEP dollars outside of their own race. A CEP candidate who follows the rules, and therefore limits expenditures to the CEP grant, may not be able to fully respond to a deluge of negative speech against him or her.

The plaintiffs' elimination of the requirement that candidates only spend in their race will free them up to spend CEP grant money to communicate in any race in Connecticut or beyond if they, or their political party leaders, think it helps a colleague or their political party. Markley conceded that he was in exactly this enviable position in 2014. He testified that he was in a "strong" position in the election as he did not have a major party opponent. [DA pp.167](#) ("I was in a strong position electorally in 2014, I wasn't in so much in need of promoting myself..."). With his re-election virtually assured, Markley did not need to focus exclusively on furthering his own election and had the expanded flexibility to use CEP funds to attack his political party's opponent for the highest office in the State. He availed himself of this opportunity to assist his party by "educating" the voters in his district about how terrible a leader he believed Malloy was for the State.

The sincerity of Markley's belief that he was expressing his views on his own political philosophy intertwined with a direct attack on Malloy personally is irrelevant to the legal question. The CEP prohibition on spending program funds to advocate the defeat of a "clearly identified" candidate who is not your opponent, within the 90-day window preceding an election, is intended to obviate the need to engage in the complicated inquiry into the subjective intent behind a candidate's speech. Here, Markley still chose to attack a clearly identified candidate in another race with the taxpayer's money.

Beyond discouraging candidate's spending of public money simply because they have it, the State can also seek to prevent

diversion of CEP funds to benefit non-CEP candidates. The requirement that candidates spend only on their own election advances that important interest as well. The State can seek to protect against candidates who are ineligible to participate in the CEP or who did not qualify for the program in receiving indirect benefit of CEP funded speech. The State also can ensure that participating CEP candidates do not exceed their agreed to expenditure limit by receiving CEP funded contributions from other CEP candidates.

Accordingly, even if the CEP condition challenged is found to implicate the First Amendment, it is consistent with it.

**C. Connecticut lawfully prohibits all candidates from making contributions to other candidates through their candidate committees.**

This Court should not reach the hypothetical posed by the plaintiffs—whether Connecticut may prohibit privately financed candidates from making expenditures from their candidate committees to promote or oppose candidates in other races—because that was not the issue before the agency in this administrative appeal. Both the plaintiffs were CEP candidates in 2014, and it is permissible under the First Amendment to require CEP participating candidates to limit expenditures to their own races. The determination of whether it would be permissible to prohibit other candidates who have elected not to participate in the CEP from making expenditures outside their races is no more than an advisory opinion that this Court should not indulge. *Redding Life Care, LLC v. Town of Redding*, 331 Conn. 711, 737 (2019) (“[W]e have consistently held that we do not render advisory opinions. . . . [W]here the question presented is purely academic, we must refuse to entertain the appeal.” (quoting *Echavarría v. Nat’l Grange Mutual Ins. Co.*, 275 Conn. 408, 419-20 (2005))).

Even if the Court does reach the broader claim, however, it does not offend the First Amendment to prohibit candidates from making expenditures from their candidate committees to promote or oppose candidates in other races.

Under General Statutes § 9-607, Connecticut candidates may only expend their candidate committee funds to promote their own elections. If they make expenditures that jointly promote their campaign with another campaign, they must allocate the cost of their joint expenditure. *See* SEEC Decl. Ruling 2011-03: Candidate Committees and Joint Communications (May 18, 2011) (permitting allocating joint expenditures by CEP candidates); *see also* Advisory Opinion 2014-04: Negative Communications Featuring Candidates for Different Offices, (Connecticut State Elections Enforcement Commission, October 17, 2014) (reiterating that candidate committees may not make expenditures to benefit other candidate committees, including negative communications attacking candidates running in other races), PB pp.146-148.

Candidates cannot make contributions from their candidate committee funds through direct cash contributions or other things of value in order to influence that race. These rules have been in place for over a decade or more and apply to all candidates for office in Connecticut. Conn. Gen. Stat. §§ 9-607(g); 9-616(a); 9-622(10); 9-706(b)(5) & (7).

Courts have upheld these inter-candidate transfer bans like Connecticut's prohibition because they advance the State's compelling interests "to prevent circumventing the contribution/spending limits, to avoid the appearance of corruption, and to restrict those in power from funneling money to those seeking power." *Minn. Citizens Concerned for Life, Inc. v. Kelley*, 427 F.3d 1106, 1112 (8th Cir. 2005); *State v. Alaska Civil Liberties Union*, 978 P.2d 597, 633 (Alaska 1999). In the public

financing context, they also ensure that public funds are spent only on qualifying candidates who agree to abide by the program's requirements by preventing "a revolving door' where legislators—even those running unopposed—often accepted thousands of dollars in taxpayer-provided public financing while making substantial contributions to other candidates." *Minn. Citizens Concerned for Life, Inc. v. Kelley*, 291 F. Supp. 2d 1052, 1061 (D. Minn. 2003).

Although the United States Supreme Court has not had occasion to opine on inter-candidate transfer bans, it has spoken favorably of limits on transfers from candidates to "serve the Government's anticircumvention interest, while avoiding 'unnecessary abridgement' of First Amendment rights." *McCutcheon v. Fed. Election Comm'n*, 572 U.S. 185, 221 (2014) (quoting *Buckley*, 424 U.S. at 25). And it has upheld transfer restrictions in the context of state party spending. *Id.* (discussing restriction on transfer of "Levin funds" by state parties, as upheld in *McConnell v. Fed. Election Comm'n*, 540 U.S. 93, 171-73 (2003)). The interest in avoiding circumvention is entirely consistent, and a subset of, the government's valid interest in preventing *quid pro quo* corruption or its appearance. *Id.* at 192; *see also Fed. Election Comm'n v. Colo. Republican Fed. Campaign Comm.*, 533 U.S. 431, 456 (2001) ("all members of the Court agree that circumvention is a valid theory of corruption.").

The government's anticircumvention interest is especially strong where, as here, the State has a public financing option. This interest applies both to those candidates who participate in the CEP and those that do not. If a participating candidate could use candidate committee funds to promote candidates outside his own race, it could circumvent the CEP's requirements in two ways. First, if the outside candidate is also a CEP participant, it would allow her to exceed the CEP grant of funds by having participating candidates in other races



spend their own CEP funds to benefit her. Second, if the outside candidate is not a CEP participant, because she did not qualify for participation, it bypasses the State's interest in ensuring that only viable candidates receive state funding. Further, if the non-participating candidate is prohibited from participating in the CEP, it bypasses the State's valid prohibition on use of CEP funds on that candidate. Even if the candidate spending the funds on an outside race is not a participating candidate, there are still circumvention concerns because the non-participating candidate may spend funds on a participating candidate, thereby allowing the participating candidate to bypass the limit imposed by the CEP grant.

Connecticut's inter-candidate transfer ban is closely drawn to advance compelling anti-circumvention interests because it only prohibits transfers of funds from a candidate's candidate committee and does not prevent candidates from supporting candidates in other races through any number of other lawful means, including a candidate's own personal funds or separately established independent expenditure committee. Contributions limits impose a "limited burden . . . on First Amendment freedoms." *McConnell*, 540 U.S. at 136. "[A] contribution limit involving even significant interference with associational rights is nevertheless valid if it satisfies the lesser demand of being closely drawn to match a sufficiently important interest." *Id.* at 136 (citing *Fed. Election Comm'n v. Beaumont*, 539 U.S. 146, 162 (2003); *Nixon v. Shrink Mo. Gov't PAC*, 528 U.S. 377, 387 (2000) (internal quotations omitted)).

Here, the plaintiffs had a panoply of options for contributing to another campaign, including doing so with the candidates' own personal funds, endorsing another candidate, and encouraging contributors to support another candidate. *See Minn. Citizens Concerned for Life, Inc.*, 427 F.3d at 1113; *Alaska Civil Liberties*

*Union*, 978 P.2d at 633. Thus, consistent with *Buckley*, a “candidate, no less than any other citizen” can exercise his “First Amendment right to engage in the discussion of public issues and vigorously and tirelessly to advocate his own election and the election of other candidates.” *Buckley*, 424 U.S. at 52. Since a candidate cannot contribute to another candidate directly from a candidate committee, it follows that he or she also cannot provide anything of value indirectly to a candidate or make “expenditures” related to another candidate’s race from a candidate committee. At least not without following certain rules, such as allocating the value of the expenditure attributable to each election, which these plaintiffs declined to do.

The plaintiffs, like all candidates in Connecticut, had many other options for engaging in the speech at issue. Instead, they chose to speak in the one manner explicitly prohibited by Connecticut’s CEP program.

#### **IV. Conclusion**

This Court should affirm the judgment of the trial court.

Respectfully submitted,

STATE ELECTIONS  
ENFORCEMENT COMMISSION

WILLIAM TONG  
ATTORNEY GENERAL

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**Supreme Court**  
of the  
State of Connecticut

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**S.C. 20726**

**JOE MARKLEY ET AL.**

**v.**

**STATE ELECTIONS ENFORCEMENT COMMISSION**

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Appendix

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**SEEC FORM CEP 10**

Citizens' Election Program-Affidavit of Intent to Abide  
 CONNECTICUT STATE ELECTIONS ENFORCEMENT COMMISSION  
 Revised March 2012  
 Page 1 of 4



For Internal Use ONLY

CODE:  REVIEWED BY:

state JOINT EXHIBIT 19

PEN/CAD 800-631-6989

AMENDED

**AFFIDAVIT OF INTENT TO ABIDE BY EXPENDITURE LIMITS AND OTHER CITIZENS' ELECTION PROGRAM REQUIREMENTS**

*Statewide and General Assembly Candidates*

The candidate and the campaign treasurer must each review all information provided on this Affidavit, and sign or initial the designated lines requiring signatures or initials. Any deputy treasurer designated by the candidate must complete and sign the Deputy Treasurer Affidavit. This Affidavit must be completed, signed, and received by the State Elections Enforcement Commission no later than 4:00 p.m. on the twenty-fifth (25th) day before the primary date, if applicable, the fortieth (40th) day before the election date, or the twenty-fifth (25th) day before the special election date as set forth in subsection (a) of section 9-703 of the Connecticut General Statutes.

**SECTION A. Identifying Information**

<b>1. ELECTION DATE</b> (mm/dd/yyyy) 11/04/2014		<b>2. OFFICE SOUGHT</b> State Senator		<b>3. DISTRICT NUMBER</b> (If applicable) 16	
<b>4. CANDIDATE NAME</b>					
First Name Joseph		MI	Last Name Markley		Suffix
<b>5. COMMITTEE NAME</b> Joe Markley for State Senate 2014					
<b>6. PARTY STATUS (How the candidate qualified or will qualify for the ballot in this election cycle)</b>					
<input checked="" type="checkbox"/> Major Party		Name of party <u>Republican</u>			
<input type="checkbox"/> Minor Party		Name of party _____			
<input type="checkbox"/> Petitioning		Name of party (if affiliated) _____			
<b>7. TREASURER NAME</b>					
First Name Barbara		MI	Last Name Roberts		Suffix
<b>8. DEPUTY TREASURER NAME</b>					
First Name Pamela		MI	Last Name Salamone		Suffix








FILED SEEC  
2013 JUN 14 PM 12 49

*Notice: Making a false statement on this form may subject you to criminal penalties, including but not limited to, imprisonment for up to one year or a fine of up to two thousand dollars, or both.*

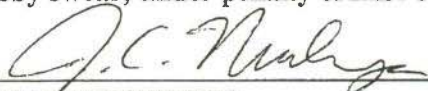


### SECTION B. Candidate Certification

The candidate must read each paragraph below and indicate agreement to each numbered paragraph by writing his/her initials at each numbered space below. Affidavits missing initials for any item will not be deemed complete. A completed affidavit must be received by the State Elections Enforcement Commission no later than 4:00 p.m. on the twenty-fifth (25th) day before the primary date, if applicable, the fortieth (40th) day before the election date, or the twenty-fifth (25th) day before the special election date if you elect to be a participating candidate.

-  1. I certify that I am over 18 years of age and believe in and understand the obligation of an oath. I hereby affirm, certify, and state that I intend to participate in the Citizens' Election Program (the "Program") established by Chapter 157 of the Connecticut General Statutes ("Conn. Gen. Stat.") and that I understand my obligation to abide by and will abide by the Program's requirements, including the expenditure limits, which are set forth in Conn. Gen. Stat. § 9-702(c). I further affirm, certify, and state that I have thus far abided by the Program's expenditure limits and that my candidate committee has not made expenditures in excess of the expenditure limits applicable to the office I am seeking, as set forth in Conn. Gen. Stat. § 9-702(c).
-  2. I certify that my candidate committee will expend any moneys received from the Citizens' Election Fund in accordance with the provisions of Conn. Gen. Stat. § 9-607(g), as amended, and with any regulations adopted by the State Elections Enforcement Commission ("SEEC") under Conn. Gen. Stat. § 9-706(e). I certify that I understand that I am personally liable and must repay to the Citizens' Election Fund any moneys that are not expended in accordance with the provisions of Conn. Gen. Stat. § 9-607(g), as amended, and with any regulations adopted by the SEEC under Conn. Gen. Stat. § 9-706(e).
-  3. I certify that I understand that prior to applying for a grant I must return any contribution or contributions from any one contributor that exceed or exceeds in the aggregate the \$100 contribution limit set forth in Chapter 157 of the Connecticut General Statutes. I further understand that prior to applying for a grant I must return any contributions from any sources not authorized under Chapter 157, and I must transmit any excess qualifying contributions to the Citizens' Election Fund.
-  4. I certify that I have abided by and will continue to abide by the provisions of the Program governing use of the candidate's personal funds and the provisions of the Program governing loans, as set forth in Conn. Gen. Stat. § 9-710.
-  5. I certify that I understand that I am required to comply with the requirements of the Program, including all applicable statutes, regulations and declaratory rulings. I certify that I understand that my failure to abide by the requirements of all applicable statutes and regulations relating to the Program may result in the SEEC's imposition of penalties as provided in Chapters 155 and 157 of the Connecticut General Statutes. I certify that I understand that I shall be personally liable for penalties relating to violations of the Program requirements, by myself, my agents, and/or anyone acting under my explicit or implied direction. I further understand that I am jointly and severally liable, with the treasurer of my candidate committee, for paying any excess expenditure in accordance with Conn. Gen. Stat. § 9-711(a)(1).
-  6. I certify that I understand that if my candidate committee exceeds any applicable expenditure limit during the period in which I am seeking qualifying contributions and before my candidate committee receives a grant, my grant application will not be approved, and penalties may be assessed for not abiding by the expenditure limit.
-  7. I certify that I understand that intentionally making a false written statement under oath or pursuant to a form bearing notice, authorized by law, which is intended to mislead a public servant in the performance of his or her official function, is a class A misdemeanor pursuant to Conn. Gen. Stat. § 53a-157b(a), and may subject me to criminal penalties, including but not limited to, imprisonment for up to one year and/or a fine of up to \$2,000. I certify and verify that the information on this document is true and complete to the best of my knowledge and belief.

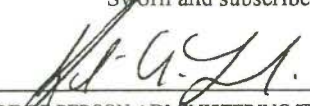
I hereby swear, under penalty of false statement, that the above certifications are true and complete.

  
CANDIDATE SIGNATURE

01/13/2014  
DATE (mm/dd/yyyy)

Sworn and subscribed before me on this 13<sup>th</sup> day of Jan, 2014

SIGNATURE OF PERSON ADMINISTERING THE OATH

  
NAME OF PERSON ADMINISTERING THE OATH (Please Print)

Commissioner of Superior Court

Notary Public — My Commission Expires

**MY COMMISSION EXPIRES 4/30/2016**

Notice: Making a false statement on this form may subject you to criminal penalties, including but not limited to, imprisonment for up to one year or a fine of up to two thousand dollars, or both.





**SECTION C. Treasurer Certification**

The campaign treasurer must read each paragraph below and indicate agreement to each numbered paragraph by writing his/her initials at each numbered space below. Affidavits missing initials for any item will not be deemed complete. A completed affidavit must be received by the State Elections Enforcement Commission no later than 4:00 p.m. on the twenty-fifth (25th) day before the primary date, if applicable, the fortieth (40th) day before the election date, or the twenty-fifth (25th) day before the special election date if the candidate elects to be a participating candidate.

BR  
Initials 1. I certify that I am over 18 years of age and believe in and understand the obligation of an oath. I hereby affirm, certify, and state that I understand that the candidate named in Section A intends to participate in the Citizens' Election Program (the "Program") established by Chapter 157 of the Connecticut General Statutes ("Conn. Gen. Stat.") and that I understand my obligation as such candidate's designated treasurer to abide by and will abide by the Program's requirements, including the expenditure limits, which are set forth in Conn. Gen. Stat. § 9-702(c). I further affirm, certify, and state that I have thus far abided by the Program's expenditure limits and that the candidate committee named in Section A, for which I am the designated treasurer, has not made expenditures in excess of the expenditure limits applicable to the office the candidate is seeking, as set forth in Conn. Gen. Stat. § 9-702(c).

BR  
Initials 2. I certify as the treasurer of the candidate committee named in Section A that I will expend any moneys received from the Citizens' Election Fund in accordance with the provisions of Conn. Gen. Stat. § 9-607(g), as amended, together with any regulations adopted by the State Elections Enforcement Commission ("SEEC") under Conn. Gen. Stat. § 9-706(e). I certify that I understand that the candidate is personally liable and must repay to the Citizens' Election Fund any moneys that are not expended in accordance with the provisions of Conn. Gen. Stat. § 9-607(g), as amended, together with any regulations adopted by the SEEC under Conn. Gen. Stat. § 9-706(e).

BR  
Initials 3. I certify that I understand that prior to applying for a grant I must return any contribution or contributions from any one contributor that exceed or exceeds in the aggregate the \$100 contribution limit set forth in Chapter 157 of the Connecticut General Statutes. I further understand that prior to applying for a grant I must return any contributions from any sources not authorized under Chapter 157, and I must transmit any excess qualifying contributions to the Citizens' Election Fund.

BR  
Initials 4. I certify that I have abided by and will continue to abide by the provisions of the Program governing use of the candidate's personal funds and the provisions of the Program governing loans, as set forth in Conn. Gen. Stat. § 9-710.

BR  
Initials 5. I certify that I understand that I am required to comply with the requirements of the Program, including all applicable statutes, regulations and declaratory rulings. I certify that I understand that my failure to abide by the requirements of all applicable statutes and regulations relating to the Program may result in the SEEC's imposition of penalties as provided in Chapters 155 and 157 of the Connecticut General Statutes. I certify that I understand that I shall be personally liable for penalties relating to violations of the Program requirements, by myself, my agents, and/or anyone acting under my explicit or implied direction. I further understand that I am jointly and severally liable with the candidate for paying any excess expenditure in accordance with Conn. Gen. Stat. § 9-711(a).

BR  
Initials 6. I certify that I understand that if the candidate committee exceeds any applicable expenditure limit during the period in which the candidate is seeking qualifying contributions and before the candidate committee receives a grant, the grant application will not be approved, and penalties may be assessed for not abiding by the expenditure limit.

BR  
Initials 7. I certify that I understand that intentionally making a false written statement under oath or pursuant to a form bearing notice, authorized by law, which is intended to mislead a public servant in the performance of his or her official function, is a class A misdemeanor pursuant to Conn. Gen. Stat. § 53a-157b(a), and may subject me to criminal penalties, including but not limited to, imprisonment for up to one year and/or a fine of up to \$2,000. I certify and verify that the information on this document is true and complete to the best of my knowledge and belief.

**I hereby swear, under penalty of false statement, that the above certifications are true and complete.**

Barbara Rubin  
TREASURER SIGNATURE

01/13/2014  
DATE (mm/dd/yyyy)

Sworn and subscribed before me on this 13<sup>th</sup> day of Jan, 2014

[Signature]  
SIGNATURE OF PERSON ADMINISTERING THE OATH

Kathy A. Larkin  
NAME OF PERSON ADMINISTERING THE OATH (Please Print)

Commissioner of Superior Court  Notary Public — My Commission Expires

**MY COMMISSION EXPIRES 4/30/2016**

Notice: Making a false statement on this form may subject you to criminal penalties, including but not limited to, imprisonment for up to one year or a fine of up to two thousand dollars, or both.



**SECTION D. Deputy Treasurer Certification**

The deputy treasurer must read each paragraph below and indicate agreement to each numbered paragraph by writing his/her initials at each numbered space below. Affidavits missing initials for any item will not be deemed complete. A completed affidavit must be received by the State Elections Enforcement Commission no later than 4:00 p.m. on the twenty-fifth (25th) day before the primary date, if applicable, the fortieth (40th) day before the election date or the twenty-fifth (25th) day before the special election date if the candidate elects to be a participating candidate.

In the event I become responsible for discharging any of the duties required of the treasurer:

  
Initials

1. I certify that I am over 18 years of age and believe in and understand the obligation of an oath. I hereby affirm, certify, and state that I understand that the candidate named in Section A intends to participate in the Citizens' Election Program (the "Program") established by Chapter 157 of the Connecticut General Statutes ("Conn. Gen. Stat.") and that I understand my obligation as such candidate's designated deputy treasurer to abide by and will abide by the Program's requirements, including the expenditure limits, which are set forth in Conn. Gen. Stat. § 9-702(c). I further affirm, certify, and state that I have thus far abided by the Program's expenditure limits and that the candidate committee named in Section A, for which I am the designated deputy treasurer, has not made expenditures in excess of the expenditure limits applicable to the office the candidate is seeking, as set forth in Conn. Gen. Stat. § 9-702(c).

  
Initials

2. I certify as the deputy treasurer of the candidate committee named in Section A that I will expend any moneys received from the Citizens' Election Fund in accordance with the provisions of Conn. Gen. Stat. § 9-607(g), as amended, together with any regulations adopted by the State Elections Enforcement Commission ("SEEC") under Conn. Gen. Stat. § 9-706(e). I certify that I understand that the candidate is personally liable and must repay to the Citizens' Election Fund any moneys that are not expended in accordance with the provisions of Conn. Gen. Stat. § 9-607(g), as amended, together with any regulations adopted by the SEEC under Conn. Gen. Stat. § 9-706(e).

  
Initials

3. I certify that I understand that prior to applying for a grant I must return any contribution or contributions from any one contributor that exceed or exceeds in the aggregate the \$100 contribution limit set forth in Chapter 157 of the Connecticut General Statutes. I further understand that prior to applying for a grant I must return any contributions from any sources not authorized under Chapter 157, and I must transmit any excess qualifying contributions to the Citizens' Election Fund.

  
Initials

4. I certify that I have abided by and will continue to abide by the provisions of the Program governing use of the candidate's personal funds and the provisions of the Program governing loans, as set forth in Conn. Gen. Stat. § 9-710.

  
Initials

5. I certify that I understand that I am required to comply with the requirements of the Program, including all applicable statutes, regulations and declaratory rulings. I certify that I understand that my failure to abide by the requirements of all applicable statutes and regulations relating to the Program may result in the SEEC's imposition of penalties as provided in Chapters 155 and 157 of the Connecticut General Statutes. I certify that I understand that I shall be personally liable for penalties relating to violations of the Program requirements, by myself, my agents, and/or anyone acting under my explicit or implied direction. I further understand that I am jointly and severally liable, with the candidate for paying any excess expenditure in accordance with Conn. Gen. Stat. § 9-711(a).

  
Initials

6. I certify that I understand that if the candidate committee exceeds any applicable expenditure limit during the period in which the candidate is seeking qualifying contributions and before the candidate committee receives a grant, the grant application will not be approved, and penalties may be assessed for not abiding by the expenditure limit.

  
Initials

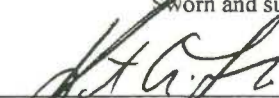
7. I certify that I understand that intentionally making a false written statement under oath or pursuant to a form bearing notice, authorized by law, which is intended to mislead a public servant in the performance of his or her official function, is a class A misdemeanor pursuant to Conn. Gen. Stat. § 53a-157b(a), and may subject me to criminal penalties, including but not limited to, imprisonment for up to one year and/or a fine of up to \$2,000. I certify and verify that the information on this document is true and complete to the best of my knowledge and belief.

I hereby swear, under penalty of false statement, that the above certifications are true and complete.

  
DEPUTY TREASURER SIGNATURE

1-13-2014  
DATE

Sworn and subscribed before me on this 13<sup>th</sup> day of Jan, 2014

  
SIGNATURE OF PERSON ADMINISTERING THE OATH

Kathy A. Herkin  
NAME OF PERSON ADMINISTERING THE OATH (Please Print)

Commissioner of Superior Court  Notary Public — My Commission Expires **MY COMMISSION EXPIRES 4/30/2016**

Notice: Making a false statement on this form may subject you to criminal penalties, including but not limited to, imprisonment for up to one year or a fine of up to two thousand dollars, or both.

**SEEC FORM CEP 10**

**Citizens' Election Program-Affidavit of Intent to Abide**  
**CONNECTICUT STATE ELECTIONS ENFORCEMENT COMMISSION**  
 Revised March 2012  
 Page 1 of 4



**For Internal Use ONLY**

CODE:  REVIEWED BY:

**AFFIDAVIT TYPE**

INITIAL  
 AMENDED

**AFFIDAVIT OF INTENT TO ABIDE BY EXPENDITURE LIMITS AND  
 OTHER CITIZENS' ELECTION PROGRAM REQUIREMENTS**

*Statewide and General Assembly Candidates*

The candidate and the campaign treasurer must each review all information provided on this Affidavit, and sign or initial the designated lines requiring signatures or initials. Any deputy treasurer designated by the candidate must complete and sign the Deputy Treasurer Affidavit. This Affidavit must be completed, signed, and received by the State Elections Enforcement Commission no later than 4:00 p.m. on the twenty-fifth (25th) day before the primary date, if applicable, the fortieth (40th) day before the election date, or the twenty-fifth (25th) day before the special election date as set forth in subsection (a) of section 9-703 of the Connecticut General Statutes.

**SECTION A. Identifying Information**

<b>1. ELECTION DATE</b> (mm/dd/yyyy) 11/04/2014	<b>2. OFFICE SOUGHT</b> State Senator	<b>3. DISTRICT NUMBER</b> (If applicable) 16
<b>4. CANDIDATE NAME</b>		
First Name Joseph	MI	Last Name Markley
<b>5. COMMITTEE NAME</b> Joe Markley for State Senate 2014		
<b>6. PARTY STATUS (How the candidate qualified or will qualify for the ballot in this election cycle)</b>		
<input checked="" type="checkbox"/> Major Party	Name of party	Republican
<input type="checkbox"/> Minor Party	Name of party	
<input type="checkbox"/> Petitioning	Name of party (if affiliated)	
<b>7. TREASURER NAME</b>		
First Name Barbara	MI	Last Name Roberts
<b>8. DEPUTY TREASURER NAME</b>		
First Name Pamela	MI	Last Name Salamone

2014 JAN 14 PM 12:49  
 FILED SEEC

*Notice: Making a false statement on this form may subject you to criminal penalties, including but not limited to, imprisonment for up to one year or a fine of up to two thousand dollars, or both.*



**SECTION B. Candidate Certification**

The candidate must read each paragraph below and indicate agreement to each numbered paragraph by writing his/her initials at each numbered space below. Affidavits missing initials for any item will not be deemed complete. A completed affidavit must be received by the State Elections Enforcement Commission no later than 4:00 p.m. on the twenty-fifth (25th) day before the primary date, if applicable, the fortieth (40th) day before the election date, or the twenty-fifth (25th) day before the special election date if you elect to be a participating candidate.

- 1. I certify that I am over 18 years of age and believe in and understand the obligation of an oath. I hereby affirm, certify, and state that I intend to participate in the Citizens' Election Program (the "Program") established by Chapter 157 of the Connecticut General Statutes ("Conn. Gen. Stat.") and that I understand my obligation to abide by and will abide by the Program's requirements, including the expenditure limits, which are set forth in Conn. Gen. Stat. § 9-702(c). I further affirm, certify, and state that I have thus far abided by the Program's expenditure limits and that my candidate committee has not made expenditures in excess of the expenditure limits applicable to the office I am seeking, as set forth in Conn. Gen. Stat. § 9-702(c).
- 2. I certify that my candidate committee will expend any moneys received from the Citizens' Election Fund in accordance with the provisions of Conn. Gen. Stat. § 9-607(g), as amended, and with any regulations adopted by the State Elections Enforcement Commission ("SEEC") under Conn. Gen. Stat. § 9-706(e). I certify that I understand that I am personally liable and must repay to the Citizens' Election Fund any moneys that are not expended in accordance with the provisions of Conn. Gen. Stat. § 9-607(g), as amended, and with any regulations adopted by the SEEC under Conn. Gen. Stat. § 9-706(e).
- 3. I certify that I understand that prior to applying for a grant I must return any contribution or contributions from any one contributor that exceed or exceeds in the aggregate the \$100 contribution limit set forth in Chapter 157 of the Connecticut General Statutes. I further understand that prior to applying for a grant I must return any contributions from any sources not authorized under Chapter 157, and I must transmit any excess qualifying contributions to the Citizens' Election Fund.
- 4. I certify that I have abided by and will continue to abide by the provisions of the Program governing use of the candidate's personal funds and the provisions of the Program governing loans, as set forth in Conn. Gen. Stat. § 9-710.
- 5. I certify that I understand that I am required to comply with the requirements of the Program, including all applicable statutes, regulations and declaratory rulings. I certify that I understand that my failure to abide by the requirements of all applicable statutes and regulations relating to the Program may result in the SEEC's imposition of penalties as provided in Chapters 155 and 157 of the Connecticut General Statutes. I certify that I understand that I shall be personally liable for penalties relating to violations of the Program requirements, by myself, my agents, and/or anyone acting under my explicit or implied direction. I further understand that I am jointly and severally liable, with the treasurer of my candidate committee, for paying any excess expenditure in accordance with Conn. Gen. Stat. § 9-711(a)(1).
- 6. I certify that I understand that if my candidate committee exceeds any applicable expenditure limit during the period in which I am seeking qualifying contributions and before my candidate committee receives a grant, my grant application will not be approved, and penalties may be assessed for not abiding by the expenditure limit.
- 7. I certify that I understand that intentionally making a false written statement under oath or pursuant to a form bearing notice, authorized by law, which is intended to mislead a public servant in the performance of his or her official function, is a class A misdemeanor pursuant to Conn. Gen. Stat. § 53a-157b(a), and may subject me to criminal penalties, including but not limited to, imprisonment for up to one year and/or a fine of up to \$2,000. I certify and verify that the information on this document is true and complete to the best of my knowledge and belief.

**I hereby swear, under penalty of false statement, that the above certifications are true and complete.**

J.C. Nunez  
CANDIDATE SIGNATURE

01/13/2014  
DATE (mm/dd/yyyy)

Sworn and subscribed before me on this 13<sup>th</sup> day of Jan, 2014

[Signature]  
SIGNATURE OF PERSON ADMINISTERING THE OATH

Kathy A. Larkin  
NAME OF PERSON ADMINISTERING THE OATH (Please Print)

Commissioner of Superior Court

Notary Public — My Commission Expires

**MY COMMISSION EXPIRES 4/30/2016**

Notice: Making a false statement on this form may subject you to criminal penalties, including but not limited to, imprisonment for up to one year or a fine of up to two thousand dollars, or both.



**SECTION C. Treasurer Certification**

The campaign treasurer must read each paragraph below and indicate agreement to each numbered paragraph by writing his/her initials at each numbered space below. Affidavits missing initials for any item will not be deemed complete. A completed affidavit must be received by the State Elections Enforcement Commission no later than 4:00 p.m. on the twenty-fifth (25th) day before the primary date, if applicable, the fortieth (40th) day before the election date, or the twenty-fifth (25th) day before the special election date if the candidate elects to be a participating candidate.

- BR  
Initials 1. I certify that I am over 18 years of age and believe in and understand the obligation of an oath. I hereby affirm, certify, and state that I understand that the candidate named in Section A intends to participate in the Citizens' Election Program (the "Program") established by Chapter 157 of the Connecticut General Statutes ("Conn. Gen. Stat.") and that I understand my obligation as such candidate's designated treasurer to abide by and will abide by the Program's requirements, including the expenditure limits, which are set forth in Conn. Gen. Stat. § 9-702(c). I further affirm, certify, and state that I have thus far abided by the Program's expenditure limits and that the candidate committee named in Section A, for which I am the designated treasurer, has not made expenditures in excess of the expenditure limits applicable to the office the candidate is seeking, as set forth in Conn. Gen. Stat. § 9-702(c).
- BR  
Initials 2. I certify as the treasurer of the candidate committee named in Section A that I will expend any moneys received from the Citizens' Election Fund in accordance with the provisions of Conn. Gen. Stat. § 9-607(g), as amended, together with any regulations adopted by the State Elections Enforcement Commission ("SEEC") under Conn. Gen. Stat. § 9-706(e). I certify that I understand that the candidate is personally liable and must repay to the Citizens' Election Fund any moneys that are not expended in accordance with the provisions of Conn. Gen. Stat. § 9-607(g), as amended, together with any regulations adopted by the SEEC under Conn. Gen. Stat. § 9-706(e).
- BR  
Initials 3. I certify that I understand that prior to applying for a grant I must return any contribution or contributions from any one contributor that exceed or exceeds in the aggregate the \$100 contribution limit set forth in Chapter 157 of the Connecticut General Statutes. I further understand that prior to applying for a grant I must return any contributions from any sources not authorized under Chapter 157, and I must transmit any excess qualifying contributions to the Citizens' Election Fund.
- BR  
Initials 4. I certify that I have abided by and will continue to abide by the provisions of the Program governing use of the candidate's personal funds and the provisions of the Program governing loans, as set forth in Conn. Gen. Stat. § 9-710.
- BR  
Initials 5. I certify that I understand that I am required to comply with the requirements of the Program, including all applicable statutes, regulations and declaratory rulings. I certify that I understand that my failure to abide by the requirements of all applicable statutes and regulations relating to the Program may result in the SEEC's imposition of penalties as provided in Chapters 155 and 157 of the Connecticut General Statutes. I certify that I understand that I shall be personally liable for penalties relating to violations of the Program requirements, by myself, my agents, and/or anyone acting under my explicit or implied direction. I further understand that I am jointly and severally liable with the candidate for paying any excess expenditure in accordance with Conn. Gen. Stat. § 9-711(a).
- BR  
Initials 6. I certify that I understand that if the candidate committee exceeds any applicable expenditure limit during the period in which the candidate is seeking qualifying contributions and before the candidate committee receives a grant, the grant application will not be approved, and penalties may be assessed for not abiding by the expenditure limit.
- BR  
Initials 7. I certify that I understand that intentionally making a false written statement under oath or pursuant to a form bearing notice, authorized by law, which is intended to mislead a public servant in the performance of his or her official function, is a class A misdemeanor pursuant to Conn. Gen. Stat. § 53a-157b(a), and may subject me to criminal penalties, including but not limited to, imprisonment for up to one year and/or a fine of up to \$2,000. I certify and verify that the information on this document is true and complete to the best of my knowledge and belief.

I hereby swear, under penalty of false statement, that the above certifications are true and complete.

Barbara Rubin  
 TREASURER SIGNATURE

01/13/2014  
 DATE (mm/dd/yyyy)

Sworn and subscribed before me on this 13<sup>th</sup> day of Jan, 2014

SIGNATURE OF PERSON ADMINISTERING THE OATH

NAME OF PERSON ADMINISTERING THE OATH (Please Print)

Commissioner of Superior Court

Notary Public — My Commission Expires

Kathy A. Larkin  
**MY COMMISSION EXPIRES 4/30/2016**

Notice: Making a false statement on this form may subject you to criminal penalties, including but not limited to, imprisonment for up to one year or a fine of up to two thousand dollars, or both.



**SECTION D. Deputy Treasurer Certification**

The deputy treasurer must read each paragraph below and indicate agreement to each numbered paragraph by writing his/her initials at each numbered space below. Affidavits missing initials for any item will not be deemed complete. A completed affidavit must be received by the State Elections Enforcement Commission no later than 4:00 p.m. on the twenty-fifth (25th) day before the primary date, if applicable, the fortieth (40th) day before the election date or the twenty-fifth (25th) day before the special election date if the candidate elects to be a participating candidate.


In the event I become responsible for discharging any of the duties required of the treasurer:

  
Initials

1. I certify that I am over 18 years of age and believe in and understand the obligation of an oath. I hereby affirm, certify, and state that I understand that the candidate named in Section A intends to participate in the Citizens' Election Program (the "Program") established by Chapter 157 of the Connecticut General Statutes ("Conn. Gen. Stat.") and that I understand my obligation as such candidate's designated deputy treasurer to abide by and will abide by the Program's requirements, including the expenditure limits, which are set forth in Conn. Gen. Stat. § 9-702(c). I further affirm, certify, and state that I have thus far abided by the Program's expenditure limits and that the candidate committee named in Section A, for which I am the designated deputy treasurer, has not made expenditures in excess of the expenditure limits applicable to the office the candidate is seeking, as set forth in Conn. Gen. Stat. § 9-702(c).

  
Initials


2. I certify as the deputy treasurer of the candidate committee named in Section A that I will expend any moneys received from the Citizens' Election Fund in accordance with the provisions of Conn. Gen. Stat. § 9-607(g), as amended, together with any regulations adopted by the State Elections Enforcement Commission ("SEEC") under Conn. Gen. Stat. § 9-706(e). I certify that I understand that the candidate is personally liable and must repay to the Citizens' Election Fund any moneys that are not expended in accordance with the provisions of Conn. Gen. Stat. § 9-607(g), as amended, together with any regulations adopted by the SEEC under Conn. Gen. Stat. § 9-706(e).

  
Initials

3. I certify that I understand that prior to applying for a grant I must return any contribution or contributions from any one contributor that exceed or exceeds in the aggregate the \$100 contribution limit set forth in Chapter 157 of the Connecticut General Statutes. I further understand that prior to applying for a grant I must return any contributions from any sources not authorized under Chapter 157, and I must transmit any excess qualifying contributions to the Citizens' Election Fund.

  
Initials

4. I certify that I have abided by and will continue to abide by the provisions of the Program governing use of the candidate's personal funds and the provisions of the Program governing loans, as set forth in Conn. Gen. Stat. § 9-710.

  
Initials

5. I certify that I understand that I am required to comply with the requirements of the Program, including all applicable statutes, regulations and declaratory rulings. I certify that I understand that my failure to abide by the requirements of all applicable statutes and regulations relating to the Program may result in the SEEC's imposition of penalties as provided in Chapters 155 and 157 of the Connecticut General Statutes. I certify that I understand that I shall be personally liable for penalties relating to violations of the Program requirements, by myself, my agents, and/or anyone acting under my explicit or implied direction. I further understand that I am jointly and severally liable, with the candidate for paying any excess expenditure in accordance with Conn. Gen. Stat. § 9-711(a).


  
Initials

6. I certify that I understand that if the candidate committee exceeds any applicable expenditure limit during the period in which the candidate is seeking qualifying contributions and before the candidate committee receives a grant, the grant application will not be approved, and penalties may be assessed for not abiding by the expenditure limit.

  
Initials

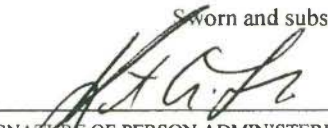
7. I certify that I understand that intentionally making a false written statement under oath or pursuant to a form bearing notice, authorized by law, which is intended to mislead a public servant in the performance of his or her official function, is a class A misdemeanor pursuant to Conn. Gen. Stat. § 53a-157b(a), and may subject me to criminal penalties, including but not limited to, imprisonment for up to one year and/or a fine of up to \$2,000. I certify and verify that the information on this document is true and complete to the best of my knowledge and belief.

I hereby swear, under penalty of false statement, that the above certifications are true and complete.

  
DEPUTY TREASURER SIGNATURE

1-13-2014  
DATE

Sworn and subscribed before me on this 13<sup>th</sup> day of Jan, 2014

  
SIGNATURE OF PERSON ADMINISTERING THE OATH

Kathy A. Herkin  
NAME OF PERSON ADMINISTERING THE OATH (Please Print)

Commissioner of Superior Court  Notary Public — My Commission Expires **MY COMMISSION EXPIRES 4/30/2016**

Notice: Making a false statement on this form may subject you to criminal penalties, including but not limited to, imprisonment for up to one year or a fine of up to two thousand dollars, or both.

SEEC FORM CEP 15

Citizens' Election Program-Application  
 CONNECTICUT STATE ELECTIONS ENFORCEMENT COMMISSION  
 Revised January 2014



For Internal Use ONLY

CODE:  REVIEWED BY:  *AKC 9/25*

APPLICATION TYPE

INITIAL  
 AMENDED

**CITIZENS' ELECTION PROGRAM APPLICATION  
 FOR PUBLIC GRANT DOLLARS**

148776

**Statewide and General Assembly Candidates**

The candidate and the campaign treasurer must each review all information provided on this Application, and sign or initial the designated lines. Any deputy treasurer designated by the candidate must complete and sign the Deputy Treasurer Certification.

**SECTION A. Identifying Information**

1. ELECTION DATE (mm/dd/yyyy) <i>11/4/2014</i>	2. OFFICE SOUGHT <i>State Senator</i>	3. DISTRICT NUMBER (If applicable) <i>16</i>
--	--	--

4. CANDIDATE NAME			
First Name <i>Joseph</i>	MI <i>C</i>	Last Name <i>Markley</i>	Suffix

5. COMMITTEE NAME  
*Joe Markley for State Senate 2014*

6. TREASURER NAME			
First Name <i>Barbara</i>	MI	Last Name <i>Roberts</i>	Suffix

7. DEPUTY TREASURER NAME			
First Name <i>Pamela</i>	MI	Last Name <i>Salamone</i>	Suffix

**SECTION B. Continuation Without Prejudice — OPTIONAL**

If, upon review, the application is not yet sufficient to qualify for payment of a grant, the candidate hereby requests that the Commission delay its determination, and continue the matter without prejudice pending further review of a supplemental submission filed in accordance with the schedule included in Public Act 11-48, § 294, amending General Statutes § 9-706.

*[Signature]*  
 CANDIDATE SIGNATURE

*09/24/2014*  
 DATE (mm/dd/yyyy)

2014 SEP 25 PM 1  
 FILED SEEC

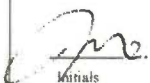


## SECTION C. Candidate Certification

The candidate must read each paragraph below, provide any and all information requested, and indicate agreement to each numbered paragraph by writing his/her initials at each number below. Applications missing the initials for any item will not be deemed complete.

  
Initials

1. I certify that I am over 18 years of age and believe in and understand the obligation of an oath. I hereby affirm, certify, and state that as a candidate who has elected to participate in the Citizens' Election Program (the "Program"), I understand my obligations to abide by and will abide by the Program's requirements, including the Program's expenditure limits.

  
Initials

2. I certify that I understand that I am required to read, understand, and comply with the requirements of the Program, including all applicable statutes, regulations, and/or declaratory rulings. I certify that I understand that my failure to abide by the requirements of all applicable statutes and regulations relating to the Program may result in the SEEC's imposition of penalties as provided in Chapters 155 and 157 of the Connecticut General Statutes. I certify that I understand that I shall be personally liable for penalties relating to violations of the Program requirements, by myself, my agents, and/or anyone acting under my explicit or implied direction.

  
Initials

3. I certify that either the candidate has not formed an exploratory committee in this election cycle, or if an exploratory committee was formed in this election cycle, any assets or debts carried forward from the exploratory committee to this candidate committee have been disclosed in a "carry forward" letter filed with the Commission. I certify that if an exploratory committee was formed in this election cycle which had no debts or assets carried forward from the exploratory to the candidate's candidate committee, that this fact has been disclosed in a "carry forward" letter filed with the Commission.

  
Initials

4. I certify that my candidate committee has received the required amount of qualifying contributions. I further certify that my candidate committee has returned or transmitted to the Citizens' Election Fund all contributions or portions of contributions that do not meet the criteria for qualifying contributions under General Statutes § 9-704 and transmitted all excess qualifying contributions to the Citizens' Election Fund. I further certify that my candidate committee will expend any moneys received from the Citizens' Election Fund in accordance with the provisions of General Statutes § 9-607(g), as amended, together with any regulations adopted by the SEEC under General Statutes § 9-706(e).

  
Initials

5. I certify that either I have not accepted any contribution or contributions that exceed or exceeds in the aggregate the applicable contribution limit set forth in Chapter 157 of the Connecticut General Statutes, or I have returned any previously accepted contribution, portion of a contribution, or contributions that exceed or exceeds in the aggregate the applicable contribution limit set forth in Chapter 157 of the Connecticut General Statutes. I further certify that I have not accepted or have returned any previously accepted contributions from any sources not authorized under Chapter 157 of the Connecticut General Statutes, including contributions from individuals who do not include names and addresses. I certify that my candidate committee has repaid all moneys borrowed on behalf of the campaign, as required by General Statutes § 9-710(b).

  
Initials

6. I certify that I agree to abide by all other applicable requirements relating to Chapters 155 and 157 of the Connecticut General Statutes and SEEC regulations, including requirements for campaign finance disclosure statements and recordkeeping. I certify that I agree to maintain and furnish all records required by the SEEC and to fully participate in the SEEC's audit process.

  
Initials


7. I certify that the authorized candidate committee designated in Section A is my sole candidate committee for the election cycle designated in Section A. The candidate committee is (i) the only committee authorized by me to aid or otherwise take part in the election covered by this Application; (ii) is not an authorized committee of any other candidate; and (iii) has not been, is not, and will not be, authorized or otherwise active for any election other than the election covered by this Application. I further certify that all moneys received from the Citizens' Election Fund will be deposited upon receipt into the sole authorized depository account of my sole candidate committee.


Candidate Certification continued on page 3








**SECTION C. Candidate Certification continued**


 8. I certify that I understand that my completing and filing this Application is a condition for qualifying to receive public funds for the election cycle designated in Section A, and that other conditions specified in the applicable statutes and regulations relating to the Program must be satisfied before I may be eligible to receive public funds pursuant to Chapter 157 of the Connecticut General Statutes.


 9. I certify that I understand that my residential address, the candidate committee's address, and the treasurer's residential address, including the e-mail addresses of the candidate and treasurer as reported in the candidate committee registration (SEEC Form 1 and 1A), are the addresses to which legal notices and other communications, including correspondence and legal papers, will be sent. I further understand and agree that if any of these addresses, including telephone numbers and/or e-mail addresses, change in any way, I am responsible for promptly notifying the SEEC, in writing by filing an amended registration form, of any such changes to these addresses not later than ten calendar days of any such change.


 10. I certify that I understand that if my candidate committee receives a grant, and exceeds any applicable expenditure limit, in addition to any penalties that may be assessed, the SEEC may require that all grant funds received by the committee be returned to the Citizens' Election Fund, and the committee may not be eligible to receive any additional public funds for the election.

 11. I certify that I understand that I am responsible to have general knowledge and oversight of the actions and conduct of my candidate committee, including knowledge and oversight of contributions made to my candidate committee, moneys deposited into my candidate committee's authorized depository account, expenditures made or incurred by or on behalf of my candidate committee, and disclosure obligations of my treasurer.

 12. I certify that I understand that intentionally making a false written statement pursuant to a form bearing notice, authorized by law, which I do not believe to be true and which is intended to mislead a public servant in the performance of his or her official function, is a Class A misdemeanor pursuant to General Statutes § 53a-157b(a), and may subject me to criminal penalties, including but not limited to, imprisonment for up to one year and/or a fine of up to \$2,000.

 13. I certify that all outstanding civil penalties or forfeitures assessed pursuant to Chapters 155 to 157, inclusive, of the General Statutes, against my current or any former committee of mine have been paid, provided (A) if I am seeking nomination for or election to statewide office (Governor, Lieutenant Governor, Attorney General, State Comptroller, Secretary of the State or State Treasurer), any such penalty or forfeiture was assessed not later than 24 months prior to the submission of my grant application; or (B) if I am seeking nomination for or election to the office of state senator or state representative, any such penalty or forfeiture was assessed not later than 12 months prior to the submission of my grant application.

 14. I certify that I have not been convicted of or pled guilty or nolo contendere to, in a court of competent jurisdiction, (A) any criminal offense under Title 9 of the General Statutes, or that at least eight years have elapsed from the date of any conviction, or plea or the completion of any sentence, without a subsequent conviction of or plea to another such offense; or (B) a felony related to my public office, other than an offense described in subsection A above.

 15. I certify that I have never been convicted of or pled guilty or nolo contendere to, in a court of competent jurisdiction, a felony related to my public office, other than a criminal offense under Title 9 of the General Statutes in accordance with and as described in Certification 14 of Candidate Certifications of this form.

I hereby swear, under penalty of false statement, that the above certifications are true and complete.

  
CANDIDATE SIGNATURE

09/29/2014  
DATE (mm/dd/yyyy)



**SECTION D. Treasurer Certification**

The treasurer must read each paragraph below, provide any and all information requested, and indicate agreement to each numbered paragraph by writing his/her initials at each number below. Applications missing initials for any item will not be deemed complete.

2014 SEP 24 11:04 AM  
FILED SEEC

BR  
Initials

1. I certify that I am over 18 years of age and believe in and understand the obligation of an oath. I hereby affirm, certify, and state that as the treasurer for a candidate who has elected to participate in the Citizens' Election Program (the "Program"), I understand my obligations to abide by and will abide by the Program's requirements, including the Program's expenditure limits.

BR  
Initials

2. I certify that I understand that I am required to read, understand, and comply with the requirements of the Program, including all applicable statutes, regulations, and/or declaratory rulings. I certify that I understand that my failure to abide by the requirements of all applicable statutes and regulations relating to the Program may result in the SEEC's imposition of penalties as provided in Chapters 155 and 157 of the Connecticut General Statutes. I certify that I understand that I shall be personally liable for penalties relating to violations of the Program requirements, by myself, my agents, and/or anyone acting under my explicit or implied direction.

BR  
Initials

3. I certify that either the candidate has not formed an exploratory committee in this election cycle, or if an exploratory committee was formed in this election cycle, any assets or debts carried forward from the exploratory committee to this candidate committee have been disclosed in a "carry forward" letter filed with the Commission. I certify that if an exploratory committee was formed in this election cycle which had no debts or assets carried forward from the exploratory to the candidate's candidate committee, that this fact has been disclosed in a "carry forward" letter filed with the Commission.

BR  
Initials

4. I certify that the candidate committee has received the required amount of qualifying contributions. I further certify that the candidate committee has returned or transmitted to the Citizens' Election Fund all contributions or portions of contributions that do not meet the criteria for qualifying contributions under General Statutes § 9-704 and transmitted all excess qualifying contributions to the Citizens' Election Fund. I further certify that the candidate committee will expend any moneys received from the Citizens' Election Fund in accordance with the provisions of General Statutes § 9-607(g), as amended, together with any regulations adopted by the SEEC under General Statutes § 9-706(e).

BR  
Initials

5. I certify that either I have not accepted any contribution or contributions that exceed or exceeds in the aggregate the applicable contribution limit set forth in Chapter 157 of the Connecticut General Statutes, or I have returned any previously accepted contribution, portion of a contribution, or contributions that exceed or exceeds in the aggregate the applicable contribution limit set forth in Chapter 157 of the Connecticut General Statutes. I further certify that I have not accepted or have returned any previously accepted contributions from any sources not authorized under Chapter 157 of the Connecticut General Statutes, including contributions from individuals who do not include names and addresses. I certify that the candidate committee has repaid all moneys borrowed on behalf of the campaign, as required by General Statutes § 9-710(b).

BR  
Initials

6. I certify that I agree to abide by all other applicable requirements relating to Chapters 155 and 157 of the Connecticut General Statutes and SEEC regulations, including requirements for campaign finance disclosure statements and recordkeeping. I certify that I agree to maintain and furnish all records required by the SEEC and to fully participate in the SEEC's audit process.

BR  
Initials

7. I certify that all moneys received from the Citizens' Election Fund will be deposited upon receipt into the sole authorized depository account of the candidate committee designated in Section A.

2014 SEP 24 11:04 AM  
FILED SEEC

Treasurer Certification continued on page 5



**SECTION D. Treasurer Certification continued**

- BR  
Initials 8. I certify that I understand that my completing and filing this Application is a condition for qualifying to receive public funds for the election cycle designated in Section A, and that other conditions specified in the applicable statutes and regulations relating to the Program must be satisfied before the candidate committee may be eligible to receive public funds pursuant to Chapter 157 of the Connecticut General Statutes.
- BR  
Initials 9. I certify that I understand that my residential address, the candidate committee's address, and the candidate's residential address, including the e-mail addresses of the candidate and treasurer as reported in the candidate committee registration (SEEC Form 1 and 1A), are the addresses to which legal notices and other communications, including correspondence and legal papers, will be sent. I further understand and agree that if any of these addresses, including telephone numbers and/or e-mail addresses, change in any way, I am responsible for promptly notifying the SEEC, in writing; and that the candidate must file an amended registration form, of any such changes to these addresses not later than ten calendar days of any such change.
- BR  
Initials 10. I certify that I understand that if the candidate committee receives a grant, and exceeds any applicable expenditure limit, in addition to any penalties that may be assessed, the SEEC may require that all grant funds received by the committee be returned to the Citizens' Election Fund, and the committee may not be eligible to receive any additional public funds for the election.
- BR  
Initials 11. I certify that if the candidate withdraws from the campaign, becomes ineligible or dies during the campaign, the candidate committee will return to the SEEC, for deposit in the Citizens' Election Fund, all moneys the committee received from the Fund and which the candidate committee has not spent as of the date of such candidate withdrawal, ineligibility or death.
- BR  
Initials 12. I certify that I understand that intentionally making a false written statement pursuant to a form bearing notice, authorized by law, which I do not believe to be true and which is intended to mislead a public servant in the performance of his or her official function, is a Class A misdemeanor pursuant to General Statutes § 53a-157b(a), and may subject me to criminal penalties, including but not limited to, imprisonment for up to one year and/or a fine of up to \$2,000.
- BR  
Initials 13. I certify that I have not been convicted of or pled guilty or nolo contendere to, in a court of competent jurisdiction, any (A) felony involving fraud, forgery, larceny, embezzlement or bribery, or (B) criminal offense under Title 9 of the General Statutes, or that at least eight years have elapsed from the date of the conviction or plea or the completion of any sentence, whichever date is later, without a subsequent conviction of or plea to another such felony or offense.
- BR  
Initials 14. I certify that I have paid any civil penalties or forfeitures assessed pursuant to chapters 155 to 157, inclusive.
- BR  
Initials 15. I certify that I am not barred from serving as treasurer by order of the State Elections Enforcement Commission.

I hereby swear, under penalty of false statement, that the above certifications are true and complete.

Barbara Roth  
TREASURER SIGNATURE

9/23/2014  
DATE (mm/dd/yyyy)



### SECTION E. Deputy Treasurer Certification

The deputy treasurer must read each paragraph below, provide any and all information requested, and indicate agreement to each numbered paragraph by writing his/her initials at each number below. Applications missing initials for any item will not be deemed complete.

In the event I become responsible for discharging any of the duties required of the treasurer:

P.S.  
Initials

1. I certify that I am over 18 years of age and believe in and understand the obligation of an oath. I hereby affirm, certify, and state that as the deputy treasurer for a candidate who has elected to participate in the Citizens' Election Program (the "Program"), I understand my obligations to abide by and will abide by the Program's requirements, including the Program's expenditure limits.

P.S.  
Initials

2. I certify that I understand that I am required to read, understand, and comply with the requirements of the Program, including all applicable statutes, regulations, and/or declaratory rulings. I certify that I understand that my failure to abide by the requirements of all applicable statutes and regulations relating to the Program may result in the SEEC's imposition of penalties as provided in Chapters 155 and 157 of the Connecticut General Statutes. I certify that I understand that I shall be personally liable for penalties relating to violations of the Program requirements, by myself, my agents, and/or anyone acting under my explicit or implied direction.

P.S.  
Initials

3. I certify that either the candidate has not formed an exploratory committee in this election cycle, or if an exploratory committee was formed in this election cycle, any assets or debts carried forward from the exploratory committee to this candidate committee have been disclosed in a "carry forward" letter filed with the Commission. I certify that if an exploratory committee was formed in this election cycle which had no debts or assets carried forward from the exploratory to the candidate's candidate committee, that this fact has been disclosed in a "carry forward" letter filed with the Commission.

P.S.  
Initials

4. I certify that the candidate committee will expend any moneys received from the Citizens' Election Fund in accordance with the provisions of General Statutes § 9-607(g), as amended, together with any regulations adopted by the SEEC under General Statutes § 9-706(e).

P.S.  
Initials

5. I certify that I agree to abide by all other applicable requirements relating to Chapters 155 and 157 of the Connecticut General Statutes and SEEC regulations, including requirements for campaign finance disclosure statements and recordkeeping. I certify that I agree to maintain and furnish all records required by the SEEC and to fully participate in the SEEC's post-election audit process.

P.S.  
Initials

6. I certify that all moneys received from the Citizens' Election Fund will be deposited upon receipt into the sole authorized depository account of the candidate committee designated in Section A.

P.S.  
Initials

7. I certify that I understand that my completing and filing this Application is a condition for qualifying to receive public funds for the election cycle designated in Section A, and that other conditions specified in the applicable statutes and regulations relating to the Program must be satisfied before the candidate committee may be eligible to receive public funds pursuant to Chapter 157 of the Connecticut General Statutes.

Deputy Treasurer Certification continued on page 7



**SECTION E. Deputy Treasurer Certification continued**

P.S.  
Initials

8. I certify that I understand that my residential address, the candidate committee's address, and the candidate's residential address, including the e-mail addresses as reported in the candidate committee registration (SEEC Form 1 and 1A), are the addresses to which legal notices and other communications, including correspondence and legal papers, will be sent. I further understand and agree that if any of these addresses, including telephone numbers and/or e-mail addresses, change in any way, I am responsible for promptly notifying the SEEC, in writing, and that the candidate must file an amended registration form, of any such changes to these addresses not later than ten calendar days of any such change.

P.S.  
Initials

9. I certify that I understand that if the candidate committee receives a grant, and exceeds any applicable expenditure limit, in addition to any penalties that may be assessed, the SEEC may require that all grant funds received by the committee be returned to the Citizens' Election Fund, and the committee may not be eligible to receive any additional public funds for the election.

P.S.  
Initials

10. I certify that if the candidate withdraws from the campaign, becomes ineligible or dies during the campaign, the candidate committee will return to the SEEC, for deposit in the Citizens' Election Fund, all moneys the committee received from the Fund and which the candidate committee has not spent as of the date of such candidate withdrawal, ineligibility or death.

P.S.  
Initials

11. I certify that I understand that intentionally making a false written statement pursuant to a form bearing notice, authorized by law, which I do not believe to be true and which is intended to mislead a public servant in the performance of his or her official function, is a Class A misdemeanor pursuant to General Statutes § 53a-157b(a), and may subject me to criminal penalties, including but not limited to, imprisonment for up to one year and/or a fine of up to \$2,000.

P.S.  
Initials

12. I certify that I have not been convicted of or pled guilty or nolo contendere to, in a court of competent jurisdiction, any (A) felony involving fraud, forgery, larceny, embezzlement or bribery, or (B) criminal offense under Title 9 of the General Statutes, or that at least eight years have elapsed from the date of the conviction or plea or the completion of any sentence, whichever date is later, without a subsequent conviction of or plea to another such felony or offense.

P.S.  
Initials

13. I certify that I have paid any civil penalties or forfeitures assessed pursuant to chapters 155 to 157, inclusive.

P.S.  
Initials

14. I certify that I am not barred from serving as deputy treasurer by order of the State Elections Enforcement Commission.

I hereby swear, under penalty of false statement, that the above certifications are true and complete.

Paul Salazar  
DEPUTY TREASURER SIGNATURE

9-24-14  
DATE (mm/dd/yyyy)

For Internal Use Only

# GRANT WORKSHEET AND FISCAL APPROVAL

state JOINT EXHIBIT 21  
PENGAD 800-631-6989

Rev. 5/10

Form Completed By  
SLL  
Date Form Completed  
10/9/2014

Processor  
Date

Joe Markley For State Senate 2014

OFFICE SOUGHT SENATE DISTRICT 16

CANDIDATE NAME	PARTY	BALLOT STATUS	PROGRAM STATUS	GRANT APPROVED
Markley, Joe	R	Certified On 5/14/2014	Participating Yes	Date October 8, 2014

### GRANT CALCULATION

<input type="checkbox"/> Preliminary Grant (LAPIG) <input type="checkbox"/> Primary Grant: NORMAL <input type="checkbox"/> Primary Grant: DOMINANT <input type="checkbox"/> Miscellaneous Adjustment	<input type="checkbox"/> Post Primary General Grant: REMAINDER <input type="checkbox"/> No Opposition <input type="checkbox"/> Major Party <input type="checkbox"/> Limited Minor Party or Petitioning <input type="checkbox"/> Eligible Minor Party <input type="checkbox"/> Eligible Petitioning	<input checked="" type="checkbox"/> General Grant: NO PRIMARY <input type="checkbox"/> No Opposition <input type="checkbox"/> Major Party <input checked="" type="checkbox"/> Limited Minor Party or Petitioning <input type="checkbox"/> Eligible Minor Party <input type="checkbox"/> Eligible Petitioning	BASE AMOUNT \$ 56,814.00 ADJUSTMENTS: Buffer +/- \$ 0.00 Personal Funds +/- \$ 0.00 Exploratory +/- \$ 0.00 Other +/- \$ 0.00 NET ADJUSTMENTS +/- \$ 0.00 <b>GRANT DETERMINATION AMOUNT \$ 56,814.00</b>	Penny Confirmed On 10/03/2014 Vendor # 464396803 Narrative Opposition is a Working Families Candidate. Grant is a 60% grant of the full grant amount of \$94,690.00.
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### OPPONENT INFORMATION

CANDIDATE NAME	PARTY	BALLOT STATUS	PROGRAM STATUS	GRANT APPROVED
Robertson, Chris	Working Families	Certified On 09/02/2014	<input type="checkbox"/> Prior to Deadline Participating NO	Date N/A

CANDIDATE NAME	PARTY	BALLOT STATUS	PROGRAM STATUS	GRANT APPROVED
		Certified On	<input type="checkbox"/> Prior to Deadline Participating	Date

CANDIDATE NAME	PARTY	BALLOT STATUS	PROGRAM STATUS	GRANT APPROVED
		Certified On	<input type="checkbox"/> Prior to Deadline Participating	Date

REVIEWED BY  
 Reviewer Signature: [Signature] Reviewer Signature: [Signature] Date: 10/9/14

AGENCY AUTHORIZATION  
 Authorizing Signature: [Signature] Date: 10/9/14

**SEEC FORM CEP 10**

Citizens' Election Program-Affidavit of Intent to Abide  
 CONNECTICUT STATE ELECTIONS ENFORCEMENT COMMISSION  
 Revised January 2014  
 Page 1 of 4



For Internal		state JOINT EXHIBIT 27 PENGAD 800-631-6989	022
CODE:	RE:		VIT TYPE
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	AMENDED

**AFFIDAVIT OF INTENT TO ABIDE BY EXPENDITURE LIMITS AND OTHER CITIZENS' ELECTION PROGRAM REQUIREMENTS**

*Statewide and General Assembly Candidates* 2014 JAN 22 PM 1 20

The candidate and the campaign treasurer must each review all information provided on this Affidavit, and sign or initial the designated lines requiring signatures or initials. Any deputy treasurer designated by the candidate must complete and sign the Deputy Treasurer Affidavit. This Affidavit must be completed, signed, and received by the State Elections Enforcement Commission no later than 4:00 p.m. on the twenty-fifth (25th) day before the primary date, if applicable, the fortieth (40th) day before the election date, or the twenty-fifth (25th) day before the special election date as set forth in subsection (a) of section 9-703 of the Connecticut General Statutes.

**SECTION A. Identifying Information**

<b>1. ELECTION DATE</b> (mm/dd/yyyy) 11/04/2014	<b>2. OFFICE SOUGHT</b> STATE REPRESENTATIVE	<b>3. DISTRICT NUMBER</b> (If applicable) 80
---	---	--

<b>4. CANDIDATE NAME</b>			
First Name ROB	MI	Last Name SAMPSON	Suffix

<b>5. COMMITTEE NAME</b> SAMPSON FOR CT
--

<b>6. PARTY STATUS (How the candidate qualified or will qualify for the ballot in this election cycle)</b>	
<input checked="" type="checkbox"/> Major Party	Name of party <u>REPUBLICAN</u>
<input type="checkbox"/> Minor Party	Name of party _____
<input type="checkbox"/> Petitioning	Name of party (if affiliated) _____

<b>7. TREASURER NAME</b>			
First Name SCOTT	MI M	Last Name CLEARY	Suffix

<b>8. DEPUTY TREASURER NAME</b>			
First Name MARGARET	MI A	Last Name SAMPSON	Suffix

**NOTICE FOR SEEC FORM CEP 10**

Pursuant to Public Act 13-180, a candidate may not apply for a Citizens' Election Program grant if such candidate has been convicted of or plead guilty or nolo contendere to, in a court of competent jurisdiction, any (A) criminal offense under Title Nine of the General Statutes (Elections) unless at least eight years have elapsed from the date of the conviction or plea or the completion of any sentence, whichever date is later, without subsequent conviction of or plea to another such offense, or (B) a felony related to the individual's public office, other than an offense under Title Nine. Furthermore, the candidate must certify in the grant application that all outstanding civil penalties or forfeitures assessed pursuant to chapters 155 to 157 of the General Statutes (Campaign Finance), against the current or any former committee of the candidate have been paid, provided (A) in the case of any candidate seeking nomination for or election to statewide office, any such penalty or forfeiture was assessed not later than twenty-four months prior to the submission of the application; or (B) in the case of any candidate seeking nomination for or election to the General Assembly, any such penalty or forfeiture was assessed not later than twelve months prior to the submission of an application.

*Notice: Making a false statement on this form may subject you to criminal penalties, including but not limited to, imprisonment for up to one year or a fine of up to two thousand dollars, or both.*



**SECTION D. Deputy Treasurer Certification**

The deputy treasurer must read each paragraph below and indicate agreement to each numbered paragraph by writing his/her initials at each numbered space below. Affidavits missing initials for any item will not be deemed complete. A completed affidavit must be received by the State Elections Enforcement Commission no later than 4:00 p.m. on the twenty-fifth (25th) day before the primary date, if applicable, the fortieth (40th) day before the election date or the twenty-fifth (25th) day before the special election date if the candidate elects to be a participating candidate.

In the event I become responsible for discharging any of the duties required of the treasurer:

*MS*  
Initials

1. I certify that I am over 18 years of age and believe in and understand the obligation of an oath. I hereby affirm, certify, and state that I understand that the candidate named in Section A intends to participate in the Citizens' Election Program (the "Program") established by Chapter 157 of the Connecticut General Statutes ("Conn. Gen. Stat.") and that I understand my obligation as such candidate's designated deputy treasurer to abide by and will abide by the Program's requirements, including the expenditure limits, which are set forth in Conn. Gen. Stat. § 9-702(c). I further affirm, certify, and state that I have thus far abided by the Program's expenditure limits and that the candidate committee named in Section A, for which I am the designated deputy treasurer, has not made expenditures in excess of the expenditure limits applicable to the office the candidate is seeking, as set forth in Conn. Gen. Stat. § 9-702(c).

*MS*  
Initials

2. I certify as the deputy treasurer of the candidate committee named in Section A that I will expend any moneys received from the Citizens' Election Fund in accordance with the provisions of Conn. Gen. Stat. § 9-607(g), as amended, together with any regulations adopted by the State Elections Enforcement Commission ("SEEC") under Conn. Gen. Stat. § 9-706(e). I certify that I understand that the candidate is personally liable and must repay to the Citizens' Election Fund any moneys that are not expended in accordance with the provisions of Conn. Gen. Stat. § 9-607(g), as amended, together with any regulations adopted by the SEEC under Conn. Gen. Stat. § 9-706(e).

*MS*  
Initials

3. I certify that I understand that prior to applying for a grant I must return any contribution or contributions from any one contributor that exceed or exceeds in the aggregate the \$100 contribution limit set forth in Chapter 157 of the Connecticut General Statutes. I further understand that prior to applying for a grant I must return any contributions from any sources not authorized under Chapter 157, and I must transmit any excess qualifying contributions to the Citizens' Election Fund.

*MS*  
Initials

4. I certify that I have abided by and will continue to abide by the provisions of the Program governing use of the candidate's personal funds and the provisions of the Program governing loans, as set forth in Conn. Gen. Stat. § 9-710.

*MS*  
Initials

5. I certify that I understand that I am required to comply with the requirements of the Program, including all applicable statutes, regulations and declaratory rulings. I certify that I understand that my failure to abide by the requirements of all applicable statutes and regulations relating to the Program may result in the SEEC's imposition of penalties as provided in Chapters 155 and 157 of the Connecticut General Statutes. I certify that I understand that I shall be personally liable for penalties relating to violations of the Program requirements, by myself, my agents, and/or anyone acting under my explicit or implied direction. I further understand that I am jointly and severally liable, with the candidate for paying any excess expenditure in accordance with Conn. Gen. Stat. § 9-711(a).

*MS*  
Initials

6. I certify that I understand that if the candidate committee exceeds any applicable expenditure limit during the period in which the candidate is seeking qualifying contributions and before the candidate committee receives a grant, the grant application will not be approved, and penalties may be assessed for not abiding by the expenditure limit.

*MS*  
Initials

7. I certify that I understand that intentionally making a false written statement under oath or pursuant to a form bearing notice, authorized by law, which is intended to mislead a public servant in the performance of his or her official function, is a class A misdemeanor pursuant to Conn. Gen. Stat. § 53a-157b(a), and may subject me to criminal penalties, including but not limited to, imprisonment for up to one year and/or a fine of up to \$2,000. I certify and verify that the information on this document is true and complete to the best of my knowledge and belief.

I hereby swear, under penalty of false statement, that the above certifications are true and complete.

*Margaret Simpson*  
DEPUTY TREASURER SIGNATURE

1/19/14  
DATE

Sworn and subscribed before me on this 19 day of January, 2014

*Sean C. Cleary*  
SIGNATURE OF PERSON ADMINISTERING THE OATH

*Sean C. Cleary*  
NAME OF PERSON ADMINISTERING THE OATH (Please Print)

Commissioner of Superior Court  Notary Public — My Commission Expires 6/30/2017

Notice: Making a false statement on this form may subject you to criminal penalties, including but not limited to, imprisonment for up to one year or a fine of up to two thousand dollars, or both.





**SECTION B. Candidate Certification**

The candidate must read each paragraph below and indicate agreement to each numbered paragraph by writing his/her initials at each numbered space below. Affidavits missing initials for any item will not be deemed complete. A completed affidavit must be received by the State Elections Enforcement Commission no later than 4:00 p.m. on the twenty-fifth (25th) day before the primary date, if applicable, the fortieth (40th) day before the election date, or the twenty-fifth (25th) day before the special election date if you elect to be a participating candidate.

*RB*  
Initials

1. I certify that I am over 18 years of age and believe in and understand the obligation of an oath. I hereby affirm, certify, and state that I intend to participate in the Citizens' Election Program (the "Program") established by Chapter 157 of the Connecticut General Statutes ("Conn. Gen. Stat.") and that I understand my obligation to abide by and will abide by the Program's requirements, including the expenditure limits, which are set forth in Conn. Gen. Stat. § 9-702(c). I further affirm, certify, and state that I have thus far abided by the Program's expenditure limits and that my candidate committee has not made expenditures in excess of the expenditure limits applicable to the office I am seeking, as set forth in Conn. Gen. Stat. § 9-702(c).

*RP*  
Initials

2. I certify that my candidate committee will expend any moneys received from the Citizens' Election Fund in accordance with the provisions of Conn. Gen. Stat. § 9-607(g), as amended, and with any regulations adopted by the State Elections Enforcement Commission ("SEEC") under Conn. Gen. Stat. § 9-706(e). I certify that I understand that I am personally liable and must repay to the Citizens' Election Fund any moneys that are not expended in accordance with the provisions of Conn. Gen. Stat. § 9-607(g), as amended, and with any regulations adopted by the SEEC under Conn. Gen. Stat. § 9-706(e).

*RP*  
Initials

3. I certify that I understand that prior to applying for a grant I must return any contribution or contributions from any one contributor that exceed or exceeds in the aggregate the \$100 contribution limit set forth in Chapter 157 of the Connecticut General Statutes. I further understand that prior to applying for a grant I must return any contributions from any sources not authorized under Chapter 157, and I must transmit any excess qualifying contributions to the Citizens' Election Fund.

*RP*  
Initials

4. I certify that I have abided by and will continue to abide by the provisions of the Program governing use of the candidate's personal funds and the provisions of the Program governing loans, as set forth in Conn. Gen. Stat. § 9-710.

*RP*  
Initials

5. I certify that I understand that I am required to comply with the requirements of the Program, including all applicable statutes, regulations and declaratory rulings. I certify that I understand that my failure to abide by the requirements of all applicable statutes and regulations relating to the Program may result in the SEEC's imposition of penalties as provided in Chapters 155 and 157 of the Connecticut General Statutes. I certify that I understand that I shall be personally liable for penalties relating to violations of the Program requirements, by myself, my agents, and/or anyone acting under my explicit or implied direction. I further understand that I am jointly and severally liable, with the treasurer of my candidate committee, for paying any excess expenditure in accordance with Conn. Gen. Stat. § 9-711(a)(1).

*RP*  
Initials

6. I certify that I understand that if my candidate committee exceeds any applicable expenditure limit during the period in which I am seeking qualifying contributions and before my candidate committee receives a grant, my grant application will not be approved, and penalties may be assessed for not abiding by the expenditure limit.

*RP*  
Initials

7. I certify that I understand that intentionally making a false written statement under oath or pursuant to a form bearing notice, authorized by law, which is intended to mislead a public servant in the performance of his or her official function, is a class A misdemeanor pursuant to Conn. Gen. Stat. § 53a-157b(a), and may subject me to criminal penalties, including but not limited to, imprisonment for up to one year and/or a fine of up to \$2,000. I certify and verify that the information on this document is true and complete to the best of my knowledge and belief.

**I hereby swear, under penalty of false statement, that the above certifications are true and complete.**

*[Handwritten Signature]*  
CANDIDATE SIGNATURE

*1/20/2014*  
DATE (mm/dd/yyyy)

Sworn and subscribed before me on this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_

*Sean C Cleary*  
SIGNATURE OF PERSON ADMINISTERING THE OATH

*SEAN C Cleary*  
NAME OF PERSON ADMINISTERING THE OATH (Please Print)

Commissioner of Superior Court  Notary Public — My Commission Expires *6/30/2017*

Notice: Making a false statement on this form may subject you to criminal penalties, including but not limited to, imprisonment for up to one year or a fine of up to two thousand dollars, or both.



**SECTION C. Treasurer Certification**

The campaign treasurer must read each paragraph below and indicate agreement to each numbered paragraph by writing his/her initials at each numbered space below. Affidavits missing initials for any item will not be deemed complete. A completed affidavit must be received by the State Elections Enforcement Commission no later than 4:00 p.m. on the twenty-fifth (25th) day before the primary date, if applicable, the fortieth (40th) day before the election date, or the twenty-fifth (25th) day before the special election date if the candidate elects to be a participating candidate.

Sme  
Initials

1. I certify that I am over 18 years of age and believe in and understand the obligation of an oath. I hereby affirm, certify, and state that I understand that the candidate named in Section A intends to participate in the Citizens' Election Program (the "Program") established by Chapter 157 of the Connecticut General Statutes ("Conn. Gen. Stat.") and that I understand my obligation as such candidate's designated treasurer to abide by and will abide by the Program's requirements, including the expenditure limits, which are set forth in Conn. Gen. Stat. § 9-702(c). I further affirm, certify, and state that I have thus far abided by the Program's expenditure limits and that the candidate committee named in Section A, for which I am the designated treasurer, has not made expenditures in excess of the expenditure limits applicable to the office the candidate is seeking, as set forth in Conn. Gen. Stat. § 9-702(c).

Sme  
Initials

2. I certify as the treasurer of the candidate committee named in Section A that I will expend any moneys received from the Citizens' Election Fund in accordance with the provisions of Conn. Gen. Stat. § 9-607(g), as amended, together with any regulations adopted by the State Elections Enforcement Commission ("SEEC") under Conn. Gen. Stat. § 9-706(e). I certify that I understand that the candidate is personally liable and must repay to the Citizens' Election Fund any moneys that are not expended in accordance with the provisions of Conn. Gen. Stat. § 9-607(g), as amended, together with any regulations adopted by the SEEC under Conn. Gen. Stat. § 9-706(e).

Sme  
Initials

3. I certify that I understand that prior to applying for a grant I must return any contribution or contributions from any one contributor that exceed or exceeds in the aggregate the \$100 contribution limit set forth in Chapter 157 of the Connecticut General Statutes. I further understand that prior to applying for a grant I must return any contributions from any sources not authorized under Chapter 157, and I must transmit any excess qualifying contributions to the Citizens' Election Fund.

Sme  
Initials

4. I certify that I have abided by and will continue to abide by the provisions of the Program governing use of the candidate's personal funds and the provisions of the Program governing loans, as set forth in Conn. Gen. Stat. § 9-710.

Sme  
Initials

5. I certify that I understand that I am required to comply with the requirements of the Program, including all applicable statutes, regulations and declaratory rulings. I certify that I understand that my failure to abide by the requirements of all applicable statutes and regulations relating to the Program may result in the SEEC's imposition of penalties as provided in Chapters 155 and 157 of the Connecticut General Statutes. I certify that I understand that I shall be personally liable for penalties relating to violations of the Program requirements, by myself, my agents, and/or anyone acting under my explicit or implied direction. I further understand that I am jointly and severally liable with the candidate for paying any excess expenditure in accordance with Conn. Gen. Stat. § 9-711(a).

Sme  
Initials

6. I certify that I understand that if the candidate committee exceeds any applicable expenditure limit during the period in which the candidate is seeking qualifying contributions and before the candidate committee receives a grant, the grant application will not be approved, and penalties may be assessed for not abiding by the expenditure limit.

Sme  
Initials

7. I certify that I understand that intentionally making a false written statement under oath or pursuant to a form bearing notice, authorized by law, which is intended to mislead a public servant in the performance of his or her official function, is a class A misdemeanor pursuant to Conn. Gen. Stat. § 53a-157b(a), and may subject me to criminal penalties, including but not limited to, imprisonment for up to one year and/or a fine of up to \$2,000. I certify and verify that the information on this document is true and complete to the best of my knowledge and belief.

I hereby swear, under penalty of false statement, that the above certifications are true and complete.

Scott Cleary  
TREASURER SIGNATURE

1/19/2014  
DATE (mm/dd/yyyy)

Sworn and subscribed before me on this 19 day of January, 2014

Sean C Cleary

Sean C Cleary

SIGNATURE OF PERSON ADMINISTERING THE OATH

NAME OF PERSON ADMINISTERING THE OATH (Please Print)

Commissioner of Superior Court

Notary Public -- My Commission Expires

6/30/2017

Notice: Making a false statement on this form may subject you to criminal penalties, including but not limited to, imprisonment for up to one year or a fine of up to two thousand dollars, or both.

**SEEC FORM CEP 15**

Citizens' Election Program-Application for Grant  
 CONNECTICUT STATE ELECTIONS ENFORCEMENT COMMISSION  
 Revised January 2014



For Internal Use ONLY  
 CODE:  REVIEWED BY: Imn.

APPLICATION TYPE  
rk **JOINT EXHIBIT**  
28  
 689 PENGAD 800-631-6897

**CITIZENS' ELECTION PROGRAM APPLICATION  
 FOR PUBLIC GRANT DOLLARS**

*Statewide and General Assembly Candidates*

The candidate and the campaign treasurer must each review all information provided on this Application, and sign or initial the designated lines. Any deputy treasurer designated by the candidate must complete and sign the Deputy Treasurer Certification.

**SECTION A. Identifying Information**

<b>1. ELECTION DATE</b> (mm/dd/yyyy) <u>11/04/2014</u>	<b>2. OFFICE SOUGHT</b> <u>STATE REPRESENTATIVE</u>	<b>3. DISTRICT NUMBER</b> (If applicable) <u>80</u>
--	--	---

<b>4. CANDIDATE NAME</b>			
First Name <u>ROB</u>	MI	Last Name <u>SAMPSON</u>	Suffix

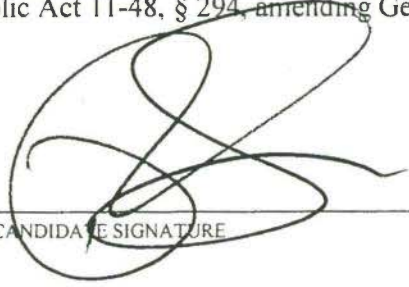
<b>5. COMMITTEE NAME</b> <u>SAMPSON FOR CT</u>
---

<b>6. TREASURER NAME</b>			
First Name <u>SCOTT</u>	MI <u>M</u>	Last Name <u>CLEARY</u>	Suffix

<b>7. DEPUTY TREASURER NAME</b>			
First Name <u>MARGARET</u>	MI <u>M</u>	Last Name <u>SAMPSON</u>	Suffix

**SECTION B. Continuation Without Prejudice — OPTIONAL**

If, upon review, the application is not yet sufficient to qualify for payment of a grant, the candidate hereby requests that the Commission delay its determination, and continue the matter without prejudice pending further review of a supplemental submission filed in accordance with the schedule included in Public Act 11-48, § 294, amending General Statutes § 9-706.

  
 CANDIDATE SIGNATURE

5/14/14  
 DATE (mm/dd/yyyy)

FILED SEEC  
 MAY 21 PM 10 38

*Notice: Making a false statement on this form may subject you to criminal penalties, including but not limited to imprisonment for up to one year or a fine of up to two thousand dollars, or both.*



## SECTION C. Candidate Certification

The candidate must read each paragraph below, provide any and all information requested, and indicate agreement to each numbered paragraph by writing his/her initials at each number below. Applications missing the initials for any item will not be deemed complete.

  
Initials

1. I certify that I am over 18 years of age and believe in and understand the obligation of an oath. I hereby affirm, certify, and state that as a candidate who has elected to participate in the Citizens' Election Program (the "Program"), I understand my obligations to abide by and will abide by the Program's requirements, including the Program's expenditure limits.

  
Initials

2. I certify that I understand that I am required to read, understand, and comply with the requirements of the Program, including all applicable statutes, regulations, and/or declaratory rulings. I certify that I understand that my failure to abide by the requirements of all applicable statutes and regulations relating to the Program may result in the SEEC's imposition of penalties as provided in Chapters 155 and 157 of the Connecticut General Statutes. I certify that I understand that I shall be personally liable for penalties relating to violations of the Program requirements, by myself, my agents, and/or anyone acting under my explicit or implied direction.

  
Initials

3. I certify that either the candidate has not formed an exploratory committee in this election cycle, or if an exploratory committee was formed in this election cycle, any assets or debts carried forward from the exploratory committee to this candidate committee have been disclosed in a "carry forward" letter filed with the Commission. I certify that if an exploratory committee was formed in this election cycle which had no debts or assets carried forward from the exploratory to the candidate's candidate committee, that this fact has been disclosed in a "carry forward" letter filed with the Commission.

  
Initials

4. I certify that my candidate committee has received the required amount of qualifying contributions. I further certify that my candidate committee has returned or transmitted to the Citizens' Election Fund all contributions or portions of contributions that do not meet the criteria for qualifying contributions under General Statutes § 9-704 and transmitted all excess qualifying contributions to the Citizens' Election Fund. I further certify that my candidate committee will expend any moneys received from the Citizens' Election Fund in accordance with the provisions of General Statutes § 9-607(g), as amended, together with any regulations adopted by the SEEC under General Statutes § 9-706(e).

  
Initials

5. I certify that either I have not accepted any contribution or contributions that exceed or exceeds in the aggregate the applicable contribution limit set forth in Chapter 157 of the Connecticut General Statutes, or I have returned any previously accepted contribution, portion of a contribution, or contributions that exceed or exceeds in the aggregate the applicable contribution limit set forth in Chapter 157 of the Connecticut General Statutes. I further certify that I have not accepted or have returned any previously accepted contributions from any sources not authorized under Chapter 157 of the Connecticut General Statutes, including contributions from individuals who do not include names and addresses. I certify that my candidate committee has repaid all moneys borrowed on behalf of the campaign, as required by General Statutes § 9-710(b).

  
Initials

6. I certify that I agree to abide by all other applicable requirements relating to Chapters 155 and 157 of the Connecticut General Statutes and SEEC regulations, including requirements for campaign finance disclosure statements and recordkeeping. I certify that I agree to maintain and furnish all records required by the SEEC and to fully participate in the SEEC's audit process.

  
Initials

7. I certify that the authorized candidate committee designated in Section A is my sole candidate committee for the election cycle designated in Section A. The candidate committee is (i) the only committee authorized by me to aid or otherwise take part in the election covered by this Application; (ii) is not an authorized committee of any other candidate; and (iii) has not been, is not, and will not be, authorized or otherwise active for any election other than the election covered by this Application. I further certify that all moneys received from the Citizens' Election Fund will be deposited upon receipt into the sole authorized depository account of my sole candidate committee.

Candidate Certification continued on page 3



**SECTION C. Candidate Certification** *continued*

  
Initials

8. I certify that I understand that my completing and filing this Application is a condition for qualifying to receive public funds for the election cycle designated in Section A, and that other conditions specified in the applicable statutes and regulations relating to the Program must be satisfied before I may be eligible to receive public funds pursuant to Chapter 157 of the Connecticut General Statutes.

  
Initials

9. I certify that I understand that my residential address, the candidate committee's address, and the treasurer's residential address, including the e-mail addresses of the candidate and treasurer as reported in the candidate committee registration (SEEC Form 1 and 1A), are the addresses to which legal notices and other communications, including correspondence and legal papers, will be sent. I further understand and agree that if any of these addresses, including telephone numbers and/or e-mail addresses, change in any way, I am responsible for promptly notifying the SEEC, in writing by filing an amended registration form, of any such changes to these addresses not later than ten calendar days of any such change.

  
Initials

10. I certify that I understand that if my candidate committee receives a grant, and exceeds any applicable expenditure limit, in addition to any penalties that may be assessed, the SEEC may require that all grant funds received by the committee be returned to the Citizens' Election Fund, and the committee may not be eligible to receive any additional public funds for the election.

  
Initials

11. I certify that I understand that I am responsible to have general knowledge and oversight of the actions and conduct of my candidate committee, including knowledge and oversight of contributions made to my candidate committee, moneys deposited into my candidate committee's authorized depository account, expenditures made or incurred by or on behalf of my candidate committee, and disclosure obligations of my treasurer.

  
Initials

12. I certify that I understand that intentionally making a false written statement pursuant to a form bearing notice, authorized by law, which I do not believe to be true and which is intended to mislead a public servant in the performance of his or her official function, is a Class A misdemeanor pursuant to General Statutes § 53a-157b(a), and may subject me to criminal penalties, including but not limited to, imprisonment for up to one year and/or a fine of up to \$2,000.

  
Initials

13. I certify that all outstanding civil penalties or forfeitures assessed pursuant to Chapters 155 to 157, inclusive, of the General Statutes, against my current or any former committee of mine have been paid, provided (A) if I am seeking nomination for or election to statewide office (Governor, Lieutenant Governor, Attorney General, State Comptroller, Secretary of the State or State Treasurer), any such penalty or forfeiture was assessed not later than 24 months prior to the submission of my grant application; or (B) if I am seeking nomination for or election to the office of state senator or state representative, any such penalty or forfeiture was assessed not later than 12 months prior to the submission of my grant application.

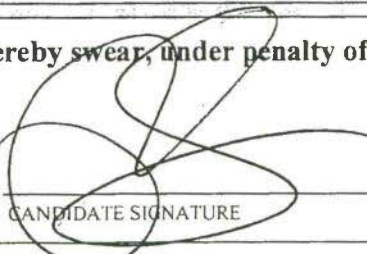
  
Initials

14. I certify that I have not been convicted of or pled guilty or nolo contendere to, in a court of competent jurisdiction, (A) any criminal offense under Title 9 of the General Statutes, or that at least eight years have elapsed from the date of any conviction, or plea or the completion of any sentence, without a subsequent conviction of or plea to another such offense; or (B) a felony related to my public office, other than an offense described in subsection A above.

  
Initials

15. I certify that I have never been convicted of or pled guilty or nolo contendere to, in a court of competent jurisdiction, a felony related to my public office, other than a criminal offense under Title 9 of the General Statutes in accordance with and as described in Certification 14 of Candidate Certifications of this form.

**I hereby swear, under penalty of false statement, that the above certifications are true and complete.**

  
CANDIDATE SIGNATURE

5/14/14  
DATE (mm/dd/yyyy)



## SECTION D. Treasurer Certification

The treasurer must read each paragraph below, provide any and all information requested, and indicate agreement to each numbered paragraph by writing his/her initials at each number below. Applications missing initials for any item will not be deemed complete.

Smc  
Initials 1. I certify that I am over 18 years of age and believe in and understand the obligation of an oath. I hereby affirm, certify, and state that as the treasurer for a candidate who has elected to participate in the Citizens' Election Program (the "Program"), I understand my obligations to abide by and will abide by the Program's requirements, including the Program's expenditure limits.

Shc  
Initials 2. I certify that I understand that I am required to read, understand, and comply with the requirements of the Program, including all applicable statutes, regulations, and/or declaratory rulings. I certify that I understand that my failure to abide by the requirements of all applicable statutes and regulations relating to the Program may result in the SEEC's imposition of penalties as provided in Chapters 155 and 157 of the Connecticut General Statutes. I certify that I understand that I shall be personally liable for penalties relating to violations of the Program requirements, by myself, my agents, and/or anyone acting under my explicit or implied direction.

Smc  
Initials 3. I certify that either the candidate has not formed an exploratory committee in this election cycle, or if an exploratory committee was formed in this election cycle, any assets or debts carried forward from the exploratory committee to this candidate committee have been disclosed in a "carry forward" letter filed with the Commission. I certify that if an exploratory committee was formed in this election cycle which had no debts or assets carried forward from the exploratory to the candidate's candidate committee, that this fact has been disclosed in a "carry forward" letter filed with the Commission.

Shc  
Initials 4. I certify that the candidate committee has received the required amount of qualifying contributions. I further certify that the candidate committee has returned or transmitted to the Citizens' Election Fund all contributions or portions of contributions that do not meet the criteria for qualifying contributions under General Statutes § 9-704 and transmitted all excess qualifying contributions to the Citizens' Election Fund. I further certify that the candidate committee will expend any moneys received from the Citizens' Election Fund in accordance with the provisions of General Statutes § 9-607(g), as amended, together with any regulations adopted by the SEEC under General Statutes § 9-706(e).

Shc  
Initials 5. I certify that either I have not accepted any contribution or contributions that exceed or exceeds in the aggregate the applicable contribution limit set forth in Chapter 157 of the Connecticut General Statutes, or I have returned any previously accepted contribution, portion of a contribution, or contributions that exceed or exceeds in the aggregate the applicable contribution limit set forth in Chapter 157 of the Connecticut General Statutes. I further certify that I have not accepted or have returned any previously accepted contributions from any sources not authorized under Chapter 157 of the Connecticut General Statutes, including contributions from individuals who do not include names and addresses. I certify that the candidate committee has repaid all moneys borrowed on behalf of the campaign, as required by General Statutes § 9-710(b).

Smc  
Initials 6. I certify that I agree to abide by all other applicable requirements relating to Chapters 155 and 157 of the Connecticut General Statutes and SEEC regulations, including requirements for campaign finance disclosure statements and recordkeeping. I certify that I agree to maintain and furnish all records required by the SEEC and to fully participate in the SEEC's audit process.

Shc  
Initials 7. I certify that all moneys received from the Citizens' Election Fund will be deposited upon receipt into the sole authorized depository account of the candidate committee designated in Section A.

Treasurer Certification continued on page 5



**SECTION D. Treasurer Certification *continued***

Shc  
Initials 8. I certify that I understand that my completing and filing this Application is a condition for qualifying to receive public funds for the election cycle designated in Section A, and that other conditions specified in the applicable statutes and regulations relating to the Program must be satisfied before the candidate committee may be eligible to receive public funds pursuant to Chapter 157 of the Connecticut General Statutes.

Shc  
Initials 9. I certify that I understand that my residential address, the candidate committee's address, and the candidate's residential address, including the e-mail addresses of the candidate and treasurer as reported in the candidate committee registration (SEEC Form 1 and 1A), are the addresses to which legal notices and other communications, including correspondence and legal papers, will be sent. I further understand and agree that if any of these addresses, including telephone numbers and/or e-mail addresses, change in any way, I am responsible for promptly notifying the SEEC, in writing; and that the candidate must file an amended registration form, of any such changes to these addresses not later than ten calendar days of any such change.

Shc  
Initials 10. I certify that I understand that if the candidate committee receives a grant, and exceeds any applicable expenditure limit, in addition to any penalties that may be assessed, the SEEC may require that all grant funds received by the committee be returned to the Citizens' Election Fund, and the committee may not be eligible to receive any additional public funds for the election.

Shc  
Initials 11. I certify that if the candidate withdraws from the campaign, becomes ineligible or dies during the campaign, the candidate committee will return to the SEEC, for deposit in the Citizens' Election Fund, all moneys the committee received from the Fund and which the candidate committee has not spent as of the date of such candidate withdrawal, ineligibility or death.

Shc  
Initials 12. I certify that I understand that intentionally making a false written statement pursuant to a form bearing notice, authorized by law, which I do not believe to be true and which is intended to mislead a public servant in the performance of his or her official function, is a Class A misdemeanor pursuant to General Statutes § 53a-157b(a), and may subject me to criminal penalties, including but not limited to, imprisonment for up to one year and/or a fine of up to \$2,000.

Shc  
Initials 13. I certify that I have not been convicted of or pled guilty or nolo contendere to, in a court of competent jurisdiction, any (A) felony involving fraud, forgery, larceny, embezzlement or bribery, or (B) criminal offense under Title 9 of the General Statutes, or that at least eight years have elapsed from the date of the conviction or plea or the completion of any sentence, whichever date is later, without a subsequent conviction of or plea to another such felony or offense.

Shc  
Initials 14. I certify that I have paid any civil penalties or forfeitures assessed pursuant to chapters 155 to 157, inclusive.

Shc  
Initials 15. I certify that I am not barred from serving as treasurer by order of the State Elections Enforcement Commission.

**I hereby swear, under penalty of false statement, that the above certifications are true and complete.**

Scott Cleary  
TREASURER SIGNATURE

5/14/14  
DATE (mm/dd/yyyy)



## SECTION E. Deputy Treasurer Certification

The deputy treasurer must read each paragraph below, provide any and all information requested, and indicate agreement to each numbered paragraph by writing his/her initials at each number below. Applications missing initials for any item will not be deemed complete.

In the event I become responsible for discharging any of the duties required of the treasurer:

- MS  
Initials 1. I certify that I am over 18 years of age and believe in and understand the obligation of an oath. I hereby affirm, certify, and state that as the deputy treasurer for a candidate who has elected to participate in the Citizens' Election Program (the "Program"), I understand my obligations to abide by and will abide by the Program's requirements, including the Program's expenditure limits.
- MS  
Initials 2. I certify that I understand that I am required to read, understand, and comply with the requirements of the Program, including all applicable statutes, regulations, and/or declaratory rulings. I certify that I understand that my failure to abide by the requirements of all applicable statutes and regulations relating to the Program may result in the SEEC's imposition of penalties as provided in Chapters 155 and 157 of the Connecticut General Statutes. I certify that I understand that I shall be personally liable for penalties relating to violations of the Program requirements, by myself, my agents, and/or anyone acting under my explicit or implied direction.
- MS  
Initials 3. I certify that either the candidate has not formed an exploratory committee in this election cycle, or if an exploratory committee was formed in this election cycle, any assets or debts carried forward from the exploratory committee to this candidate committee have been disclosed in a "carry forward" letter filed with the Commission. I certify that if an exploratory committee was formed in this election cycle which had no debts or assets carried forward from the exploratory to the candidate's candidate committee, that this fact has been disclosed in a "carry forward" letter filed with the Commission.
- MS  
Initials 4. I certify that the candidate committee will expend any moneys received from the Citizens' Election Fund in accordance with the provisions of General Statutes § 9-607(g), as amended, together with any regulations adopted by the SEEC under General Statutes § 9-706(e).
- MS  
Initials 5. I certify that I agree to abide by all other applicable requirements relating to Chapters 155 and 157 of the Connecticut General Statutes and SEEC regulations, including requirements for campaign finance disclosure statements and recordkeeping. I certify that I agree to maintain and furnish all records required by the SEEC and to fully participate in the SEEC's post-election audit process.
- MS  
Initials 6. I certify that all moneys received from the Citizens' Election Fund will be deposited upon receipt into the sole authorized depository account of the candidate committee designated in Section A.
- MS  
Initials 7. I certify that I understand that my completing and filing this Application is a condition for qualifying to receive public funds for the election cycle designated in Section A, and that other conditions specified in the applicable statutes and regulations relating to the Program must be satisfied before the candidate committee may be eligible to receive public funds pursuant to Chapter 157 of the Connecticut General Statutes.

Deputy Treasurer Certification continued on page 7





**SECTION E. Deputy Treasurer Certification *continued***

MB  
Initials 8. I certify that I understand that my residential address, the candidate committee's address, and the candidate's residential address, including the e-mail addresses as reported in the candidate committee registration (SEEC Form 1 and 1A), are the addresses to which legal notices and other communications, including correspondence and legal papers, will be sent. I further understand and agree that if any of these addresses, including telephone numbers and/or e-mail addresses, change in any way, I am responsible for promptly notifying the SEEC, in writing, and that the candidate must file an amended registration form of any such changes to these addresses not later than ten calendar days of any such change.

MB  
Initials 9. I certify that I understand that if the candidate committee receives a grant, and exceeds any applicable expenditure limit, in addition to any penalties that may be assessed, the SEEC may require that all grant funds received by the committee be returned to the Citizens' Election Fund, and the committee may not be eligible to receive any additional public funds for the election.

MB  
Initials 10. I certify that if the candidate withdraws from the campaign, becomes ineligible or dies during the campaign, the candidate committee will return to the SEEC, for deposit in the Citizens' Election Fund, all moneys the committee received from the Fund and which the candidate committee has not spent as of the date of such candidate withdrawal, ineligibility or death.

MB  
Initials 11. I certify that I understand that intentionally making a false written statement pursuant to a form bearing notice, authorized by law, which I do not believe to be true and which is intended to mislead a public servant in the performance of his or her official function, is a Class A misdemeanor pursuant to General Statutes § 53a-157b(a), and may subject me to criminal penalties, including but not limited to, imprisonment for up to one year and/or a fine of up to \$2,000.

MB  
Initials 12. I certify that I have not been convicted of or pled guilty or nolo contendere to, in a court of competent jurisdiction, any (A) felony involving fraud, forgery, larceny, embezzlement or bribery, or (B) criminal offense under Title 9 of the General Statutes, or that at least eight years have elapsed from the date of the conviction or plea or the completion of any sentence, whichever date is later, without a subsequent conviction of or plea to another such felony or offense.

MB  
Initials 13. I certify that I have paid any civil penalties or forfeitures assessed pursuant to chapters 155 to 157, inclusive.

MB  
Initials 14. I certify that I am not barred from serving as deputy treasurer by order of the State Elections Enforcement Commission.

**I hereby swear, under penalty of false statement, that the above certifications are true and complete.**

Magaret M Sampson  
DEPUTY TREASURER SIGNATURE

05/14/2014  
DATE (mm/dd/yyyy)

State EXHIBIT  
33

For Internal Use Only

GRANT WORKSHEET  
AND FISCAL APPROVAL

Rev. 6/14

Form Completed By  
SLL  
Date Form Completed  
5/29/2014

Voucher Processor  
SKP 0092  
Date  
5/29/14

SAMPSON FOR CT

OFFICE SOUGHT HOUSE DISTRICT 30

CANDIDATE NAME	PARTY	BALLOT STATUS	PROGRAM STATUS	GRANT APPROVED
Sampson, Robert	R	Certified On 05/15/2014	Participating Yes	Date 05/29/2014

GRANT CALCULATION

- Preliminary Grant (LAPIG)  Post Primary General Grant: REMAINDER  General Grant: NO PRIMARY
- Primary Grant: NORMAL  No Opposition  No Opposition
- Primary Grant: DOMINANT  Major Party  Major Party
- Miscellaneous Adjustment  Limited Minor Party or Petitioning  Limited Minor Party or Petitioning
- Eligible Minor Party  Eligible Minor Party
- Eligible Petitioning  Eligible Petitioning

Penny Confirmed On  
05/21/2014

Vendor #  
464618957

Narrative

BASE AMOUNT	\$	RECEIVED	8,355.00
ADJUSTMENTS:		SEE	0.00
Buffer +/-	\$		0.00
Personal Funds +/-	\$	MAY 29 2014	
Exploratory +/-	\$		
Other +/-	\$		
NET ADJUSTMENTS +/-	\$	BUSINESS OFFICE	0.00
GRANT DETERMINATION AMOUNT			8,355.00

**PAID**

OPONENT INFORMATION

CANDIDATE NAME	PARTY	BALLOT STATUS	PROGRAM STATUS	GRANT APPROVED
Mazurek, Corky	D	Certified On 05/21/2014	<input type="checkbox"/> Prior to Deadline Participating	Date

CANDIDATE NAME	PARTY	BALLOT STATUS	PROGRAM STATUS	GRANT APPROVED
		Certified On	<input type="checkbox"/> Prior to Deadline Participating	Date

CANDIDATE NAME	PARTY	BALLOT STATUS	PROGRAM STATUS	GRANT APPROVED
		Certified On	<input type="checkbox"/> Prior to Deadline Participating	Date

REVIEWED BY: Charles Han [Signature] Date: 5/29/14

AGENCY AUTHORIZATION: [Signature] Date: 5/29/14



For Internal Use Only

GRANT WORKSHEET  
AND FISCAL APPROVAL

Rev. 6/14

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Date 6/25/14

SAMPSON FOR CT

OFFICE SOUGHT HOUSE DISTRICT 80

CANDIDATE NAME	PARTY	BALLOT STATUS	PROGRAM STATUS	GRANT APPROVED
Sampson, Robert	R	Certified On 05/15/2014	Participating Yes	Date 05/29/2014

GRANT CALCULATION

<input type="checkbox"/> Preliminary Grant (LAPIG) <input type="checkbox"/> Primary Grant: NORMAL <input type="checkbox"/> Primary Grant: DOMINANT <input type="checkbox"/> Miscellaneous Adjustment	<input type="checkbox"/> Post Primary General Grant: REMAINDER <input type="checkbox"/> No Opposition <input type="checkbox"/> Major Party <input type="checkbox"/> Limited Minor Party or Petitioning <input type="checkbox"/> Eligible Minor Party <input type="checkbox"/> Eligible Petitioning	<input checked="" type="checkbox"/> General Grant: NO PRIMARY <input type="checkbox"/> No Opposition <input checked="" type="checkbox"/> Major Party <input type="checkbox"/> Limited Minor Party or Petitioning <input type="checkbox"/> Eligible Minor Party <input type="checkbox"/> Eligible Petitioning	Penny Confirmed On 05/21/2014  Vendor # 464618957  Narrative This is the second installment to the total General Election Grant of 27,850.00.  Preliminary Grant (LAPIG) amount of 8,355.00 was approved 5/29/14. (see attached)
<b>PAID</b> BASE AMOUNT \$ 19,495.00 ADJUSTMENTS: Buffer +/- \$ RECEIVED SEEC 0.00 Personal Funds +/- \$ 0.00 Exploratory +/- \$ JUN 25 2014 0.00 Other +/- \$ 0.00 NET ADJUSTMENTS +/- \$ BUSINESS OFFICE 0.00 GRANT DETERMINATION AMOUNT 19,495.00			

OPPONENT INFORMATION

CANDIDATE NAME	PARTY	BALLOT STATUS	PROGRAM STATUS	GRANT APPROVED
Mazurek, Corky	D	Certified On 05/21/2014	<input type="checkbox"/> Prior to Deadline Participating YES	Date 06/11/14

CANDIDATE NAME	PARTY	BALLOT STATUS	PROGRAM STATUS	GRANT APPROVED
		Certified On	<input type="checkbox"/> Prior to Deadline Participating	Date

CANDIDATE NAME	PARTY	BALLOT STATUS	PROGRAM STATUS	GRANT APPROVED
		Certified On	<input type="checkbox"/> Prior to Deadline Participating	Date

REVIEWED BY  Reviewer Signature	 Reviewer Signature	Date 6/25/14
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AGENCY AUTHORIZATION  Authorizing Signature	Date 6/25/14
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STATE OF CONNECTICUT  
STATE ELECTIONS ENFORCEMENT COMMISSION

- - - - - x  
In the Matter of a Complaint by :  
JOHN MAZUREK, Wolcott :  
- - - - - : File No. 2014-170  
JOSEPH C. MARKLEY, Plantsville, : August 31, 2017  
BARBARA P. ROBERTS, Southington, :  
ROBERT C. SAMPSON, Wolcott, :  
Respondents. :  
- - - - - x

SEEC  
18-20 Trinity Street  
5th Floor  
Hartford, Connecticut

HEARING

Held Before:

COMMISSIONER MICHAEL J. AJELLO, Hearing Officer  
JOSHUA FOLEY, Procedural Advisor

(Transcription from Electronic Sound Recording.)

BRANDON LEGAL TECH, LLC  
37 Pinnacle Mountain Road  
Simsbury, CT 06070

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1 APPEARANCES:

2 For the State of Connecticut:

3 STATE ELECTIONS ENFORCEMENT COMMISSION  
4 55 Farmington Avenue  
5 8th Floor  
6 Hartford, Connecticut 06105  
7 BY: JAMES TALBERT-SLAGLE, ESQ.  
8 WILLIAM B. SMITH, ESQ.

9 For the Respondents:

10 MICHAEL J. CRONIN, ESQ.  
11 47 Woodridge Circle  
12 West Hartford, Connecticut 06107  
13 (Counsel of Record for Respondent Markley)  
14  
15  
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1 (Proceedings commenced: 10:05 a.m.)

2

3 HEARING OFFICER AJELLO: In the matter of  
4 a complaint by John Mazurek of Wolcott. The  
5 Respondents here are Joseph C. Markley, 47 Elm  
6 Street, Plantsville, Connecticut, Barbara  
7 Roberts, 375 Cooper Ridge Road, Southington,  
8 Connecticut and Robert Sampson, 276 Bound Line  
9 Road in Wolcott, Connecticut.

10 This is a hearing concerning a complaint  
11 made by John Mazurek to the Legal Enforcement  
12 Unit of the State Elections Enforcement  
13 Commission. It is alleged that the Respondent,  
14 two of whom were candidates and one of whom was  
15 a treasurer, violated Connecticut General  
16 Statutes 9-607 and 9-706 and State Regulations  
17 9-706-1 and 9-706-2 by using Citizens'  
18 Election Program funds to make expenditures for  
19 communications to support or oppose a candidate  
20 other than their opponent in the 2014 election.

21 My name is Michael Ajello and I am a  
22 Commissioner of the State Elections Enforcement  
23 Commission. I have been designated as a  
24 Hearing Officer for this matter. For purposes  
25 of this record I note that this hearing is

1 convened at 10:05 a.m. on August 31 , 2017.

2 Will the parties please identify  
3 themselves for the record beginning with the  
4 State.

5 MR. SMITH: Yes, thank you, Hearing  
6 Officer. For the State, Attorney William  
7 Smith.

8 HEARING OFFICER: Okay.

9 MR. TALBERT-SLAGLE: Good morning. James  
10 Talbert-Slagle representing the State of  
11 Connecticut.

12 MR. CRONIN: Attorney Michael Cronin  
13 representing each of the three Respondents.

14 HEARING OFFICER: Okay. And are there  
15 other persons present whom the parties expect  
16 to testify? Will they please stand and  
17 identify themselves for the record with their  
18 name and address.

19 MR. CLEARY: Scott Cleary, 226 Andrews  
20 Road, Wolcott, Connecticut.

21 HEARING OFFICER: Okay.

22 MR. BRANFUHR: Scott Branfuhr, 20 Trinity  
23 Street in Hartford, Connecticut.

24 MR. CHAYBEL: Richard Chaybel (phonetic),  
25 20 Trinity Street, Hartford, Connecticut.



1 HEARING OFFICER: Will Respondents also  
2 identify themselves for the record please?

3 MR. MARKLEY: Joe Markley from  
4 Southington.

5 MR. SAMPSON: Rob Sampson from Wolcott.

6 MS. ROBERTS: Barbara Roberts from  
7 Southington.

8 HEARING OFFICER: Okay. Thank you.

9 MR. CRONIN: Commissioner?

10 I also notice that Mr. Mazurek, the  
11 Complainant is here, and we may have a couple  
12 questions for him so if he could stand --

13 HEARING OFFICER: Oh, sure. If you could  
14 stand.

15 MR. MAZUREK: Certainly. John Mazurek,  
16 Wolcott, Connecticut.

17 HEARING OFFICER: Okay. Your address,  
18 sir?

19 MR. MAZUREK: 116 Richard Avenue.

20 HEARING OFFICER: Okay. Will the parties  
21 please stand, all who will testify, and raise  
22 your right hands so that I may administer an  
23 oath.

24 (Whereupon, the parties were duly sworn by  
25 the Hearing officer and testified under oath.)

1 HEARING OFFICER: Okay. Thank you, you  
2 may be seated.

3 Today's hearing is governed by the Rules  
4 of Evidence under the Uniform Administrative  
5 Procedures Act. Evidence may be submitted by  
6 oral testimony or by documents admitted under  
7 the Rules of Evidence. If you have any  
8 procedural questions please feel free to ask.  
9 I will provide whatever assistance I can  
10 without taking sides on the merits of the case.

11 Basically the proceeding today will follow  
12 this format. The state represented by staff  
13 attorneys William Smith and James Talbert-  
14 Slagle may call as a witness any person present  
15 here today who is competent to testify. The  
16 Respondents will have the opportunity to cross  
17 examine each witness presented and to the  
18 extent that there is cross examination the  
19 state will then have an opportunity to ask that  
20 witness any questions by way of clarification  
21 of cross examination testimony. This procedure  
22 will be followed until the parties are  
23 satisfied that the facts presented by each  
24 witness are fully and fairly presented.

25 When the state has finished with the

1 testimony of all of its witnesses the  
2 Respondents will be given the same opportunity  
3 to call witnesses in their defense subject to  
4 the state's right to cross examine all such  
5 witnesses. The procedure is followed until  
6 both sides are satisfied that the factual  
7 record is complete.

8 Documents may be admitted into evidence  
9 either by agreement of the parties subject to  
10 the Hearing Officer's review as to relevancy  
11 and materiality, or through the testimony of a  
12 competent witness. I will happy to help you in  
13 procedural aspects of your presentation.

14 During the evidentiary portion of the  
15 proceedings what we are interested in hearing  
16 are those facts which you think a Hearing  
17 Officer should have before him in order to  
18 render a fair decision in the case.

19 We do not want to hear argument at this  
20 time. When both sides have completed the  
21 evidentiary portion of their respective cases  
22 an opportunity will then be given to each side,  
23 starting with the state, to present a short  
24 argument as to why the election laws supporting  
25 their claim in this matter. The Hearing

1 Officer must base his findings upon facts only  
2 upon matters that are properly admitted into  
3 evidence and form a part of the record.

4 Based upon what transpires at this hearing  
5 today I will prepare a report consisting of  
6 findings of fact and law and recommended order  
7 to the Commission. My report will be prepared  
8 after this hearing is concluded. Consequently,  
9 if either party desires to submit briefs or  
10 memorandum of law to me, and you are not  
11 compelled to do so, I suggest that you submit  
12 such briefs or memorandum by September 20th,  
13 2017 in order to ensure that they will be  
14 considered prior to the rendering of the  
15 report.

16 A copy of my Hearing Officer's Report will  
17 be sent to each of the parties along with a  
18 notice of when the report will be considered by  
19 the full Elections Enforcement Commission at  
20 one of its meetings. The Hearing Officer's  
21 Report is not a final decision. The full  
22 Commission considers the Hearing Officer's  
23 Report; they may adopt it, amend it or reject  
24 it.

25 Any party who feels aggrieved by the

1 Hearing Officer's Report may present argument  
2 before the Commission when it considers that  
3 report or submit a brief or written comments.  
4 If you desire to submit something in writing  
5 you must do so by the Wednesday before the  
6 Commission meeting in order to ensure that the  
7 Commissioners have had ample opportunity to  
8 consider it before voting at the meeting.

9 At the Commission meeting only arguments  
10 on the law will be considered. In other words  
11 today's proceeding provides the only  
12 opportunity to present evidence in this matter.

13 Are there any questions? No?

14 Are there any stipulated facts? If not I  
15 suggest with permission of the parties that we  
16 go off the record in order to determine whether  
17 there are any factual areas of agreement which  
18 might be stipulated or agreed to and therefore  
19 no need to present testimony on such facts on  
20 the record.

21 Do we have permission to go off the record  
22 to consider that?

23 UNKNOWN SPEAKER: Yes.

24 HEARING OFFICER: Okay. Mike? Attorney  
25 Cronin?

1 (Off the record.)

2 HEARING OFFICER: 10:43 a.m. After an  
3 informal conference held between the parties  
4 the following facts have been agreed to as  
5 stipulated. Do you have come sort of a  
6 stipulated agreement, guys?

7 MR. TALBERT-SLAGLE: We have no stipulated  
8 agreement as to facts, correct?

9 MR. CRONIN: Correct.

10 MR. TALBERT-SLAGLE: We do have  
11 documentary evidence that we've entered into  
12 the record as full exhibits.

13 HEARING OFFICER: Okay.

14 MR. CRONIN: That you can enter into the  
15 record.

16 MR. TALBERT-SLAGLE: I'm sorry?

17 MR. CRONIN: That you will enter into the  
18 record.

19 MR. TALBERT SLAGLE: There's no objection  
20 to entering them into the record as full  
21 exhibits.

22 HEARING OFFICER: Okay. Then Josh, did  
23 you --

24 MR. CRONIN: On both sides.

25 HEARING OFFICER: Did you have the exhibit

1 numbers and letters that have been made full  
2 exhibits?

3 MR. FOLEY: I do. I have all of the  
4 exhibits marked and the originals here. I  
5 think if they just offered to put them in the  
6 record, from the record and --

7 HEARING OFFICER: Just identify that they  
8 have been made full exhibits by agreement that  
9 would be helpful.

10 With that matter resolved there's not need  
11 to present evidence as to those particular  
12 matters that are covered by a stipulation. The  
13 state may now proceed with their case.

14 MR. SMITH: Thank you, Hearing Officer.  
15 To start I did want to take -- as an  
16 administrative agency I would ask you to take  
17 administrative notice of several regulations,  
18 one of which is 9-7b-39. 9-7b-39 requires that  
19 a notice of witness list be issued with regard  
20 to a hearing. I wanted you to take  
21 administrative notice of the subpoena  
22 requirements for witnesses under 9-7b-45,  
23 witnesses at an administrative hearing.  
24 Consistent with the regulations are subpoenaed,  
25 and that's under 9-7b-45.

1 I also wanted you to take administrative  
2 notice of the Commission's own decision in  
3 files number 2014-132, 2014-133, 2014-134,  
4 2014-136, 2014-137, 2014-138, 2014-139, 2014-  
5 141, 2014-142, 2014-144, 2014-149 and any  
6 resolved matters in 2014-170. These are public  
7 records and I would ask that you take  
8 administrative notice of this Commission's own  
9 decisions.

10 If I may I'd like to move forward with an  
11 opening statement.

12 HEARING OFFICER: Sure. Go ahead.

13 MR. SMITH: This case is about one thing.  
14 This case is about expenditures. This case is  
15 about making expenditures as a candidate  
16 committee based on how and why you formed that  
17 candidate committee. That's it. If you form a  
18 candidate committee for the purpose of running  
19 for state senate or you form a candidate  
20 committee to run for state representative, if  
21 you've agreed voluntarily to participate in a  
22 public financing system you therefore agree to  
23 make expenditures based on the rules, the  
24 regulations, the declaratory rulings of the  
25 very agency that's charged by the Legislature



1 through statute to interpret and apply the law.  
2 That's it.

3 This is about, and the evidence will show,  
4 expenditures regarding six mailers, six  
5 campaign pieces where those expenditures were  
6 made outside of the law. The expenditures and  
7 the evidence will show that two of the flyers  
8 by the Markley Committee pertaining to the  
9 November 14 -- excuse me, November 4th, 2014  
10 election and four of the pieces of literature  
11 in addition to those two by the Sampson  
12 Committee were not made -- were not  
13 expenditures that were permissible. That's it.  
14 If you agree to take public financing, if you  
15 sign false statements to take this money, you  
16 thereby agree to follow the rules. So I just  
17 want to make that perfectly clear. This is a  
18 case about expenditures in a voluntary program.

19 In the context of these participants I  
20 think the evidence will plainly show that while  
21 they were running for specific district offices  
22 or specific offices, senatorial districts or  
23 state representative, those committees and the  
24 Respondents, including Respondent Barbara  
25 Roberts, Respondent Markley and Respondent

1 Sampson made these expenditures in support of a  
2 candidate that was not part of the race that  
3 were in, were not part of the opponents that  
4 they faced. And that's all we're dealing with  
5 here.

6 And the agency that's charged with  
7 interpreting and applying the very rules that  
8 this agency assume to be constitutional because  
9 the lawmakers, much like a couple of the  
10 Respondents today, send them over to us and ask  
11 us to enforce and (unintelligible). That's it.

12 So I'm going to leave the evidence and  
13 I'll leave part of that to Jamie, but that's  
14 the bottom line here. This is a case about  
15 whether or not candidate committees, two  
16 candidate committees properly made expenditures  
17 in support of their candidacies, not in  
18 opposition to Governor Dannel Malloy, not in  
19 support of an opponent of a statewide office,  
20 but did they make proper expenditures to  
21 support their candidacies in the very reason  
22 they formed their committees and I think the  
23 evidence will show that they did not. Thank  
24 you.

25 HEARING OFFICER: Thank you. Did you want

1 to make an opening statement also?

2 MR. CRONIN: Yes, thank you.

3 This case us about much more than simple  
4 expenditures and reporting. This is about this  
5 Commission's restriction on free political  
6 speech through the Advisory Opinion 2014-4  
7 there's a doctrine of unconstitutional  
8 conditions, and this doctrine posits that any  
9 condition attached to the grant of a  
10 governmental benefit is unconstitutional if it  
11 requires the relinquishment of a constitutional  
12 right.

13 So simply saying this is a voluntary  
14 program and you forfeit your rights at the door  
15 when you enter is not correct. It doesn't  
16 restrict these gentlemen's right to address  
17 political speech as they see fit.

18 Secondly in what we contend is an  
19 unconstitutional advisory opinion you set out a  
20 two-prong test and every one of these mailers  
21 fails that two-prong test in that the issues  
22 are directly related to the legislative races  
23 and the legislative body.

24 So we're going to show that this is  
25 unconstitutional and also that the mailers

1 themselves are not attacks against Malloy that  
2 needed to be coordinated with the Foley  
3 campaign.

4 HEARING OFFICER: Okay. Is that is, Mike?  
5 Is that it?

6 MR. CRONIN: That's it.

7 HEARING OFFICER: Okay.

8 MR. TALBERT-SLAGLE: I'm going to call Mr.  
9 Cleary to the stand please.

10

11

12

13

14

15

16

17

SCOTT M. CLEARY, called as a witness by  
the State of Connecticut, having been  
previously duly sworn by the Hearing Officer,  
was examined and testified under oath as  
follows:

DIRECT EXAMINATION

18

BY MR. TALBERT-SLAGLE:

19

Q Good morning.

20

A Hello.

21

Q Would you please state your name and address

22

for the record?

23

A Scott Cleary, 226 Andrews Road, Wolcott,

24

Connecticut.

25

Q Good morning, Mr. Cleary. What's your

1 relationship to this case?

2 A I was a treasurer on Sampson for Connecticut  
3 2014. I was named as a Respondent originally in this  
4 complaint and signed the stipulated agreement with SEEC  
5 in 2016.

6 Q So you were previously a Respondent in the  
7 matter and resolved that case?

8 A Yes.

9 Q Did you pay any civil penalty in that matter?

10 A No.

11 Q Have you been -- how long have you been a  
12 treasurer?

13 A 2014 was my first race and I served as Sampson  
14 2016 treasurer. I was the treasurer of the Republican  
15 Town Committee until recently, and I'm the deputy  
16 treasurer on the (unintelligible) 2018. 2014 was my  
17 first race.

18 Q Okay. I'm going to show you what's previously  
19 been marked as State's Exhibit number -- I think it's  
20 number 26.

21 MR. SMITH: Why don't you hang onto these  
22 so --

23 MR. TALBERT-SLAGLE: Okay, thanks.

24 HEARING OFFICER: Is that a full exhibit?

25 All right.

1 MR. TALBERT-SLAGLE: Yeah, these are all  
2 admitted as full exhibits.

3 Let me -- as a preliminary matter I mean I  
4 would move for admission of all our exhibits.  
5 We have a total of 35 -- 36 exhibits.

6 HEARING OFFICER: 1 through 36 have been  
7 agreed to and admitted as full exhibits?

8 MR. TALBERT-SLAGLE: Yes.

9 HEARING OFFICER: Okay.

10 BY MR. TALBERT-SLAGLE:

11 Q Okay. So I am going to show you what has been  
12 marked previously as State's Exhibit Number 25. If you  
13 could just take a look at this. Do you recognize that  
14 document?

15 A This is a Form 1 filed establishing a candidate  
16 committee in 2014.

17 Q And did you execute that document?

18 A Yes.

19 Q Okay. And so as treasurer what did you  
20 understand your responsibility to be?

21 A My responsibility was to pay authorized bills  
22 and as I said this was my first race so I might not have  
23 understood the gravity of what I was getting into.

24 (Laughter.)

25 Q Very few do. It's a difficult process

1 sometimes.

2 So as part of that did you approve expenditures  
3 of the committee?

4 A Yes.

5 Q And make regular filings to the Commission as  
6 required by law?

7 A As you have seen, yes.

8 Q Okay. Let me show you another document. You  
9 can hand that one up to -- this is what's previously been  
10 admitted as State's Exhibit 27. If you can take a look  
11 at that. Do you recognize that document?

12 A This is CEP Form 10.

13 Q What do you recognize that document go be?

14 A It's an affidavit to intent to abide by  
15 expenditure limits and other Citizen's Election Program  
16 requirements.

17 Q If you could flip over to page, let's see -- I  
18 think it's page 3. No, page 3, the one with your  
19 signature. Do you recognize --

20 A I signed this document.

21 Q You signed that document. That's your  
22 signature.

23 A Um-hum.

24 Q Are those your initials on each of the --

25 A Yes.

1 Q Now, when you --

2 MR. CRONIN: Can I interrupt just quickly?  
3 I don't think you put him under oath.

4 MR. TALBERT-SLAGLE: He was under oath  
5 when they all stood up.

6 MR. CRONIN: They all stood up?

7 HEARING OFFICER: Yep.

8 MR. CRONIN: Yeah, all right. I forgot  
9 that part.

10 BY MR. TALBERT-SLAGLE:

11 Q When you executed that document what did you  
12 understand you were doing?

13 A That I was adhering to abide by the campaign  
14 expenditure limits and other electoral requirements I  
15 ran. Obviously I initialed it.

16 Q And did you understand -- were you forced to  
17 execute that document or was it a --

18 A I volunteered to be the treasurer for Sampson  
19 2014.

20 Q You volunteered to be the treasurer. As a  
21 treasurer for the candidate committee is there a  
22 requirement that you participate in the Citizens'  
23 Election Program?

24 A Not to my knowledge.

25 Q So how did you make that decision to



1 participate in the program?

2 A My friend asked me to be the treasurer.

3 Q I'm actually talking more about the Citizens'  
4 Election Program which is the public campaign financing  
5 part of this. Did you understand -- is there a different  
6 way that you can finance your campaign absent the public  
7 funding?

8 MR. CRONIN: I'm not sure he's the person  
9 to ask that of.

10 MR. TALBERT-SLAGLE: Well, I'm trying to  
11 ask how --

12 MR. CRONIN: But he did not make that  
13 decision. It was the candidate's decision, not  
14 the treasurer's.

15 BY MR. TALBERT-SLAGLE:

16 Q Okay. So you were told to execute this form in  
17 order to participate in the Citizens' Election Program.

18 A It is a required form to participate in the  
19 Citizens' Election Program.

20 Q Correct. Okay.

21 If you could just look down -- so when you  
22 executed this form you understood that you had to follow  
23 all state regulations, campaign finance laws related to  
24 campaign financing in the State of Connecticut.

25 A Yes.

1 Q And what was the potential liability that you  
2 faced if you violated that?

3 A According to this form, one year -- subject to  
4 criminal penalties including but not limited to  
5 imprisonment for up to one year and a fine of \$2,000.

6 Q Okay.

7 A Did I know that when I signed that? I  
8 initialed it.

9 Q So we presume that you did know that. Okay.  
10 Let me just -- I'm going to hand you these  
11 exhibits. Just a second, I'm sorry. A couple of these  
12 exhibits with the copies that Representative Sampson  
13 brought so that they're easier to read.

14 (Pause.)

15 Q So this is State's Exhibit Number 5 which has  
16 been -- you can hand me that one back, it will just make  
17 you confused. Do you recognize that exhibit?

18 A This was a 2014. I may have seen this. I  
19 don't readily recognize it.

20 Q Okay.

21 A I'm sure that it's -- it looks official.

22 Q At the bottom does it say -- does it have your  
23 name on it?

24 A Yes, it's attributed.

25 Q So as the treasurer you would have authorized

1 that expenditure, correct?

2 A I would have authorized the expenditure but not  
3 the -- the expenditure to produce but I don't remember  
4 consulting on the content.

5 Q The content. Okay. Right.

6 HEARING OFFICER: And what is that? Is  
7 that the mailer, Exhibit Number 5?

8 MR. TALBERT-SLAGLE: That is a mailer,  
9 yes. Exhibit Number 5, the mailer.

10 HEARING OFFICER: Is there a way to  
11 distinguish it, is there a date on it or  
12 something or how is it identified?

13 MR. TALBERT-SLAGLE: I guess just with the  
14 exhibit list. It just --

15 HEARING OFFICER: Mailer?

16 MR. TALBERT-SLAGLE: Yeah. I don't have  
17 any other --

18 UNKNOWN SPEAKER: It's the tax fighting  
19 team mailer is what that is. That's how we  
20 should call --

21 BY MR. TALBERT-SLAGLE:

22 Q One thing I wanted you to do is look at Exhibit  
23 Number 13 here. I think this was provided by you guys.  
24 If you could just look at that.

25 A Right. It was provided by Mr. Sampson.

1 Q Right. If you could take a look at this. You  
2 can keep that. If you could just flip through there,  
3 what I need to do is figure out which of the expenditures  
4 there is related to that mailer, if you can tell, if you  
5 can identify which of those.

6 A This, this mailer here?

7 Q Yes.

8 HEARING OFFICER: Is that an exhibit also?

9 MR. TALBERT-SLAGLE: It is Exhibit 13 I  
10 think. Is that what it says on the front?

11 HEARING OFFICER: Is that receipts?

12 MR. TALBERT-SLAGLE: Yes. It's receipts  
13 that were supplied by --

14 THE WITNESS: And invoices.

15 MR. TALBERT-SLAGLE: And invoices.

16 HEARING OFFICER: While he's going through  
17 that can I take a look at number -- Exhibit  
18 Number 5? Thank you.

19 (Pause.)

20 BY MR. TALBERT-SLAGLE:

21 Q So as you're looking through it is there any  
22 way to identify which of those expenditures, which of  
23 those invoices are related to that particular mailer?

24 A I am looking.

25 Q Oh, okay.

1 (Pause.)

2 Q Just for the record, what is that you're  
3 looking through there?

4 A These are the campaign 2014 records I'm  
5 required to keep for four years after the date of the  
6 campaign.

7 Q Okay. And so they differ --

8 A So these though, these should be exactly what  
9 you have because as part of the audit process I had turn  
10 over every invoice check and expenditure receipts.

11 Q Right.

12 A And also turn over contribution forms when you  
13 apply for a grant.

14 Q Right. And I --

15 A So what I'm hoping to see is if I attached a  
16 copy of the mailer to the bill. So if you're asking for  
17 my guess, I can guess, but if you'd like me to look I can  
18 look.

19 Q No, I was trying to -- because other than the  
20 television cameras here normally we don't have a video  
21 record so I was just for the record --

22 A And according to my subpoena I'm required to  
23 bring any emails pertaining to campaign mailings, which I  
24 have brought.

25 Q Correct. I appreciate that.

1 A So, not yet.

2 Q No, you can look through there. I'm not saying  
3 that you can't look through there.

4 A That's fine.

5 Q I was just trying to make it clear for the  
6 record.

7 A Just trying to make it clear. I believe this  
8 first one is Exhibit Number 5.

9 Q Okay.

10 A But again, that's just an educated guess.

11 Q Let's just since -- for expeditiousness can we  
12 go through each of these to identify which one of these  
13 is related to each of these, if you can do that --

14 A Sure.

15 Q -- I would appreciate that.

16 I will give you this back, you can have that,  
17 and I will go through with mine as well.

18 So you identified the invoice number 15686 as  
19 the one related to State's Exhibit Number 5?

20 A That is my best guess because it's the only one  
21 that's not labeled something.

22 Q Okay. Let me hand you --

23 A Sir, I think it may be better if I go through  
24 the invoices here and you can try and match them up to  
25 your exhibits? Would that be acceptable?

1 Q Okay. How would you -- okay, if you feel like  
2 that will work, sure.

3 A Invoice 15599, this references a trifold  
4 brochure.

5 Q Okay. And that is which one? Is this the  
6 trifold brochure? Correct?

7 A What exhibit is that?

8 Q 15599 is Exhibit Number 6.

9 A Next is invoice 15163, this says job,  
10 Sampson/Markley printing flyer, on or about 5/13.

11 Q Okay. I don't have the dates related to that  
12 so --

13 A There's six mailers and I believe there was  
14 more than six pieces sent out by the campaign.

15 Q Okay.

16 A So there may not be a corresponding exhibit to  
17 each invoice.

18 Q Right. That's why I wanted to go through these  
19 like this. 15163?

20 A Um-hum.

21 Q Is related to -- okay. Let's see.

22 A It seems like there was reprints because there  
23 was second printing of some flyer.

24 Q Right, I understand. My whole point in going  
25 through this exercise was in order to identify which of

1 these was related to it and I don't -- I am trying to --  
2 so let's just look -- I don't know that that is an  
3 exhibit.

4 A Okay.

5 Q Do you see this as an exhibit if you look  
6 through the remaining exhibits here, do you see -- this  
7 is obviously an advertisement. I'm handing you Exhibit  
8 Number 7, that's Exhibit Number 7.

9 Exhibit Number 8 --

10 A Are these invoices in some kind of order you'd  
11 like to keep?

12 Q They are in the order that we received from you  
13 or Ms. Roberts when we got the Respondents' --

14 (Pause.)

15 Q So you've matched that up with an exhibit or  
16 with an invoice? What invoice is that? Did you match  
17 that up with an invoice?

18 A I wrote the invoice number down.

19 MR. SMITH: Commissioner, I would ask the  
20 witness to respond to the direct questions of  
21 counsel and remind him that this is a legal  
22 proceeding and not a discussion. He was  
23 specifically asked what invoice as part of that  
24 exhibit.

25 MR. CRONIN: He's doing the best he can.



1 This was three-plus years ago. He's trying to

2 --

3 HEARING OFFICER: Excuse me, counsel, do  
4 you have an objection?

5 MR. CRONIN: I do object.

6 HEARING OFFICER: Okay. Well, why don't  
7 we use the whole process for that.

8 MR. CRONIN: Objection.

9 HEARING OFFICER: We're going to overrule  
10 the objection, Mr. Cleary --

11 THE WITNESS: Sir, I'm sorry.

12 HEARING OFFICER: It's okay, Mr. Cleary.  
13 This is I'm sure a foreign event for you.

14 THE WITNESS: I'm trying to write the  
15 invoice number down and if that's not  
16 acceptable then --

17 HEARING OFFICER: Why don't we try to do  
18 this. If you can answer the question directly  
19 asked that would be helpful.

20 Attorney Slagle, is there a general way to  
21 kind of discuss this more so than invoice by  
22 invoice?

23 MR. TALBERT-SLAGLE: All I'm trying to do  
24 is I'm trying to match up the invoices with the  
25 individual exhibits so that we would know how

1 much each of these cost.

2 HEARING OFFICER: Okay.

3 MR. TALBERT-SLAGLE: And I know of no  
4 other way to do this since they are the only  
5 ones who have this information to introduce  
6 this into the record.

7 MR. CRONIN: Can I ask why we need to  
8 determine how much each invoice, each mailer  
9 cost?

10 MR. TALBERT-SLAGLE: Because that's how we  
11 -- because under the general statutes the  
12 candidates are responsible for any  
13 impermissible expenditures made by their  
14 candidate committee and they are required to  
15 reimburse the Citizens' Election Fund.

16 So if the Hearing Officer determines that  
17 there is a violation in the Citizens' Election  
18 -- or not the Citizens' Election  
19 (unintelligible) but an impermissible was made,  
20 the expenditure was made to promote or to  
21 oppose Governor Malloy then what would be an  
22 impermissible expenditure and the candidates  
23 would be personally liable to reimburse the  
24 Citizens' Election Fund for that amount.  
25 That's why I'm going through this to figure out

1                   how much would be the penalty.

2                   MR. CRONIN: Fair enough.

3                   MR. TALBERT-SLAGLE: Correct? I know it's  
4                   laborious and I apologize by I know of no  
5                   better way to do this.

6                   HEARING OFFICER: That's okay. Proceed.

7 BY MR. TALBERT-SLAGLE:

8           Q       And I'm sorry, I apologize Mr. Cleary, I know  
9           this is frustrating.

10          A       I'm happy to assist you.

11          Q       I appreciate your assistance.

12          A       It's (unintelligible).

13          Q       I know. I thank you.

14                 Okay. So Exhibit Number 3, and I was unable to  
15                 do -- we have to introduce this through evidence so this  
16                 is the only way to get it in. So Exhibit Number 3, which  
17                 is just for the record -- could you describe that  
18                 briefly? That's the trifold mailer, right?

19          A       Yes.

20          Q       And was that reprinted as far as you can tell?  
21                 Because it looked like when I reviewed it, it looked like  
22                 it had been reprinted.

23          A       It does look that way, yes.

24          Q       Are there other invoices that would reflect the  
25                 reprinting of that?

1 A 15599.

2 Q Okay.

3 A 15163. 15194.

4 Q I'm sorry, slow down for just a second. I  
5 appreciate you're better at this than I am. So 15999  
6 (sic). I had written down -- I'm sorry, what is -- is  
7 that Exhibit 6 right there or Exhibit 7?

8 A 3.

9 Q No, no, no, on the red tag.

10 A Oh. 6.

11 Q 6. Exhibit 6. So 15599, 15163 are related to  
12 Exhibit 6.

13 A 15194.

14 Q Okay.

15 A 15247.

16 Q This is Exhibit 6 as well?

17 A I believe so based on the invoice.

18 Q Okay.

19 A 15561.

20 Q Hang on just a second. 15561 I'm writing on  
21 Exhibit 6.

22 A We left off on 15561, correct?

23 Q Yes, 15561. There are two copies of that in  
24 here I guess, right?

25 A And it looks like that's all.

1 Q Okay. Thank you. I'll take that back then.  
2 We can do another one. So that was Exhibit Number 6. If  
3 we could do the same thing for Exhibit Number 8.

4 HEARING OFFICER: Just for clarification,  
5 Mr. Cleary, are those invoice numbers that you  
6 read off, those are all related to Exhibit  
7 Number 6?

8 THE WITNESS: There's no way to tell.

9 HEARING OFFICER: Okay. In your estimate?

10 THE WITNESS: Yeah.

11 HEARING OFFICER: Okay.

12 THE WITNESS: Basically it says job,  
13 trifold brochures.

14 HEARING OFFICER: Okay.

15 THE WITNESS: I don't know how else to  
16 determine what goes with that.

17 HEARING OFFICER: Okay. Thank you.

18 A Want me to (unintelligible) foldover?

19 BY MR. TALBERT-SLAGLE:

20 Q I'm sorry -- I handed -- could you refresh my  
21 recollection on what exhibit?

22 A We're talking about 5 and/or 8.

23 Q The red one, so Exhibit Number 8 which was  
24 attached to the complaint as Exhibit Number 5.

25 A I believe that's 15687, job, Rob Sampson

1 foldover.

2 (Pause.)

3 Q 15687. So that was for \$3,000 roughly?

4 A Yes.

5 Q And that's Exhibit Number 8?

6 A Yeah, it's labeled Rob Sampson foldover on that  
7 invoice.

8 Q Okay. And you didn't see any others that  
9 related to that you don't think?

10 A Nothing that looked like that.

11 Q Okay. Thank you.

12 I'm handing you now what is State's exhibit --  
13 oh, we already did that one, number 6, correct?

14 State's exhibit -- let me make sure I have a  
15 copy of that. I don't know that we have done this one,  
16 State's Exhibit Number 7, which is a mailer.

17 A Yes, we have, sir.

18 Q We have?

19 A 156 --

20 Q Oh, I see that. Sorry. Thank you. Thank you  
21 very much. I appreciate it.

22 HEARING OFFICER: What was the invoice  
23 number for Exhibit Number 7?

24 MR. TALBERT-SLAGLE: 15636.

25 (Pause.)

1 BY MR. TALBERT-SLAGLE:

2 Q Okay. And as you said you went through an  
3 audit through the Commission's process, the audit  
4 process.

5 A Yes. And I have a copy of that if you'd like.

6 Q Actually what that -- but there were no  
7 significant findings in the audit so we have to get the  
8 records and you do a good job but I appreciate your  
9 assistance with this portion.

10 And you said when you -- as far as these  
11 expended or these mailers and things like that go, you  
12 didn't have input into the content of the mailers.

13 A Correct.

14 Q So it was just more you approved the --

15 A Meaning we ordered the flyers, we got flyers,  
16 we paid for flyers.

17 Q Did you look at the flyers before you wrote a  
18 check for them or approved the expenditure?

19 A No.

20 Q Okay.

21 A Sorry. Can I just amend that? These are my  
22 emails that I brought for the hearing today.

23 Q Okay.

24 A I was emailed copies of two mailings to ask for  
25 my input on aesthetics, but I didn't look at it for how

1 it applies to SEEC rules.

2 Q Okay.

3 A So that is proven meter (phonetic), your  
4 Exhibit 7.

5 Q This one?

6 A Yep.

7 MR. TALBERT-SLAGLE: If we could just go  
8 off the record for a second so I could review  
9 he emails that he brought as part of the  
10 subpoena?

11 HEARING OFFICER: Sure. We will go off  
12 the record for now. It is 11:20.

13 MR. TALBERT-SLAGLE: Okay.

14 HEARING OFFICER: We're off the record.  
15 (Off the record.)

16 HEARING OFFICER: 11:27. Mr. Cleary is on  
17 the stand.

18 MR. TALBERT-SLAGLE: Thank you.

19 BY MR. TALBERT-SLAGLE:

20 Q Thank you for the documents, Mr. Cleary. I  
21 gave you back your originals. I appreciate your  
22 complying with the subpoena. I just have another couple  
23 question for you that I want to go back to on those --  
24 the invoices.

25 To the best of your recollection, I realize



1 this was a little while ago, but do you have any reason  
2 to believe that the numbers, the breakdown -- strike  
3 that. Let me go back.

4 Let me give you -- you don't still have the  
5 exhibit, do you? You do. If you would turn to invoice  
6 number 15 -- 15599, that should be at the beginning.

7 Okay? Do you have that?

8 A Yeah.

9 Q Okay. So if you look down it says total cost,  
10 \$700, and then it says there's a breakdown, Rob Sampson,  
11 Joe Markley. Okay? Do you know how that breakdown was  
12 arrived at?

13 A To the best of my recollection it's broken down  
14 by how much of the mailing is attributable to Rob's  
15 campaign and how much of the piece was attributed to  
16 Joe's campaign.

17 Q Do you know what the formula was or who came up  
18 with that number?

19 A I don't know who came up with the number but it  
20 seems equitable.

21 Q Right.

22 A Based on what the mailer is.

23 Q Okay. But so did you have any input into the  
24 breakdown of that as far as who would pay how much?

25 A No.

1 Q Okay. Let me ask you another question. So to  
2 the best of your recollection or belief as you're sitting  
3 here today is there any -- given the amounts that are  
4 reflected on the invoices, is there any reason to  
5 believe that that's not what you paid? I mean you  
6 paid that amount based on what you got, the invoice you  
7 got.

8 A I would say yes.

9 Q Let me just ask you another question. I'm  
10 turning now to invoice number -- we can go to -- it's  
11 called credit memo. It's dated October 6, 2014 towards  
12 the middle of the packet. I think it's related also to  
13 the following invoice 15561.

14 A 15600. I see it.

15 Q Oh, yes, credit number 15600. Yes. It shows  
16 there that -- can you explain what this document is, what  
17 happened here?

18 A I believe one of the campaigns overpaid for one  
19 of the previous mailings and this is the vendor's attempt  
20 to catch up and apply it later on towards other mailings  
21 that were attributable.

22 Q Okay. Can you turn to invoice number 15561?

23 A Okay.

24 Q So what is the breakdown there? Could you just  
25 reflect what -- the breakdown for the Sampson Committee?

1           A     It looks based on check number 173 to be all  
2 Rob Sampson.

3           Q     173.

4           A     Right. By this. Check references invoice  
5 15561.

6           Q     Correct. I see it, I understand what you're  
7 saying, it's just my copy is maybe missing a page. So  
8 the Sampson Committee paid how much for this mailer?

9           A     744.45.

10          Q     Okay. I see it. 173, it's in a different  
11 place than the one you had. That's check number 173  
12 dated October 2nd, 2014?

13          A     Yes.

14          Q     Okay. And then the breakdown, if you then  
15 refer back to 15561, do you know who struck that out  
16 there or -- where 744.45 --

17          A     Not on my copy.

18          Q     15561?

19          A     Yes. That's not on my copy.

20          Q     No, there are two copies of that I think.

21          A     Oh, okay.

22          Q     Keep going through your -- it's right after the  
23 credit memo.

24          A     Okay. I see it now.

25          Q     Okay.

1           A     I don't know who struck that out. My guess  
2 would be the deputy treasurer who wrote the check.

3           Q     The deputy treasurer struck that out?

4           A     I don't know. I can't tell you who struck it  
5 out.

6           Q     Okay. So based on your recollection do you  
7 know if the Sampson Committee paid for the portion of  
8 that mailer that should have been attributed to the  
9 Markley Committee or --

10          A     So here's what I can see from these invoices.

11          Q     Correct. Okay.

12          A     The invoice first comes in 15561 in the amount  
13 of \$700 that's not split. Then the vendor sends a  
14 credit memo to us and reduces our cost and resends the  
15 invoice 15561. That must have been an error on the  
16 vendor's part.

17          Q     Okay. So then the --

18          A     Whereas you can see, what I can see this is  
19 struck out at 744.45, and somebody wrote 620. That is  
20 not -- I did not write 620.

21          Q     Okay. So I notice on the checks -- look at  
22 number 173. Is that your signature on the check?

23          A     No.

24          Q     Whose signature is that?

25          A     That seems to be Margaret Sampson, and she was

1 the deputy treasurer on the campaign.

2 Q Okay. So she would -- was it normal practice  
3 for her to issue the checks?

4 A Yes.

5 Q After your authorization?

6 A Yeah. She is more available during the day. I  
7 work during the day.

8 Q What do you do?

9 A At the time I worked for --

10 MR. CRONIN: Objection. Why is that  
11 relevant at all?

12 MR. SMITH: The witness just explained  
13 that he worked during the day --

14 MR. CRONIN: During the day.

15 MR. SMITH: -- as an explanation for why a  
16 deputy treasurer was authorizing checks. It's  
17 perfectly appropriate to know what the witness  
18 does as a profession.

19 MR. CRONIN: Why?

20 HEARING OFFICER: You can answer the  
21 question, Mr. Cleary.

22 A At the time of this I worked for Regional  
23 School District Number 6 as an accounts payable  
24 specialist.

25 HEARING OFFICER: Thank you.

1 MR. TALBERT-SLAGLE: Okay. All right. I  
2 don't think I have anything else.

3

4

CROSS EXAMINATION

5

BY MR. CRONIN:

6

Q Thank you for being here, Mr. Cleary. I know  
7 it wasn't your choice.

8

9 One question. When the joint mailers, the  
10 invoices that you received were essentially the exact  
11 same ones sent to the Markley campaign broken down?

12

A Yes. We got invoiced for our portion and they  
12 got invoiced for their portion.

13

14 Q And that's reflected on every one of those  
15 invoices where there was a joint expenditure.

16

A It seems to be, yes.

17

18 Q Okay. Any reason to dispute how they were  
19 broken down, the amounts to each campaign?

20

A Without looking at the mailers again, I don't  
20 think -- come up with a reason how -- why they'd be  
21 wrong.

22

Q Okay. Thank you.

23

MR. CRONIN: I have no further questions.

24

HEARING OFFICER: Thank you, Mr. Cleary.

25

Did you have any cross exam?

26

MR. SMITH: I do have a follow-up.

1 HEARING OFFICER: Okay.

2

3 REDIRECT EXAMINATION

4 BY MR. SMITH:

5 Q Attorney Cronin points out that you're not here  
6 by your choice, and you mentioned that you're here by  
7 subpoena?

8 A Yes.

9 Q Okay. Was that subpoena served on you -- by  
10 whom, do you know?

11 A Vin Messina, State Marshal, New Haven County.

12 Q Okay. So a State of Connecticut Marshal served  
13 legal process on you so you understood your requirements  
14 to be here today?

15 A And I am here.

16 Q Terrific. Thank you.

17 HEARING OFFICER: Anything else?

18 MR. CRONIN: As a courtesy could we excuse  
19 -- if there's no more questions for Mr. Cleary  
20 can he leave for the day?

21 HEARING OFFICER: Yeah. If no one has any  
22 other questions for Mr. Cleary. You're free to  
23 go, Mr. Cleary.

24 MR. TALBERT-SLAGLE: I have no more  
25 questions. Thank you for attending and

1 bringing your documents with you. Appreciate  
2 it.

3 MR. CRONIN: Thank you for your service as  
4 treasurer.

5 (Witness excused.)

6 MR. TALBERT-SLAGLE: Next the state would  
7 like to call Barbara Roberts.

8 (Pause.)

9 HEARING OFFICER: Ms. Roberts, how are  
10 you?

11 MS. ROBERTS: Nervous.

12  
13 BARBARA P. ROBERTS, called as a witness by  
14 the State of Connecticut, having been  
15 previously sworn by the Hearing Officer, was  
16 examined and testified under oath as follows:

17

18 DIRECT EXAMINATION

19 BY MR. TALBERT-SLAGLE:

20 Q Good morning.

21 A Hi.

22 Q It still is morning, right? Hi. Could you  
23 please state your name and address for the record?

24 A Barbara Roberts, Southington, Connecticut.

25 Q And what is your relationship to this case?



1 A I'm Joe's treasurer.

2 Q And a Respondent as well, correct?

3 A Yes.

4 Q How long have you been a treasurer?

5 A Since -- for Joe? 2010.

6 Q Just in general. Have you done things before  
7 that?

8 A Well, I've been in the county for -- since  
9 mid-'80s.

10 Q Oh, wow. Is that what you do for a profession?

11 A Yes.

12 Q Okay. And was this the -- have you ever served  
13 as a treasurer for any other candidate committee?

14 A Yes, in 2010, 2012 and 2014, and 2016 for Joe.

15 Q All for Mr. Markley?

16 A And 2018 for Rob.

17 Q Oh, okay. All right. Did you attend trainings  
18 as part of that?

19 A Yes.

20 Q How many trainings do you think you attended?

21 A At least one. Might have even been in the  
22 spring.

23 Q Very likely.

24 A And I was in contact with Andrew Cascudo who is  
25 our liaison.

1 Q Okay. Did you learn about making expenditures  
2 at the training?

3 A Yes.

4 Q Let me go through some documents. These have  
5 already been admitted as full exhibits but I just want to  
6 show you to have you reflect that you actually did  
7 execute these documents.

8 A Yes.

9 Q I'm showing you what's been previously admitted  
10 as State's Exhibit Number 17.

11 A Yep.

12 Q If you could just review that for a second?

13 A Certainly. Yep, that's my handwriting and I  
14 sent it.

15 Q Okay. So that's your signature?

16 A Yes.

17 Q And with executing that document what were you  
18 agreeing to do?

19 A To collect the money and file the SEEC reports  
20 and pay the bills.

21 Q Okay. That's a good summation.

22 A Keep track of everything.

23 Q Yep.

24 HEARING OFFICER: What's that entitled,  
25 Attorney, Exhibit Number 17?

1 MR. TALBERT-SLAGLE: Oh, Exhibit Number 17  
2 is the SEEC Form 1, which is a registration by  
3 a candidate committee. This is registering  
4 Joseph Markley's state senate candidate  
5 committee for district number 16.

6 HEARING OFFICER: Thank you.

7 BY MR. TALBERT-SLAGLE:

8 Q I'm also going to show you what's previously  
9 been admitted as State's Exhibit Number 19, which is SEEC  
10 Form CEP 10, which is the affidavit of intent to abide by  
11 expenditure limits and other Citizens' Election Program  
12 requirements. If you could just take a look at that for  
13 me and I'll ask you a couple of questions about it.  
14 Thank you.

15 A Sure. Yep, that's my signature.

16 Q Okay.

17 A Kathy Larkin notarized it.

18 Q Okay. So what, to the best of your  
19 understanding, what is the legal or what is that  
20 document, what does it do?

21 A It notifies me and I'm agreeing to abide by the  
22 rules of the program.

23 Q The Citizens' Election Program?

24 A Yes.

25 Q And how do you understand the Citizens'

1 Election Program to work?

2 A For a treasurer's point of view it's \$15,000 in  
3 in district donations and I really focus on the money,  
4 making sure that the forms are filled out properly,  
5 filing in a timely manner and paying the bills.

6 Q So in exchange of getting the grant money does  
7 the committee have any heightened expectations of things  
8 they have to do?

9 A I'm not sure what you mean. It's -- as far as  
10 the ongoing day-to-day of the campaign?

11 Q Well, let's just turn to where you signed it.

12 A Yep.

13 Q Okay? Page 3 of 4 I think it says up in the  
14 top corner.

15 A Um-hum.

16 Q So that's your initials on all of those  
17 numbered 1 through 7? So for example, number 5, do you  
18 see that?

19 A Yes.

20 Q Could you just review it -- pardon me if I'm  
21 wrong, but it says I'm required to comply the  
22 requirements of the program. What did you understand  
23 those requirements to be?

24 A From a treasurer's point of view basically  
25 maintaining the books and making sure the bills get paid.

1 Q Okay.

2 A And collecting the money and making sure the  
3 documents are presented and filed with the SEEC.

4 Q Okay. Ans as far as from your training your  
5 experience as a treasurer, are the requirements on a  
6 candidate participant, candidate committee participating  
7 in the Citizens' Election Program different from those  
8 for a non-participating candidate?

9 A Are they different?

10 Q Yes.

11 A Yes.

12 Q How are they different?

13 A As far as the money --

14 Q Well, as far as expenditures.

15 A Expenditures?

16 Q Yes.

17 A I don't know.

18 Q You don't know. Okay.

19 A I understand if you're not participating in  
20 this you can raise funds, you could raise funds pretty  
21 much anywhere you want and --

22 Q It's not quite like that.

23 A Oh, okay.

24 Q It is a little more liberal though than the --  
25 I understand. So you understand that there are some

1 additional requirements but just to list them all it's a  
2 little -- it would be hard.

3 A Right.

4 Q I understand that. Okay. But you do confirm  
5 that that is your signature on this.

6 A Yes.

7 Q Okay. I can have that back.

8 I'm now handing you what's been previously  
9 admitted as State's Exhibit Number 20. If you could just  
10 review that for a second and I'll ask you a couple  
11 questions about it.

12 A Okay.

13 Q That is the SEEC Form CEP 10, the Connecticut  
14 Citizens' Election Program application for a grant.

15 A 15.

16 Q Did I say 10? 15. Sorry. The grant  
17 application.

18 A Yep.

19 Q I apologize.  
20 So did you sign this document?

21 A Yes.

22 Q And is that your initials there on page --

23 A Yes.

24 Q -- 5 of 7?

25 A Yes.

1 Q And it goes on for several pages. So it begins  
2 on page 4 and goes through page 5, correct?

3 A Yes.

4 Q What did you understand you were doing when you  
5 executed this document?

6 A Agreeing to the rules and regulations of the  
7 SEEC.

8 Q Okay. And did this -- how does this differ in  
9 your understanding from the SEEC Form CEP 10?

10 A I'm not sure there's very much of a difference.

11 Q Okay.

12 A This is accepting and the other one is  
13 intending to abide.

14 Q Okay, okay.

15 A This is to accept different --

16 Q (Unintelligible.) Okay. But did you -- so did  
17 you read all these and acknowledge them?

18 A Yes. Probably not word for word at the time.

19 Q Okay.

20 A I have a general understanding of the program  
21 and the grant and what the funds are for.

22 Q Okay. But you do acknowledge that you --

23 A Yes.

24 Q -- executed this document. Okay.

25 (Pause.)

1 Q So that was the application for a grant. Did  
2 the Markley Committee receive a grant in 2014?

3 A Yes.

4 Q Do you recall how much grant money the  
5 committee received?

6 A It's approximately \$95,000.

7 Q So that's total with the --

8 A Plus the 15.

9 Q Okay. All right. I'm going to show you -- you  
10 haven't seen this document before but this may refresh  
11 your recollection as far as -- this is an internal  
12 document that we use to create the grant payment, so --

13 HEARING OFFICER: Is there an exhibit  
14 number to that?

15 MR. TALBERT-SLAGLE: It's number 22 I  
16 guess -- 21, which is the grant worksheet. And  
17 I acknowledge that she hasn't seen that before,  
18 but I'm just --

19 A Oh, okay. This is the penny confirmation. We  
20 give them the bank account --

21 BY MR. TALBERT-SLAGLE:

22 Q Right.

23 A And they deposit a penny or two cents or four  
24 cents and I email back --

25 Q To make sure you got it?



1 A -- the date and time and then they direct  
2 deposit the grant.

3 Q Okay. Is there anything on there that reflects  
4 how much grant money the Markley Committee actually  
5 received?

6 A Oh, 56, I'm sorry. We ran on a post. Sorry  
7 about that.

8 Q Okay.

9 A Forgot. When there's no major (unintelligible)  
10 opposition the grant is reduced.

11 Q Okay. Correct. I'm not trying to catch you.  
12 I just want to make the record clear.

13 A No, nope. Oh, there it is, 94,690. That's the  
14 -- okay. 60 percent of that.

15 Q Yes, correct. So just for the record then it  
16 would be accurate to say that you acknowledged that the  
17 committee received a grant of \$56,214?

18 A Yes.

19 Q Okay. Thank you. On or about October the 10th  
20 or -- well, you probably don't need (unintelligible).  
21 But if the record shows that you would have no reason to  
22 disagree.

23 A Yes.

24 Q Okay.

25 A And all the bank statements, and we did go

1 through an audit in 2014, so all those records are with  
2 the SEEC.

3 Q Okay. And 2016?

4 A And 2016.

5 Q Yes, correct. And what did the -- what was the  
6 outcome of the audit?

7 A We passed.

8 Q So no significant findings?

9 A No.

10 Q Okay. Just a second. I'm sorry.

11 Do you recall if you returned money to the  
12 Citizens' Election Fund?

13 A We did. I believe every year we've -- give I  
14 think it was a thousand back.

15 Q I'm trying to find my exhibit that I had for  
16 Mr. Cleary earlier. Oh, do you have it?

17 A No.

18 MR. TALBERT-SLAGLE: I just need the  
19 receipts that I was going through with him. I  
20 wanted to get (unintelligible.)

21 (Pause.)

22 BY MR. TALBERT-SLAGLE:

23 Q All right. This has been previously marked as

24 --

25 A Yes.

1 Q -- an exhibit. So if you could just take a  
2 look at that.

3 HEARING OFFICER: Which exhibit number is  
4 that?

5 MR. TALBERT-SLAGLE: Exhibit Number 13.  
6 It's a list of --

7 HEARING OFFICER: Receipts and invoices?

8 MR. TALBERT-SLAGLE: -- receipts and  
9 invoices.

10 BY MR. TALBERT-SLAGLE:

11 Q Did you supply that to the Commission, or do  
12 you know where that came from?

13 A Yes. I believe so.

14 Q You supplied it to them?

15 A Yes.

16 Q Okay. So just turning to an exhibit number --  
17 to invoice number -- I'm sorry. Invoice number 15163.

18 A Yes.

19 Q Okay. So there the total cost -- I'm just  
20 going to reflect this for you, it says it's 375, correct,  
21 for that mailer? Or what --

22 A This says 332?

23 Q Okay.

24 A Is that the one you're looking at?

25 Q Yes, but if you look in the middle of it, the

1 middle --

2 A Yep.

3 Q It's in the middle column.

4 A Yep.

5 Q So what does it reflect there, to the best of  
6 your understanding? Yes.

7 A I'm not sure what the 375 means -- oh, that's  
8 the gross without the tax.

9 Q Okay. Okay. And then -- so is there a  
10 breakdown, that's a breakdown?

11 A Yep. Rob Sampson, 312.50 and Joe Markley,  
12 62.50.

13 Q Okay. Do you know how that you arrived at that  
14 breakdown?

15 A No.

16 Q How would it normally work when you would get a  
17 bill? How would you -- do you --

18 A Accurate I believe was good about billing us  
19 separately because they knew that we would need separate  
20 bills.

21 Q Okay.

22 A So in this case it looks like Rob took most of  
23 them.

24 Q Okay.

25 A And Joe's portion of or Rob's portion of

1 Southington was a small piece, so we probably targeted  
2 that small piece of Southington.

3 Q Okay. But how did you -- so you would receive  
4 a bill and then you would execute a check to pay it?

5 A Yes.

6 Q Would you --

7 A Well, I would consult with whoever gave me the  
8 bill. Sometimes I would call them, make sure we got the  
9 product.

10 Q Okay. Did you ever question about the  
11 breakdown or --

12 A No.

13 Q But did you suggest that number to them, the  
14 breakdown number?

15 A I don't believe so.

16 Q Okay. But as far as you know do you know how  
17 that number was arrived at?

18 A Like I said, I believe it was based on the  
19 number of pieces that Joe would get and the number of  
20 pieces Rob would get.

21 Q Okay. All right. Just a second.

22 (Pause.)

23 Q Okay.

24 A Oh, I'm sorry.

25 Q No, that's okay. I was just -- I'm just --

1 A Oh, you want these back?

2 Q -- want them back. Yeah. Thank you.

3 Did you bring any documents with you according  
4 to -- because you were subpoenaed, did you --

5 A Yes. No.

6 Q You didn't bring any documents?

7 A No.

8 Q You just didn't have any that were responsive  
9 to the --

10 A I just assumed you got everything that was  
11 sent.

12 Q Well, you have a stack of documents there.  
13 What are those?

14 A Yes, these are just what you had.

15 Q The exhibits.

16 A Yeah.

17 Q Okay. So you didn't bring any additional  
18 documents with you, any emails or anything like that.

19 A No, because the emails were all sent, and I  
20 just figured they were part of the exhibits.

21 Q Okay.

22 A And entered into the exhibits.

23 Q Okay.

24 MR. TALBERT-SLAGLE: I don't think I have  
25 anything further at this time.

1 HEARING OFFICER: Okay.

2 Attorney Cronin, do you have any  
3 questions?

4 MR. CRONIN: No. Thank you. Again, as a  
5 courtesy can we excuse her for the rest of the  
6 day?

7 HEARING OFFICER: No, absolutely.

8 MR. TALBERT-SLAGLE: Well, I would just  
9 object to that because she is a Respondent to  
10 the matter.

11 HEARING OFFICER: Oh, okay, yeah.

12 Yeah, you might want to stick around.  
13 She's a Respondent and is just not a witness.

14 MR. CRONIN: She's a Respondent  
15 represented by counsel and I'm here  
16 representing her interests.

17 MR. TALBERT-SLAGLE: I have no reason to  
18 retain her as a witness but so if I have no  
19 reason to, under the subpoena, to hold her here  
20 but, you know, she is a Respondent so she might  
21 want to stay but if she has other places to be  
22 I certainly understand. So it's up to her.

23 So I would think that, I would take Mr.  
24 Cronin's advice that he is your attorney and he  
25 can represent you here in this matter. So I

1 have no reason to hold her.

2 HEARING OFFICER: Procedurally there are I  
3 believe a number of different witnesses that  
4 may still testify and exhibits that may still  
5 be admitted into evidence. There may be a  
6 point where someone may want to recall you as a  
7 witness based on something that hasn't yet been  
8 submitted. So I mean we could obviously  
9 contact you through counsel but there's a  
10 chance that you may have to be called back,  
11 there's a chance you may not have to be called  
12 back.

13 MS. ROBERTS: Would it be today or  
14 tomorrow or is this -- am I --

15 HEARING OFFICER: Hopefully today. You  
16 know, but it depends on how they present their  
17 cases.

18 MS. ROBERTS: Okay.

19 HEARING OFFICER: And I don't know how  
20 they're going to present their cases. So just  
21 to let you know you may be called back. You  
22 were subpoenaed here so you would still be  
23 under a subpoena for I believe the next 30 days  
24 or so.

25 MS. ROBERTS: Okay.



1 HEARING OFFICER: Okay. Thank you.

2 (Pause.)

3 HEARING OFFICER: Attorney Cronin?

4 MR. CRONIN: Yes.

5 HEARING OFFICER: I think we're going to  
6 get ready to call another witness.

7 MR. CRONIN: That's fine.

8 HEARING OFFICER: Okay. I'm not going to  
9 leave the room.

10 HEARING OFFICER: Okay.

11 MR. TALBERT-SLAGLE: I was going to call  
12 Mr. Markley so I'd like for him to come in.

13 MR. CRONIN: Okay. He did leave the room.

14 MR. TALBERT-SLAGLE: Indeed. That's okay  
15 though.

16 HEARING OFFICER: Was it Mr. Markley? Is  
17 that who you're calling?

18 MR. TALBERT-SLAGLE: Yes, I was going to  
19 call him next.

20 (Pause.)

21 MR. CRONIN: I remind you you're under  
22 subpoena.

23 MR. MARKLEY: Yes.

24 MR. TALBERT-SLAGLE: If you could -- I was  
25 going to call you as a witness. If you could

1 just move over to the witness seat there I  
2 would appreciate it.

3  
4 JOSEPH C. MARKLEY, called as a witness by  
5 the State of Connecticut, having been  
6 previously sworn by the Hearing Officer, was  
7 examined and testified under oath as follows:

8 DIRECT EXAMINATION

9 BY MR. TALBERT-SLAGLE:

10 Q I have two minutes left, so good morning.

11 A Good morning to you.

12 Q If you could just state your name and address  
13 for the record.

14 A Joe Markley, 47 Elm Street, Plantsville,  
15 Connecticut.

16 Q Okay. And you're a Respondent in this matter?

17 A Yes, I am.

18 Q Okay. And you have run for office obviously.

19 A Yes.

20 Q Could you give us a little background on your  
21 political experience or --

22 A I served on the Southington Library Board from  
23 1981 to 1985. I was a state senator from '85 to '87,  
24 went back on the library board for a couple of years, and  
25 I was then reelected to the senate in 2010 and have been

1 reelected three times subsequently.

2 Q Okay. So just for clarity sake, you've been a  
3 state senator from '85 to '87?

4 A Yes.

5 Q So you were elected in 1984?

6 A In '84 and defeated in '86.

7 Q Okay. And then you since 2010, you've been  
8 elected in '12, '14 and '16, correct?

9 A Correct.

10 Q So -- and the library board did not involve the  
11 Connecticut campaign finance statutes, you didn't have to  
12 run for an office and file a candidate committee, did  
13 you?

14 A No, there was no expenditure. It was through  
15 the town committee if there was anything on my behalf.

16 Q So it was like a slate committee that you were  
17 drawn on?

18 A Um-hum.

19 Q Do you recall when you ran for those offices  
20 were you subject to Connecticut campaign financing laws?

21 A Certainly in '84.

22 Q Right, I know. I meant for the library board.

23 A The town committee made all the expenditures  
24 and certainly the town committee was subject to them.

25 Q But so in 1984 and since 2010 you formed

1 candidate committees and have been subject to Chapter 155  
2 and 157, correct?

3 A Yes. I would say --

4 Q Or Chapter 155 --

5 A -- yes, and I think I was subject to them both  
6 in '84 and '86 when I was not participating in the public  
7 finance committee program just as I was in the four times  
8 that I have.

9 Q Right. Because it didn't exist.

10 A That's right, it didn't exist. But the law  
11 existed.

12 Q Right, but not as it exists now.

13 I'm going to go through some of the same things  
14 that I went through with other people. This is State's  
15 Exhibit Number 19, the SEEC -- I'm sorry, strike that.

16 I want to start with your registration form.  
17 Okay. So I'm showing you what's been marked as or  
18 admitted as State's Exhibit Number 17, SEEC Form 1,  
19 registration by candidate. If you'd just take a look at  
20 that for me.

21 (Pause.)

22 A Yes, that's certainly my signature.

23 Q And what is that -- what were you doing when  
24 you executed that document?

25 A Registering my candidate committee.

1 Q Okay. In 2014, correct?

2 A In 2014, yes.

3 Q Okay. Thank you. I'm going to show you next  
4 what's been previously admitted as State's Exhibit Number  
5 19, SEEC Form 10. If you could just take a look at that  
6 for me and I'll ask you a couple of questions about it.

7 (Pause.)

8 A Yes. Certainly I signed this as well.

9 Q Okay. And are those your initials as well?

10 A Yes.

11 Q When you executed this document what did you  
12 understand were the legal ramifications or what were you  
13 doing when you executed this document?

14 A That I would abide by applicable statutes and  
15 regulations and not necessarily by advisory opinions.

16 Q Okay. So that's what you -- at the time you  
17 signed this you thought that I'm not going abide by  
18 advisory opinions.

19 A I did not think that -- I did not think that at  
20 the time but I would said it was specific to regulations  
21 and to statutes and declaratory rulings.

22 Q Okay. In addition -- just a second. So as a  
23 -- hang on just a second.

24 (Pause.)

25 Q So from your understanding of the Citizens'

1 Election Program do participating candidates have  
2 different requirements than nonparticipating candidates?

3 A No, not in terms of the statutes and  
4 regulations which apply to all candidates in terms of  
5 distribution of funds along the lines of what you're  
6 talking about. We have to file additional things in  
7 terms of the financial side that you wouldn't otherwise  
8 have to file. But it's not my understanding that the  
9 statutes about sharing of expenditures with other  
10 candidates are any different under the Citizens' Election  
11 Program than they are for others.

12 Q And upon what do you base that belief?

13 A On the statute as I understand it.

14 Q Okay. Okay, I can have that document back and  
15 I'll show you the next one.

16 This is State's Exhibit 20 which has been  
17 previously admitted. It's SEEC Form CEP 15, it's the  
18 application for public grant dollars.

19 A Yes, I certainly signed and initialed this as  
20 well.

21 Q Okay. When you executed this document did you  
22 understand that you would be responsible for paying any  
23 impermissible expenditures made by your candidate  
24 committee?

25 A Yes.

1 Q Could you define for me a participating  
2 candidate committee?

3 A Participating in the Citizens' Election Program  
4 is going through that registration process and raising  
5 money and being given a grant subject to the rules of the  
6 committee.

7 Q What is a qualified candidate committee to the  
8 best of your knowledge?

9 A As opposed to a participating candidate  
10 committee?

11 Q Yes.

12 A I don't know the difference.

13 Q Okay. And as far as regulations that apply to  
14 candidate committees who've received a grant, are you  
15 aware of any regulations that apply to those candidate  
16 committees?

17 A They have to abide by the same rules as any --  
18 by the same statutes as any candidate committee as I  
19 understand it.

20 Q So your testimony today is as you understand it  
21 the expenditure requirements are the same for  
22 participating candidate committees/qualified candidate  
23 committees as well as nonparticipant candidate  
24 committees.

25 A I will go back since you asked me about my

1 experience in 1984 and '86 when I was not participating  
2 in the Citizens' Election Program. One of the first  
3 examples I had of the need to report shared expenses was  
4 my fellow Republican senate candidate in Waterbury who  
5 made a mention of my candidacy and that of the other  
6 Republicans from the Legislature at that time and had to  
7 make reimbursements to our campaigns.

8           So it's always been my understanding that if  
9 you make mentions of other candidates in a way that would  
10 promote them, whether you're part of the Citizens'  
11 Election Committee or not, that you are responsible to  
12 share those expenses. And that the fact of participating  
13 in the Citizens' Election Committee doesn't change the  
14 fact that you have to properly share expenses.

15           Q     So from your understanding the Citizens'  
16 Election Program imposes no additional requirements on  
17 those candidates who receive money from the Citizens'  
18 Election Fund.

19           A     It seems to me that it asks you to swear  
20 additionally that you will abide by the rules, but the  
21 rules would still be the same.

22           Q     What is the distinction from the best of -- you  
23 have been a senator now for eight years, correct, total?

24           A     I guess nine years total, yeah.

25           Q     And you're familiar with the different chapters



1 of the General Statutes?

2 A I'm familiar with a few chapters.

3 Q Okay. Are you familiar with the campaign  
4 finance statutes?

5 A Not in great detail, no.

6 Q Are you familiar with Chapter 155?

7 A Certainly not off the top of my head, sir.

8 Q Okay. And you're not an attorney.

9 A No.

10 Q What is your profession or training?

11 A I'm an English teacher as much as anything.

12 Q Okay. So you spoke about when you were a  
13 nonparticipating candidate in 1984. You've been a  
14 participating candidate since then?

15 A Yes, in 2010, and '12, '14, '16, '18.

16 Q And have you applied for a grant in all those  
17 years?

18 A Yes, I have.

19 Q And received a grant?

20 A Yes.

21 Q Why do you participate in the Citizens'  
22 Election Program?

23 A As a practical matter I think the rules make it  
24 very difficult to wage a successful campaign in  
25 Connecticut for the Legislature without participating in

1 it. It would put you at a substantial disadvantage to go  
2 outside of it.

3 Q From the fund raising side I guess?

4 A Yes.

5 Q I assume.

6 (Pause.)

7 Q So in 2014 you faced -- who was your opponent  
8 in that election?

9 A The only opponent on the ballot against me was  
10 Chris Robertson who was on the Working Families party.

11 Q Okay. And did you -- you didn't receive a full  
12 grant that year.

13 A That's right because the grant's reduced if you  
14 have only a minor party opponent.

15 Q Did you return money to the Citizens' Election  
16 Fund at the end of the campaign?

17 A Yes.

18 Q Do you recall how much you returned?

19 A I think it was more than my treasurer recalls.  
20 I think it was -- I think it was several thousand dollars  
21 but I don't -- I know it's a matter of record and I'm  
22 probably not the best source of the answer.

23 Q Okay.

24 MR. TALBERT-SLAGLE: I don't think I have  
25 any more at this time. I would as a precursor

1 state that the cross should be limited to the  
2 direct just as a preliminary --

3 HEARING OFFICER: Attorney Cronin, do you  
4 have any cross examination for Mr. Markley?

5

6 CROSS EXAMINATION

7 BY MR. CRONIN:

8 Q You being an English teacher as much as  
9 anything, you understand that words have meanings. You  
10 already stated that when you agreed to abide by the  
11 Citizens' Election Program and the statutes and the  
12 regulations and the declaratory rulings, you brought up  
13 the fact that advisory opinions weren't included.

14 A Yes.

15 Q Do you feel that by leaving those out that  
16 you're not -- that you don't have to abide by an advisory  
17 opinion?

18 A I would say that -- let's say as an English  
19 teacher you say those two words, advisory and opinion,  
20 could not be more delicate in the nudge that they give  
21 you. And I think that I would look at it seriously and  
22 consider the advice and weigh the opinion and then make a  
23 decision myself on what I believe the statute and the  
24 regulation requires.

25 Q Okay.

1 MR. CRONIN: Nothing further.

2 HEARING OFFICER: Jaime, did you have any  
3 further questions?

4 MR. TALBERT-SLAGLE: Not at this time but  
5 I would ask him to be subject to recall  
6 potentially.

7 HEARING OFFICER: Sure.

8 THE WITNESS: I'll stay here.

9 HEARING OFFICER: Thank you, Mr. Markley.

10 At his point before we get into the next  
11 witness I think we're going to probably take at  
12 least a one-hour break --

13 MR. TALBERT-SLAGLE: Okay.

14 HEARING OFFICER: -- for lunch. We'll  
15 come back about -- it's about 12:15 right now,  
16 we'll come back at 1:15.

17 MR. CRONIN: That's fine.

18 HEARING OFFICER: We'll carry on from  
19 there.

20 MR. TALBERT-SLAGLE: Sounds good.

21 HEARING OFFICER: Thank you.

22 (Lunch recess.)

23 HEARING OFFICER: The state had just  
24 finished up with Mr. Markley?

25 MR. TALBERT-SLAGLE: Correct.

1 HEARING OFFICER: Okay. Just to let the  
2 participants here know I plan on going from now  
3 until 3:00 o'clock. If we can finish before  
4 that that's fine. If you need time after that  
5 that's fine too. We can continue the matter  
6 after 3:00 to another day that's convenient for  
7 all parties. Okay?

8 Jaime, got your witness?

9 MR. TALBERT-SLAGLE: Mr. Sampson.

10 HEARING OFFICER: Mr. Sampson, Robert?  
11

12 ROBERT C. SAMPSON, called as a witness by  
13 the State of Connecticut, having been  
14 previously sworn by the Hearing Officer, was  
15 examined and testified under oath as follows:  
16

17 DIRECT EXAMINATION

18 BY MR. TALBERT-SLAGLE:

19 Q Good afternoon.

20 A Good afternoon.

21 Q Would you please state your name and address  
22 for the record?

23 A My name is Rob Sampson, I live at 276 Bound  
24 Line Road, Wolcott, Connecticut.

25 Q Okay. And you have been a candidate for

1 election in the State of Connecticut?

2 A Yes.

3 Q How many times have you run for office?

4 A I ran the very first time in 2010 and was  
5 elected -- started my service in 2011 and I've been  
6 reelected three times subsequently.

7 Q Had you ever served in any elected office  
8 before then?

9 A I did not.

10 Q And you were a candidate in 2014.

11 A Yes.

12 Q Okay. I'm going to hand you what's been  
13 previously admitted as State's Exhibit 25. Just take a  
14 look at that. So that you confirm that that's your  
15 signature?

16 A Yes, I remember signing it.

17 Q And what is that document?

18 A It looks like an SEEC Form 1 and 1A,  
19 registration of candidate.

20 Q And so that's -- what does that document do?

21 A It looks like I'm confirming my identity and  
22 willingness to participate as a candidate for public  
23 office.

24 Q Okay. All right. I just wanted to confirm  
25 that was yours. Thank you.

1 I'm showing you now what's been previously  
2 marked, admitted as State's Exhibit 27. If you could  
3 just take a look at that.

4 (Pause.)

5 Q Do you recognize that document?

6 A Yep. It's my handwriting on the front page.

7 Q So I think it's a CEP 10 affidavit of intent to  
8 abide by the Citizens' Election Program rules. Did you  
9 execute that document?

10 A My signature and initials are here.

11 Q And what's the date on that?

12 A January 20<sup>th</sup> of 2014.

13 Q Okay. And do you recognize those as your  
14 initials there? Is that the way you initial documents?

15 A Yes.

16 Q Okay. Specifically I'd ask you to look at --  
17 well, what did you understand that document to be doing  
18 when you executed it?

19 A I'm sure I read it thoroughly at the time but I  
20 don't recall right now unless I read it again.

21 Q But as far as your understanding just looking  
22 at it now what does that document do?

23 A It says it's a candidate certification and from  
24 listening to the conversation it sounds like this is  
25 where you certify that you're going to follow the rules

1 that the SEEC puts forth and obey the law.

2 Q Specifically I'd ask you to look at number 2.  
3 Did you initial that?

4 A Yes.

5 Q And what does that require?

6 A It says that I certify that my candidate  
7 committee will expend money received from the Citizens'  
8 Election Fund in accordance with provisions in Statute 9-  
9 607g, and with regulations adopted by SEEC.

10 Q And does it go on from there?

11 A It says that I am personally liable and must  
12 repay to the Citizens' Election Fund any monies that are  
13 not expended in accordance with the same statutes.

14 Q Okay. Do you recall executing that?

15 A Yes.

16 Q Okay. Thank you.

17 I'm going to hand you what's been previously  
18 admitted as State's Exhibit 28. If you could just look  
19 at that for me. That is the SEEC Form CEP 15, grant  
20 application form just for the record.

21 A Yep.

22 Q Do you recognize that document?

23 A Yep.

24 Q And what do you recognize it to be?

25 A As you just stated it's an application for a



1 public grant dollars.

2 Q And what is the purpose of that document from  
3 your understanding?

4 A I assume this is the paperwork that our  
5 candidate committee submitted once we had reached the  
6 threshold of the number of donors and contributors to our  
7 campaign to apply from the grant, from the Citizens'  
8 Election Program.

9 Q Okay. And once again, could I ask you to look  
10 at number 2 and see if that's your initial there?

11 A Yep, my initials are on here.

12 Q And if you could read that over and tell me  
13 what effect that has.

14 A As state advised Senator Markley, same thing.  
15 It says that I am required to read, understand and comply  
16 with the requirements of the program, statutes,  
17 regulations and declaratory rulings.

18 Q And does it go on from there?

19 A It says that if I fail to abide by the  
20 requirements of the applicable statutes and regulations  
21 relating to the program I may -- this may result in  
22 penalties from SEEC.

23 Q Okay. And did you understand that when you  
24 executed that document?

25 A Yes. It's in perfect English and I've always

1 felt it was my obligation to obey the law whether it's  
2 written on the paper in front of me or not.

3 Q Okay. Thank you. Can I have that back?

4 So your candidate committee applied for a  
5 grant. Do you recall if you received a grant?

6 A Yes.

7 Q Do you recall how much of a grant you received?

8 A I would only be guessing. I know that the  
9 total amount that we have to spend as a candidate for  
10 state representative if you are participating in a  
11 program is around 30,000.

12 Q Okay.

13 A So we raised 5,000 give or take, although I  
14 think we raised substantially more than that, so the  
15 grant would have been reduced by the amount over 5,000.  
16 I don't know. I'd say somewhere around 25,000.

17 Q Okay.

18 A Is that accurate?

19 Q Yeah. I can show you documents but, you know,  
20 they're already in the record so it's not necessary. But  
21 your close. But anyway, it's about 27,000 I think so --  
22 it went up, inflation.

23 So are there any differences between the  
24 requirements that apply to a participating candidate  
25 committee and a nonparticipating candidate committee?

1           A     My understanding of the statute, 9-607b I  
2 believe it is, is that you are limited in what you can  
3 spend on your campaign to things that are for the benefit  
4 of your nomination or election, and I imagine the law  
5 exists to prevent you from raising money and then  
6 spending it on a beach house somewhere. And I think  
7 that's pretty much understood by all candidates that if  
8 you're going to, you know, be receiving money for your  
9 campaign you have to spend it on your campaign.

10           Q     Um-hum.

11           A     I understand that there are regulations that  
12 pertain to the Citizens' Election Program also, but I  
13 don't see that that say anything contrary to that.

14           Q     Do they add any additional requirements?

15           A     We can certainly read the statute.

16           Q     You and I?

17           A     For the regulation, yes.

18           Q     That's okay. I'm just asking from your  
19 personal knowledge. Do you know if there are any  
20 additional requirements placed upon the participating  
21 candidates?

22           A     I have it in front of me. I can read it for  
23 you if you like.

24           Q     That's okay. I don't need you to read it. I'm  
25 just asking you to reflect from your personal knowledge.

1           A     Yeah, it says more or less the same thing as  
2 the underlying statute that applies to everyone, which is  
3 that you need to spend the money on your campaign.

4           Q     Okay. Are you familiar with the distinction  
5 between a participating candidate and a qualified  
6 candidate to mean?

7           A     My guess would be that a qualified candidate  
8 would be someone who's already surpassed the threshold  
9 and received a grant. But that's only a guess.

10          Q     So you said you were first elected in 2010,  
11 correct?

12          A     Yes.

13          Q     And in all that time have you participated in  
14 the Citizens' Election Program?

15          A     Yes.

16          Q     Okay. So did you bring any documentation with  
17 you today in addition to what we already had?

18          A     Okay the mail items and (unintelligible).

19          Q     Okay. And we already have those and so I  
20 appreciate you bringing those for us.

21          A     Sure.

22          Q     On the mail it states that you had reviewed and  
23 approved all those mailers. Did you actually review and  
24 approve them?

25          A     Yeah. I designed them all personally.

1 Q Okay. So you --

2 A The only exception is the letter that was sent  
3 by Senator Markley --

4 Q Oh, okay.

5 A -- which I certainly consulted on and approved,  
6 but he wrote the letter.

7 Q Okay. So that was mostly Senator Markley and  
8 the rest you designed primarily.

9 A That's correct, yeah. And in fact many of  
10 those mailers I had designed in 2012 and I just updated  
11 what was necessary to make them worthwhile again for  
12 2014.

13 Q Okay.

14 A (Unintelligible) language, et cetera.

15 Q All right.

16 MR. TALBERT-SLAGLE: I don't think I have  
17 anything else at this time.

18 MR. CRONIN: Okay. Again, limited to the  
19 direct?

20 MR. TALBERT-SLAGLE: Yeah.

21 MR. CRONIN: Nothing further.

22 (Witness excused.)

23 MR. TALBERT-SLAGLE: I think we have no  
24 further witnesses at this time. Although we  
25 didn't -- would like to eventually -- could I

1 just recall Senator Markley at this time? I  
2 forgot to ask him a couple of things this  
3 morning.

4 HEARING OFFICER: Sure. He's still under  
5 subpoena.

6  
7 JOSEPH C. MARKLEY, recalled as a witness,  
8 testified further under oath as follows:

9  
10 REDIRECT EXAMINATION

11 BY MR. TALBERT-SLAGLE:

12 Q Good afternoon. Hope you had a nice lunch.

13 A Taco Thursday.

14 Q Isn't that Tuesdays? I thought that was  
15 Tuesdays?

16 A Nope. Not in the LLB.

17 Q Okay. I just wanted to go back over with you  
18 like I did with Representative Sampson just to specify a  
19 couple of things. This is the SEEC Form 10 which is  
20 State's Exhibit Number 19. If you could just turn to  
21 number 2, is that where your initial is?

22 A Yes.

23 Q Is that your initial next to number 2?

24 A It is.

25 Q If you could just read over that.

1           A     Yes.  It certainly is -- to my mind it's  
2 similar to 5 --

3           Q     Right.

4           A     -- to say that I have to obey the laws as  
5 Representative Sampson said and that I'm liable if I  
6 don't.

7           Q     Right.  You're personally liable for things,  
8 yes.  Okay.  And so you acknowledge that that's your --  
9 you executed that and you accept that?

10          A     Yes, I did.

11          Q     Okay.  I'm going to also give you what's been  
12 previously admitted as State's Exhibit Number 20.  I do  
13 apologize for recalling you, but I just didn't get that  
14 one in there that I wanted to get so I appreciate you  
15 coming back.

16                   Number 2, do you recall that one?

17          A     I certainly signed it.  I don't recall my  
18 reaction to it at the moment but I'm sure that it's --  
19 again, like number 5.  All of this sheet to my mind  
20 obliges me to obey the (unintelligible) law, to be  
21 liable.

22          Q     All right.  So you acknowledge that you  
23 executed that and you understood that you agreed that you  
24 took on some additional liability as far as the --  
25 personally liable for some things that --

1           A     Yes, personal liability -- again, I don't know  
2     that it's additional liability.

3           Q     Okay. Thank you. That's just it. I just  
4     wanted to complete the record.

5                     HEARING OFFICER: Okay.

6                     MR. TALBERT-SLAGLE: Thank you, Mr.  
7     Hearing Officer. I appreciate your  
8     indulgence.

9                     HEARING OFFICER: Attorney Cronin, do you  
10    have any questions for Mr. Markley?

11                    MR. CRONIN: Not on cross but if I'm now  
12    going to start calling my own witnesses he may  
13    as well stay right there and I'll start with  
14    him.

15                    HEARING OFFICER: Are you finished with  
16    all your witnesses? Are you resting your  
17    case?

18                    MR. TALBERT-SLAGLE: Finished, yeah but --  
19    yeah, with potential to recall afterwards, but  
20    yes.

21                    HEARING OFFICER: Okay.

22                    Attorney Cronin?

23                    (Pause.)

24

25                    JOSEPH C. MARKLEY, called as a witness by



1 the Respondents, testified further under oath  
2 as follows:

3  
4 DIRECT EXAMINATION

5 BY MR. CRONIN:

6 Q Good afternoon, Senator.

7 A Good afternoon.

8 Q We were discussing a number of ads. I think  
9 there were two that you and Representative Sampson  
10 jointly put out during this cycle. I'm going to show you  
11 one of them that's already marked State's Exhibit 5,  
12 which is a joint mailer.

13 A Yes.

14 Q Can you tell me who designed that ad?

15 A Representative Sampson did all the graphics on  
16 it and I believe -- I practically can specifically  
17 remember sitting over his shoulder going through it with  
18 him. The text was something that we worked out together.

19 Q Okay. It's a lot of text.

20 A Yeah. It always is on my pieces.

21 Q Did you both sign off on that particular ad?

22 A Yes, we certainly did.

23 Q Okay. And your campaigns jointly funded this  
24 to the best of your recollection.

25 A I'm sure we did.

1 Q Okay. You gentlemen have run together numerous  
2 times, you've done joint expenditures in the past?

3 A Yes, we have. Not in 2010 I don't believe, but  
4 certainly in 2012, '14, '16 we did.

5 Q If you ever had a question as to how to  
6 disburse or break up those joint communications, how  
7 would you proceed?

8 A We would go to the State Elections Enforcement  
9 Commission and show them the piece and explain to them  
10 what we were doing and ask them to tell us how to divide  
11 it up.

12 Q So that's occurred in the past, you've asked  
13 SEEC guidance?

14 A yes.

15 Q Okay. Do you recall if there was a complaint  
16 filed in 2014 about your joint expenditures?

17 A There was.

18 Q And do you recall what the outcome of that  
19 complaint was?

20 A I think it was dismissed.

21 Q Okay. There was another John Mazurek  
22 complaint?

23 A Yes. And the one I remember specifically had  
24 to do with the letter that Representative Sampson  
25 referred to before that I wrote on his behalf. But we,

1 again, it was something that we had asked for guidance  
2 and followed the guidance we were given.

3 Q Okay. So it's fair to say SEEC looking into  
4 your joint expenditures and cleared you of wrong-doing as  
5 between your two campaigns.

6 A That's certainly my understanding.

7 Q Okay. Did you ask them how to apportion any  
8 piece of that ad in particular to the Foley campaign?

9 A No, we did not because we did not believe we  
10 were doing anything on behalf of the Foley campaign and I  
11 would go so far as to say it never entered my mind that  
12 we had to consider assigning any cost of it to the Foley  
13 campaign.

14 Q Okay. Looking at that ad, again it's State's  
15 Exhibit 5, you mentioned Malloy tax hikes, you fought the  
16 Malloy tax hikes?

17 A Yes.

18 Q You mentioned you fought the busway?

19 A In this ad it says fought the Malloy tax hike,  
20 also said fought Governor Malloy's agenda, and it says  
21 fought Governor Malloy's reckless spending and voted  
22 against the budget, yes, but fought Malloy's reckless  
23 spending.

24 Q Okay.

25 A So those are the three references to Malloy in

1 the piece.

2 Q Okay. Do those issues -- let me strike that.

3 Do you feel that those issues are pertinent to  
4 a legislative race?

5 A I think they are entirely pertinent and that's  
6 why we included them and it's also why we included our  
7 position relative to Governor Malloy in exactly the same  
8 words in material that we put on in 2012 when he was not  
9 on the ballot.

10 Q Okay. Well, since you've brought that up let  
11 me just quickly go to my exhibits.

12 (Pause.)

13 Q And it looks like it would be my exhibit or  
14 excuse me, Respondents' Exhibit G and I'm going to give  
15 that to you right now. You don't get in trouble for  
16 copying it again, but can you tell me are those  
17 significantly alike, the 2012 and 2014 ad?

18 A Let's say all three references are word-for-  
19 word the same.

20 Q The ones that deal with the Malloy --

21 A Yes, it's --

22 Q -- tax hike, his pending.

23 A Rob and Joe consistently fought Governor  
24 Malloy's reckless spending. It's exactly the same in  
25 both pieces. Fought the Malloy tax hike. Exactly the

1 same. And Rob and Joe have consistently fought Governor  
2 Malloy's agenda, exactly the same words in all cases.

3 Q Okay. So those issues were just as important  
4 to your legislative race in 2012 as they were in 2014.

5 A Yes, I believe so.

6 Q Okay. I'm going to give you -- hang on, one  
7 more. This is -- I believe it's State Exhibit 6 and if  
8 you can just take a look at that. You recalled looking  
9 over Representative Sampson's shoulder when he did that  
10 as well?

11 A Yes. This piece is a different piece in that  
12 it's primarily represented Sampson's -- I think your  
13 trifold flyer, the sort of thing you use as a handout at  
14 the door. It's not a mailed piece. And it had one of  
15 the six panels in which it talks about the two of us  
16 together. So that's in fact why we were advised by the  
17 SEEC that I should only pay -- essentially I think it was  
18 a sixth of the cost of the mailing because I was on one  
19 of the six panels. But yes, we worked on this together.  
20 I think again because it was mostly Rob's speech because  
21 Rob did the larger share of the writing on it.

22 Q Okay. Did you ask the SEEC how much you should  
23 apportion to the Foley campaign at that time?

24 A No. And again, this one has even less  
25 reference to Governor Malloy in it, just one piece I

1 guess. Fought Governor Malloy is bad for Connecticut  
2 agenda. That's the only reference to him, again in a  
3 substantial amount of text that's the only reference to  
4 Governor Malloy.

5 Q You know how I feel about too much text in your  
6 ads.

7 A Um-hum.

8 Q So I can take that back.

9 Let's go and address the Advisory Opinion 2014-  
10 4. When did you first become aware of that opinion?

11 A I think -- it's possible you first brought it  
12 to my attention, but I know at the time it came out that  
13 we were aware that it had come out and there was  
14 conversation about it and I honestly I don't remember too  
15 much. I don't remember who brought it to my attention  
16 first or exactly what the conversation was. I had an  
17 understanding of it that it was intended to say that we  
18 couldn't mention Governor Malloy at all, and as I said  
19 before I feel like that is far too restrictive a position  
20 to take especially since Governor Malloy is directly --  
21 my election as the state legislator directly involves my  
22 position towards Governor Malloy. I said before I  
23 thought it was an advisory opinion and I figured that if  
24 the SEEC had a problem with it I'd find myself here where  
25 I am and we'd figure out whether they were right about it

1 or I was.

2 Q Okay. What do you feel the role of the  
3 Legislature is versus the role of the executive --

4 MR. TALBERT-SLAGLE: Objection.

5 Relevance. The role of the Legislature vis-à-  
6 vis the role of the executive?

7 MR. CRONIN: This deals with the  
8 separation of powers and the fact that an ad  
9 may refer to a Governor's policies that were  
10 applicable to a legislative race. There's  
11 checks and balances, there's veto overrides.  
12 There's a role for the Legislature, it's a  
13 separate branch of government. And under the  
14 doctrine of separation of powers I think it's a  
15 very valid question here.

16 HEARING OFFICER: I'll let him answer. I  
17 have a quick question though. Has the advisory  
18 opinion been marked as an exhibit?

19 MR. TALBERT-SLAGLE: No, we haven't  
20 entered it as an exhibit.

21 HEARING OFFICER: Okay. You can answer  
22 the question, Senator Markley.

23 A Okay. I certainly feel that the Legislature  
24 has to consider proposals that are put before us by the  
25 Governor and the relationship between the Legislature and

1 the Governor and our attitude towards the proposals he  
2 brings forward are perhaps the single most important  
3 aspect of our political decision-making and therefore the  
4 most important thing which the voters have to judge us  
5 on.

6 That's especially the case -- well, as a matter  
7 of practical politics that's especially the case when one  
8 is aware that there's opposition to the Governor's  
9 programs in the district that you represent. Or if there  
10 was support for the Governor's programs and I was on his  
11 team I'd want people to know that as well. It's to my  
12 mind extremely relevant not only to the job that I have  
13 to do but to the matter of whether I am the proper  
14 representative for this people in my district.

15 MR. CRONIN: I'll offer the advisory  
16 opinion as Respondents' J. Just ignore all my  
17 scribbles on the back if you would.

18 HEARING OFFICER: Has that been admitted  
19 as a --

20 MR. TALBERT-SLAGLE: No, I have no  
21 objection to it being admitted but I don't  
22 understand the necessity. I mean it's just a  
23 -- it's like admitting statutes or regulations  
24 or putting it in.

25 MR. CRONIN: You admitted we --



1 HEARING OFFICER: So ultimately you have  
2 no objection to it, is that what you're saying?

3 MR. TALBERT-SLAGLE: Yeah, I mean I just  
4 think it's unnecessary because it's like a  
5 legal document, unless there's something  
6 specifically about the writing of that printed  
7 document.

8 MR. CRONIN: Well, I'm going to get to  
9 that later but --

10 HEARING OFFICER: Respondent's Exhibit J  
11 which is the advisory opinion is a full  
12 exhibit.

13 MR. CRONIN: Thank you.

14 HEARING OFFICER: Have these, this package  
15 of exhibit here, Attorney Cronin, have they  
16 been admitted as full exhibits? Have they been  
17 agreed to?

18 MR. CRONIN: We agreed to them. I haven't  
19 put them all in yet.

20 MR. TALBERT-SLAGLE: I don't think he  
21 formally --

22 HEARING OFFICER: Oh, okay.

23 MR. TALBERT-SLAGLE: -- moved for  
24 admittance but we have no objection to that.

25 MR. SMITH: I have no objection. They

1 have not been offered, no.

2 HEARING OFFICER: Would you like to offer  
3 these Exhibits A through I believe J as a full  
4 exhibit?

5 MR. CRONIN: Yes. Yes, I was going to do  
6 them kind of piece by piece --

7 HEARING OFFICER: Okay.

8 MR. CRONIN: -- but sure, I'll do them all  
9 and go through them quickly I guess.

10 HEARING OFFICER: But the other side has  
11 reviewed these?

12 MR. CRONIN: Yes.

13 HEARING OFFICER: They have no objection?

14 MR. SMITH: I have no objection.

15 MR. TALBERT-SLAGLE: Yes.

16 HEARING OFFICER: So we're just going to  
17 admit the Respondents' exhibits.

18 MR. TALBERT-SLAGLE: I haven't -- can I  
19 look at the J. I'm just interested in that  
20 writing on the back. I mean what is that?

21 HEARING OFFICER: Whatever.

22 MR. CRONIN: My notes.

23 MR. TALBERT-SLAGLE: Are we going to keep  
24 your notes?

25 MR. CRONIN: You're going to hear most of

1 it anyways.

2 MR. SMITH: If there's a clean copy -- I  
3 wouldn't object to just admitting a clean copy  
4 of that.

5 HEARING OFFICER: Yeah, that's fine.

6 MR. CRONIN: Okay. No state secrets in  
7 that.

8 UNKNOWN SPEAKER: As Exhibit J.

9 MR. CRONIN: Just quickly before I get to  
10 that question. I'll go through the exhibits  
11 quickly.

12 Respondents' Exhibit A is an email from  
13 Attorney Arnold Skretta at Democrat State  
14 Central with attachments that I didn't include  
15 but they were examples of candidates using Dan  
16 Malloy in ads where he asks for an advisory  
17 opinion.

18 Respondents' B is another later email from  
19 Arnold Skretta to Shannon Keefe in this office,  
20 repeating the request with more exhibits.

21 Respondents' C is an email exchange  
22 between Attorney Skretta and Shannon Keefe in  
23 your office where she acknowledges receipt of  
24 the Advisory Committee's -- mentions that she  
25 would very much like to discuss the recent

1 request, commented there are some problems with  
2 the format, we would like to work with you to  
3 correct so we may move forward as quickly as  
4 possible. Please contact me at your earliest  
5 convenience.

6 She then says I've removed the references  
7 to the exhibits to ensure this request is  
8 related to current and/or future proposed  
9 communications.

10 Respondents' D is the official letter from  
11 Attorney Skretta at Connecticut Democrats  
12 asking Ms. Keefe, Attorney Keefe, for this  
13 advisory opinion.

14 Exhibit E, Respondents' Exhibit E is the  
15 minutes of the October 17th SEEC meeting where  
16 the advisory opinion was added to the agenda  
17 after the meeting had begun where it was  
18 discussed in executive session and then where  
19 it was adopted by the Commission.

20 Respondents' F is a 2012 ad from  
21 Representative Sampson that is remarkably  
22 similar to a 2014 ad.

23 Respondents' G is another 2012 ad from  
24 Representative Sampson. Again it's remarkably  
25 similar to a 2014 ad.

1 Exhibit H is another 2012 ad.

2 And I believe there was an Exhibit I but

3 --

4 HEARING OFFICER: Looks like another  
5 advertisement?

6 MR. CRONIN: Yes, another 2012 add.

7 HEARING OFFICER: Okay.

8 MR. CRONIN: So, if I can get back to  
9 Senator Markley.

10 HEARING OFFICER: J is the advisory  
11 opinion.

12 MR. CRONIN: And Exhibit J, I guess, the  
13 advisory opinion sets forth a two-prong test  
14 where they put forth to say that this is a  
15 joint communication that would be prohibited.  
16 And that two-part test says basically the  
17 communication is not directly related to a  
18 candidate's own race and it also promotes the  
19 defeat or attacks a candidate who is not the  
20 direct opponent of the candidate.

21 BY MR. CRONIN:

22 Q Do you feel that that ad in particular is  
23 directly related to your race, the issues brought up?

24 MR. TALBERT-SLAGLE: I'm going to object.  
25 Just if he could ask more general questions as

1           opposed to leading so much.

2       BY MR. CRONIN:

3           Q     Do you feel that ad is related to your race,  
4       Senator?

5                     MR. SMITH: I have an objection. I'd ask  
6       that Attorney Cronin wait to hear from the  
7       Hearing Officer as this is a legal process,  
8       should probably follow some directs and rules.

9                     HEARING OFFICER: If you could curtail  
10      your question, Attorney Cronin, just narrow it  
11      down a little bit more.

12                    MR. CRONIN: Okay. Thank you.

13      BY MR. CRONIN:

14           Q     Senator, do you feel those issues raised on  
15      that particular mailer pertained to your -- directly  
16      pertained to your race in 2014?

17           A     Yes. And in my opinion evidence for that is  
18      that I did exactly the same thing in 2012. And my  
19      experience politically, and I've been both a candidate  
20      and a campaign professional, is that the relationship  
21      between a candidate and other people in public office,  
22      whether they're on the ballot or not in any given year,  
23      is extremely relevant.

24                    The first time I ran in 1984 the only reason I  
25      got elected was I was on the ballot with Ronald Reagan

1 and I ran -- I had the good fortune of having a picture  
2 of myself with President Reagan which I put everywhere I  
3 could, not because I was trying to help Ronald Reagan.  
4 He didn't need it. But because I knew my Connecticut  
5 with him was to my advantage.

6 In this case I will also say that on campaigns  
7 that I have consulted, including in the last cycle when  
8 Malloy was not on the ballot, my advice was to do  
9 everything you could to tie yourself to Malloy because of  
10 Malloy's popularity through most of the state, especially  
11 in the district that I represent. I think that's a well-  
12 established political strategy and it certainly -- it is  
13 to some extent behind what I did in these pieces in 2014  
14 but not greatly so. I was in a strong position  
15 electorally in 2014, I wasn't in so much in need of  
16 promoting myself as educating the voters on where I stood  
17 and to explain where I stand relative to Dan Malloy with  
18 the most educational -- the most important piece of  
19 information I could provide to voters in my opinion.

20 So I feel like these pieces were directly  
21 related to my election, not just as an opinion after the  
22 fact but absolutely at the time I did them.

23 And the second think I'd say is that I don't  
24 believe that anything I put in these pieces even  
25 constitutes an attack on Governor Malloy. It's a

1 difference in policy to say that I fought his tax hike,  
2 but it wasn't an attack on him personally, even on his  
3 performance as Governor, but a distinction between myself  
4 and him on an issue, an important issue, and I'd say an  
5 issue that cuts both ways. Obviously the majority of the  
6 Legislature supported the Malloy tax hike, so I'd say  
7 it's debatable to say whether it's an attack on him at  
8 all. Depends on which side you're on.

9 To fight his agenda isn't even necessarily the  
10 claim that his agenda was wrong, but to say that I  
11 disagreed with his agenda. I suppose you could say that  
12 to say I thought his reckless spending out of those three  
13 statements is the one that comes the closest to being an  
14 attack, not on him but on his position. However, I think  
15 insofar as reckless spending it's perhaps an objective  
16 thing, almost anybody would be opposed to somebody's  
17 reckless spending.

18 Q Well, you've anticipated my next question, so  
19 you saved us a bit of time.

20 Finally, do you think that the advisory opinion  
21 -- well, strike that.

22 Do you think that SEEC saying you can't mention  
23 -- you can't attack Dan Malloy, does that restrict your  
24 political speech do you feel?

25 A If they define my saying that I opposed his tax



1 hike as an attack on Dan Malloy, then I think it's a  
2 tremendous restriction on my political speech. I can  
3 imagine political pieces in which this concern that they  
4 brought forward, I'd be sympathetic to the concern that  
5 they brought forward but this does not in my mind even  
6 fail the test that they themselves have laid out in what  
7 they termed an advisory opinion.

8 Insofar as I looked at that I would say if  
9 somebody said you can't do this unless it directly  
10 impacts your campaign -- and in order to do this it has  
11 to directly impact your campaign and it can't be an  
12 attack on someone else. Right away I'd say, well, this  
13 directly impacts my campaign. So I'm fine under their  
14 opinion, whether their opinion is legitimate or not, I  
15 still qualify under that opinion. And I think on the  
16 second side of it whether this constitutes an attack on  
17 Governor Malloy is something that could be debated. But  
18 I don't think that -- I didn't have any hesitation about  
19 these pieces.

20 Q Okay. Thank you.

21 MR. CRONIN: No further questions from  
22 me.

23 MR. TALBERT-SLAGLE: I have some.

24

25

CROSS EXAMINATION

1 BY MR. TALBERT-SLAGLE:

2 Q So you said that this was not an attack on  
3 Governor Malloy, right?

4 A Yes. I don't think it's -- I don't think it  
5 constitutes an attack on Governor Malloy.

6 Q Then why mention him at all?

7 A To separate myself from him on --

8 Q Well, why not just say democratic leadership or  
9 I oppose Democrats' plans? Why say Governor Malloy?

10 A Well, you know, for one thing because there  
11 wasn't unanimity among the Democrats on these positions.  
12 Representative Sampson's opponent did everything he could  
13 to separate himself from Governor Malloy. It was  
14 Governor --

15 Q But you said you weren't necessarily opposed --

16 A Let me finish please. Governor Malloy was the  
17 one that put his budget forward. It wasn't a democratic  
18 budget, it was Governor Malloy's budget.

19 MR. SMITH: Commissioner, I would ask the  
20 Commission Hearing Officer to remind the  
21 witness that he is to be responsive to the  
22 attorney's questions.

23 MR. CRONIN: Excuse me. Objection. He  
24 was responsive. He was cut off by the  
25 attorney. Please give him the courtesy -- the

1 objection that he was responding, he was cut  
2 off by your co-counsel. Please allow my  
3 Respondent to answer his question that was  
4 asked.

5 HEARING OFFICER: I'm going to ask -- all  
6 right. Here's what we're going to do. We're  
7 going to ask crisp questions that are well-  
8 thought out, we're going to respond only to the  
9 questions asked, okay? And we're going to act  
10 in a professional manner to get through this  
11 hearing, okay?

12 MR. TALBERT-SLAGLE: Sorry. I'm going  
13 back to my question.

14 BY MR. TALBERT-SLAGLE:

15 Q So but you said that you weren't opposed  
16 necessarily to Governor Malloy's policies.

17 A I'm not opposed to all of Governor Malloy's  
18 policies.

19 Q But then why mention Governor Malloy at all?

20 A Well, for one reason, just what I laid out.  
21 Governor Malloy is personally extremely unpopular in my  
22 district. My district is substantially more -- there's  
23 substantially more Democrats than Republicans in the  
24 district. To attack the Democratic party position purely  
25 is a matter of electoral politics is not as effective as

1 attacking Dan Malloy. Attacking Dan Malloy, separating  
2 myself from Dan Malloy.

3 Q Was there any difference between -- was  
4 Governor Malloy a candidate in 2012?

5 A No.

6 Q So advisory opinion, the statutes and  
7 regulations that under (unintelligible) Advisory Opinion  
8 2014 -- what is it, 01? I forget. 08. Is that -- could  
9 that have even been violated in 2012?

10 A No, my understanding is because here the  
11 concern was about other candidates on the ballot.

12 Q So the ads in 2012 could not have been  
13 apportioned to a Republican candidate running for  
14 Governor in 2012 because there was no Republican Governor  
15 running -- Republican candidate running for Governor in  
16 2012. Correct? Yes or no.

17 A Yes.

18 Q Okay. So therefore the ads in 2012 are a  
19 distinct issue from the ads in 2014 when there was a  
20 Republican candidate for Governor?

21 MR. CRONIN: Objection. It doesn't have  
22 to be a Republican candidate.

23 MR. SMITH: I'm going to object again.  
24 Attorney Cronin --

25 HEARING OFFICER: We're going to --

1 MR. SMITH: -- doesn't understand that  
2 this is not a debating society and he has no  
3 objection that he's made. This is a legal  
4 process.

5 HEARING OFFICER: It is the question.

6 MR. CRONIN: There are more than  
7 Republican candidates on the ballot. To say  
8 strictly that it benefits a Republican ignores  
9 anybody else on the ballot.

10 MR. TALBERT-SLAGLE: I'll withdraw my  
11 question and rephrase it.

12 MR. SMITH: I would ask what the objection  
13 is.

14 MR. CRONIN: The objection is don't refer  
15 that it's a strict benefit to a Republican. It  
16 benefits everybody who's running against Dan  
17 Malloy.

18 HEARING OFFICER: Attorney Talbert-Slagle,  
19 could you rephrase your question?

20 MR. TALBERT-SLAGLE: I'll rephrase my  
21 question.

22 BY MR. TALBERT-SLAGLE:

23 Q So in 2014, the distinction between 2012 and  
24 2014 is that there was no reason to oppose Governor  
25 Malloy because he was not a candidate. There was no way

1 to apportion some portion of that expenditure to a  
2 committee that could have paid for such an expenditure to  
3 oppose a candidate for Governor in 2012 because there was  
4 no candidate for Governor in 2012.

5 A Respectfully, Attorney, I think you've asked  
6 two different questions. There was a reason to oppose  
7 Governor Malloy in 2012.

8 Q No, that's not --

9 A That's the first -- that's what you started out  
10 by asking.

11 Q Yeah, and then I changed it.

12 A Okay.

13 Q So please answer the question I asked.

14 A Well, ask the question again please.

15 HEARING OFFICER: Just ask the specific  
16 question.

17 BY MR. TALBERT-SLAGLE:

18 Q Was there in 2012 -- Governor Malloy was not on  
19 the ballot.

20 A Correct.

21 Q So he was not a candidate for Governor.

22 A Yes.

23 Q There were no candidates for Governor.

24 A Right.

25 Q In an ad that mentioned Governor Malloy there

1 was no way that under the statute he could have been a  
2 clearly identified candidate, correct?

3 A That's right.

4 Q Therefore you did not have an expenditure  
5 related to that race because the race didn't exit.

6 A That's right.

7 Q Is that true in 2014?

8 A I didn't have an expenditure because I wasn't  
9 influencing the race --

10 Q That's not my -- was Governor Malloy --

11 A (Unintelligible - crosstalk.)

12 Q Was Governor Malloy on the ballot in 2014?

13 A No. Yes.

14 Q Was he -- he was a candidate.

15 A Yes.

16 Q Did your advertisement mention his name?

17 A Yes.

18 Q Under the statute he is a clearly identified  
19 (unintelligible) under 9-601b, he's a clearly identified  
20 candidate in a communication, correct?

21 A Yes.

22 Q So that makes it an expenditure by definition,  
23 correct?

24 A No, I don't believe so.

25 Q Why not?

1           A     Well, you would have to read the -- honestly,  
2 you have to read the statute to me to be able to answer  
3 that question.

4           Q     Okay. 9-607. I'm sorry, 9-601.

5                     HEARING OFFICER: 601?

6 BY MR. TALBERT-SLAGLE:

7           Q     Yes. It's a definitional of statute, 9-  
8 601b(2). "Any communication that (A) refers to one or  
9 more clearly identified candidates, and (B) is broadcast  
10 by radio, television, other than a public access channel,  
11 or by satellite communication or via the Internet, or is  
12 a paid-for telephone communication or appears in a  
13 newspaper, magazine or on a billboard, or is sent by  
14 mail."

15                     So if it identifies a clearly identified  
16 candidate it's an expenditure for that candidate.

17           A     Could you read it to the end of the sentence?

18           Q     I did.

19           A     What is it referring back to? That simply says  
20 what is --

21           Q     As used in this chapter and Chapter 157 the  
22 term expenditure means -- skip, skip, skip to number 2,  
23 any communication that refers to one or more clearly  
24 identified candidates and is broadcast by radio,  
25 television, other than -- and that's how it goes. Or



1 sent by mail or is an advertisement. So he's a clearly  
2 identified candidate under the statute. He's a  
3 candidate, you mention his name, he's clearly identified,  
4 correct?

5 A Yes.

6 Q So it would be an expenditure.

7 A Well, I don't know. I never looked at the  
8 statute that way. But it would seem to me that I would  
9 have to be doing something in reference to the candidate.

10 Q But yet you accepted that you would follow 155  
11 and 157, correct, when you formed your candidate  
12 committee and participated in the Citizens' Election  
13 Program, took a grant from the Citizens' Election Fund,  
14 correct? We went through all that?

15 A Am I right to say that that statute does not  
16 apply specifically to the Citizens' Election Fund but to  
17 the --

18 Q Yes. It applies across the board.

19 A Across the board, yes.

20 Q It's an expenditure.

21 A Yes. Yeah.

22 Q But yet when you signed the documents to get  
23 the Citizens' Election Fund you agreed, and we just went  
24 through that, that if you violated the statute you would  
25 be personally liable for paying back any impermissible

1 expenditures. So if you've identified a clearly  
2 identified candidate according to the statute and  
3 according to your own testimony how is it not an  
4 impermissible expenditure? Again, under the statute, you  
5 candidate Committee cannot make an expenditure on behalf  
6 of another candidate or to oppose another candidate other  
7 than one in your race.

8 A It was neither -- it was neither a reference to  
9 oppose nor to benefit another candidate, which is the  
10 terms you just used.

11 Q No, I said -- you also said that you  
12 communicated with the SEEC about apportionment.

13 A Yes.

14 Q When did you do that?

15 A I could not tell you the date when I did it.  
16 It was during the campaign in reference to these.

17 Q Who communicated?

18 A I believe it was Representative Sampson or  
19 Representative Sampson's deputy treasurer if I'm not  
20 mistaken.

21 Q So you didn't talk to anybody?

22 A No, they talked to them.

23 Q So it's just hearsay that you believe somebody  
24 spoke to them.

25

1 A Well, you can ask Representative Sampson about  
2 that.

3 Q But you testified that somebody did.

4 A Yes.

5 Q Do you have personal knowledge of that?

6 A I wasn't there for the conversation.

7 Q So the answer is no, you don't. You don't have  
8 personal knowledge as to if someone called the SEEC and  
9 asked about apportionment for these ads in 2014.

10 A No, I couldn't swear that I saw it happen.

11 Q But yet you just did. But we will move on from  
12 that.

13 A You know, I answer these questions,  
14 Commissioner, I would say I'm answering these questions  
15 as honestly as I can --

16 MR. SMITH: I'm --

17 MR. CRONIN: Can you let him finish?

18 MR. SMITH: I'm just going to object --

19 MR. CRONIN: Can you let him finish  
20 without trying to bully him?

21 MR. SMITH: I'm just going to object  
22 because there's question on the floor. There  
23 is no question on the floor.

24 HEARING OFFICER: I understand that but --

25 MR. SMITH: It's asked and answered.

1 HEARING OFFICER: That's an answer but there  
2 is --

3 MR. SMITH: This isn't a debating society.

4 HEARING OFFICER: It's not a debating  
5 society, but what it is is -- Senator Markley  
6 is trying to provide as honest and accurate  
7 answers as he can. And there's follow-up, you  
8 know, there's a certain protocol that has to be  
9 followed here. But we also have to try to --  
10 the protocol should also be governed by kind of  
11 polite society. All right? We're not here to  
12 attack anybody, we're here to investigate an  
13 issue and a complaint that's been brought  
14 before this Commission. Everybody is getting  
15 their chance to tell their entire story for  
16 this case, all right?

17 Now, let's try to do this in a  
18 professional manner. We're going to ask  
19 questions, we're going to listen to answers,  
20 we're going to err on the side of perhaps  
21 letting him say his piece if he wants to.  
22 There's no harm in that. If he goes above and  
23 beyond you can file a formal objection, the  
24 objection will be ruled on and we move forward.

25

1 But we're not going to have talking over each  
2 other and we're not going to have arguments.  
3 That doesn't help this process. Okay?

4 Right now there's no question pending.

5 MR. TALBERT-SLAGLE: Nope.

6 HEARING OFFICER: Do you have a question?

7 MR. TALBERT-SLAGLE: I do.

8 BY MR. TALBERT-SLAGLE:

9 Q You said that the advisory opinion specifically  
10 said that you could not mention Malloy in your ads. Is  
11 that what you stated?

12 A I may have stated that I don't know for sure  
13 what the advisory opinion said.

14 Q Have you read the advisory opinion?

15 A Not for a long time.

16 Q Okay. Wouldn't it be more accurate to say that  
17 the advisory opinion said that the appropriate -- that  
18 any expenditure made related to a candidate not in the  
19 race should be paid for by a proper committee, party  
20 committee, not a candidate committee?

21 A Again, the advisory opinion says what it says.  
22 If you want me to characterize it I could read it and  
23 summarize it for you. When it was presented to me as an  
24 advisory opinion, let's see when it was communicated to  
25 me, the word that came down was this means you can't

1 mention Malloy because there was an understanding that as  
2 a political strategy people were tying their opponents to  
3 Governor Malloy or to my mind for good electoral reasons  
4 and that this would prevent us from doing so.

5 So that's why I said the advisory opinion from  
6 my perspective meant that you couldn't mention Malloy.

7 Q Okay. So that's from your perspective,  
8 correct?

9 A Yes.

10 Q Okay.

11 MR. TALBERT-SLAGLE: I don't think I have  
12 anything else.

13 MR. SMITH: I just have a couple quick  
14 questions.

15 BY MR. SMITH:

16 Q Senator Markley, do you mind if I read or would  
17 you like to read the opening statute with regard to 9-7b  
18 in the Commission's authority?

19 A Please read it if you'd like.

20 Q Okay. Because I can pass the book to you if  
21 you need me to.

22 A Well, I --

23 Q Okay. So under 9-7b, "The Commission shall  
24 have the following duties and powers to make  
25 investigations on its own initiative or with respect to

1 statements filed with the Commission by the Secretary  
2 of State, any town clerk or registrar of voters or upon  
3 written complaint under oath by an individual with  
4 respect to alleged violations of any provisions of  
5 the General Statutes relating to any election or  
6 referendum."

7 So the question I have regarding the  
8 Commission's authority and because you brought up Title 9  
9 and Title 157 and 155 were brought up, can you tell me if  
10 and where under Title 9 the Commission governs the  
11 constitutional separation of powers between legislative  
12 branches and executive branches?

13 Where in the statutes I that? That was on  
14 direct from your attorney. Can you tell me where in the  
15 statutes we govern there?

16 A I would -- if you'd like me to answer that I  
17 would ask for us to stand at ease so I could study the  
18 statute.

19 Q That's fair enough. I'll pass on that one.

20 Okay. Can you tell me where in Title 9 and  
21 under the very limited statutory authority that the  
22 legislative branch gave this executive commission where  
23 we regulate the relations between the executive branch  
24 and the legislative branch?

25

1           A     Well, it's where you -- no, it seems to me that  
2 you don't regulate that.

3           Q     Okay.

4           A     And I believe that in this case by prohibiting  
5 me from communicating my feelings about the executive  
6 branch as a legislator you are effectively governing it  
7 when you don't have the power.

8           Q     Okay. And finally along this line of  
9 questions, and I just have a couple more, can you tell me  
10 where in Chapter 155 or Chapter 157 this Commission has  
11 the authority has the authority to regulate political  
12 strategy? Because your counsel asked you about political  
13 strategy. Under what authority are we regulating  
14 political strategy?

15          A     I don't -- I think you're regulating it without  
16 authority.

17          Q     Oh, okay. Great. But you don't see it in  
18 Chapter 155 or 157. Okay. You've answered by questions.  
19 Thanks.

20                   Now, onto these expenditures. You've talked  
21 about Chapter 2012 and Chapter 2014. Excuse me, they're  
22 flyers and you compared 2012 and 2014. So along those  
23 lines. Did you ask how many -- let me -- I'll strike  
24 that.

25                   How many towns are in your senatorial district?



1           A     There were four towns initially, five towns  
2 currently.

3           Q     Okay. So during 2014 it was four or five  
4 towns.

5           A     It was five towns in both 2012 and 2014.

6           Q     Okay. Did you ask any of the town committees  
7 in your district to share the costs or participate in any  
8 of these joint mailers for Senator Sampson?

9           A     No, not in any of the mailers.

10          Q     Do you know if that was -- just if you know,  
11 did you know if that would have been permissible at the  
12 time?

13          A     I believe some expenses can be shared with town  
14 committees but I don't think a mailer can. I don't know.

15          Q     Okay. And did you ask the State Central  
16 Committee to share any costs with these in evidence,  
17 these mailers that you were asked about by your counsel,  
18 did you ask the State Central Committee to share in any  
19 of these costs?

20          A     No, I never asked them to share any costs that  
21 I recall.

22          Q     Okay. Did you know, only if you know, did you  
23 know if that would have been a permissible expenditure at  
24 the time?

25

1           A     To share costs with the State Central  
2 Committee, I don't know. I think that, you know, and I  
3 should say rather than study the law ahead of time I tend  
4 to ask a question when it arises.

5           Q     Okay. One more on the expenditures. Did you  
6 ask Tom Foley's campaign to share costs in any of this?

7           A     No.

8           Q     Okay. And finally, we've heard about this  
9 constitutional question of freedom of speech and I'm  
10 trying to stay focused on what we actually apply here,  
11 which is Title 9 and Chapter 155 and 157. Do you have  
12 any emails, communications, transcripts of what words or  
13 phrases that the Commission instructed you not to use?

14          A     No, sir, I do not.

15          Q     Okay. So you don't have any -- because there  
16 aren't any in evidence, no words, phrases, not a single  
17 word or phrase was directed to be either email, written  
18 or personal communication to tell you not to use certain  
19 words or phrases in your materials?

20          A     I certainly have no recollection of that.

21                   MR. SMITH: Thank you. That answers all  
22 my questions. I appreciate it.

23                   MR. CRONIN: I just have two questions on  
24 redirect.

25

1 REDIRECT EXAMINATION

2 BY MR. CRONIN:

3 Q Looking at that ad in particular and all your  
4 ads, would you consider those to be expenditures on  
5 behalf of your campaign committee?

6 A Yes. And mine and Representative Sampson's  
7 when we're looking at this one.

8 Q Okay. Thank you.

9 And in Chapter 9 or excuse me, Title 9 or  
10 Chapter 155 or 157, is there anywhere that it gives the  
11 SEEC the expressive authority to trample on  
12 constitutional rights?

13 MR. TALBERT-SLAGLE: Objection, your  
14 Honor, Mr. Hearing Officer. Trampling? That's  
15 --

16 MR. CRONIN: I'm sorry. Infringe?

17 HEARING OFFICER: Infringe?

18 MR. CRONIN: Let me rephrase.

19 BY MR. CRONIN:

20 Q Infringe on constitutional rights. Are they  
21 expressly allowed?

22 MR. TALBERT-SLAGLE: He's still testifying  
23 --

24 MR. CRONIN: I'm asking a question.

25 MR. TALBERT-SLAGLE: He should ask direct

1 questions.

2 MR. CRONIN: Can we let --

3 HEARING OFFICER: You can answer, Senator  
4 Markley.

5 THE WITNESS: Thank you.

6 HEARING OFFICER: If you understand the  
7 question.

8 BY MR. CRONIN:

9 Q I can rephrase it if you want.

10 A What can I say? I don't know the statutes as  
11 well as the gentlemen across from me. It's my  
12 understanding that no statute ultimately can infringe on  
13 something that's a constitutional right except in very  
14 narrow circumstances, yes, but that seems to me to be the  
15 definition of a constitutional right.

16 Q Thank you.

17 HEARING OFFICER: No further questions for  
18 Senator Markley?

19 MR. TALBERT-SLAGLE: I have nothing  
20 further.

21 MR. SMITH: I have nothing further,  
22 Hearing Officer.

23 HEARING OFFICER: Attorney Cronin?

24 MR. CRONIN: Thank you, Senator.

25 HEARING OFFICER: Next witness?

1 MR. CRONIN: Representative Sampson.

2

3 ROBERT C. SAMPSON, called as a witness by  
4 the Respondents, testified further under oath  
5 as follows:

6

7 DIRECT EXAMINATION

8 BY MR. CRONIN:

9 Q Good afternoon, Representative.

10 A Good afternoon.

11 Q I am going to give you a couple of your bits of  
12 handiwork here, your ads. I guess I'll start with again  
13 State's Exhibit 5, and look familiar?

14 A Is this the 2014 ad?

15 Q That is the 2014 ad.

16 A Okay.

17 Q And who designed that piece?

18 A I did, although I did have Senator Markley's  
19 help with some of the text. And largely it was designed  
20 before my 2012 campaign and we made some minor revisions  
21 and reused the same campaign piece in 2014 and I also  
22 used it again in 2016.

23 Q Again, well, I just give you Respondents'  
24 Exhibit G which is the 2012 piece.

25 A Okay.

1 Q And you designed that one as well.

2 A Yes.

3 Q Okay. They both mention Governor Malloy  
4 policies?

5 A That is correct.

6 Q Okay. Can you tell me what they say about the  
7 Governor's policies?

8 A As was previously stated we refer to fighting  
9 the Governor's reckless spending and voting against his  
10 budget proposal. We refer to his proposal for the early  
11 release of violent felons and his proposal to put in a  
12 busway from New Britain to Hartford, which we were both  
13 in opposition to.

14 Q Okay. Are these issues that are important to  
15 your legislative district?

16 A Absolutely. In fact that's why the heading  
17 under each one of these addresses the voters in my  
18 district specifically. It says for Southington  
19 taxpayers, I'm explaining to my Southington taxpayers  
20 that I'm opposed to the Governor's policy to raise taxes  
21 because I think that's valuable information for them to  
22 make a decision about whether they should elect me or  
23 not. I'm explaining to senior citizens about different  
24 things, about veterans about where I stand on issues.  
25 And the references to Governor Malloy all include

1 references to Governor Malloy's policy agenda and not the  
2 man himself.

3 Q Okay. Do you feel it is an attack on candidate  
4 Malloy?

5 A Absolutely not. I'd also say that the advisory  
6 opinion doesn't just say attack, it says promotes the  
7 defeat of and certainly doesn't promote the defeat of or  
8 anyone else's electoral chances besides Senator Markley  
9 and myself. We're the only people that are thought of in  
10 this ad. It is purely informational for voters to know  
11 where we stand on issues.

12 I don't know how anyone can say that where we  
13 stand on these issues that the Governor has come out with  
14 are not relevant to voters for state rep and state senate  
15 in my district. It's the most valuable information they  
16 could possibly ask for.

17 HEARING OFFICER: Representative Sampson,  
18 what exhibit number do you have in front of you  
19 there?

20 THE WITNESS: I think it's 5.

21 HEARING OFFICER: Okay.

22 THE WITNESS: I also have the 2012 version  
23 which I --

24 MR. CRONIN: Which is our Exhibit G.

25 THE WITNESS: Yeah.

1 MR. CRONIN: Respondents' Exhibit G and  
2 State's Exhibit 5.

3 HEARING OFFICER: Okay.

4 BY MR. CRONIN:

5 Q So referring back to that advisory opinion with  
6 its two-prong test created by the SEEC, do you feel that  
7 -- and it's, again, this is their wording -- that the  
8 communication is not directly related to a candidate's  
9 own race?

10 A It's clearly directly related to my race and to  
11 Senator Markley's race.

12 Q And does it promote the defeat or attack  
13 Governor Malloy in this case?

14 A I don't think so. I think making a factual  
15 statement on where you stand on the executive branch's  
16 policies, the Governor's policies, is valuable information  
17 for voters. I don't know how anyone can say it's not  
18 related to. It seems to me a lot of this conversation is  
19 about what -- not what it actually said but what it  
20 doesn't say. It says, the advisory opinion says to be  
21 within the law it has to be directly related to my own  
22 race, and then keeps being argued about whether it's not  
23 directly related.

24 Well, I mean the test is, is it directly  
25 related to my race and the answer is yes. So to me it's



1 done right there.

2 As far as attacking or promoting another  
3 candidate there's nothing in there that says to vote for  
4 or against Dan Malloy or for any other candidate, and  
5 there numerous other candidates, and I don't know how I  
6 would manage to decide how much I'm benefiting anyone  
7 else, if I was, because I didn't even know at that time  
8 who was going to be receiving votes for Governor. There  
9 are numerous candidates who receive votes for Governor,  
10 write-in ballots, candidates that are both on the  
11 Republican and Democrat side.

12 My motivation for creating this mail piece in  
13 2012 and then using it again in 2014 was only to explain  
14 to voters what I thought was most important to them which  
15 is where I stand on a legislative agenda that's going to  
16 be before me.

17 Q So you feel that everything contained in there  
18 pertain to the legislative race, not the executive.

19 A Yes.

20 Q What's your understanding of the Legislature's  
21 role in our constitutional separation of powers?

22 A Certainly the Legislature is the deliberative  
23 body that makes laws, but proposals for law come from a  
24 lot of different places, come from individual  
25 legislators, they come from constituents, citizens. They

1 come from lobbying entities. They also come from the  
2 executive branch. As was previously mentioned, the  
3 Governor is the one who proposed a budget that included  
4 the tax hikes. To mention the Governor's proposal to  
5 raise tax hikes and what my position is, it seems crazy  
6 to me that that's not important to the voters in my  
7 district. I don't know what could be more important to  
8 them.

9 Q We were discussing with Senator Markley the  
10 apportionment of the expenditures for this ad in  
11 particular but a couple of other ads you've done. Did  
12 you contact SEEC?

13 A My mom served as my deputy treasurer.

14 Q Thank you, mom.

15 A And she contacted Andrew Cascudo, SEEC,  
16 throughout all of my campaigns that she served as deputy  
17 treasurer and she asked for clarification because we were  
18 very concerned about being accurate and within the  
19 confines of the rules and the law with regard to the  
20 apportionment of the spending on each of these mail  
21 pieces that I did in conjunction with Senator Markley.

22 I'd also note that the complaint that we are  
23 dealing with is brought by John Mazurek who was my  
24 opponent in 2014. And I thought this was a nuisance  
25 complaint and I still do, and the reason why I thought

1 that is because he would do anything to disrupt my  
2 campaign whether it was ethical or not, including the  
3 previous complaint he filed against me, 2014-099, which I  
4 hope you guys would be aware of because that's the  
5 complaint that the filed questioning the apportionment of  
6 the funds for the campaign mailers that Senator Markley  
7 and I did together, including these campaign mailers, and  
8 that complaint was dismissed entirely and found that we  
9 had obeyed every letter of the law and there was no  
10 concern about what we did.

11 It was also never mentioned that there was  
12 anything wrong with this mailers at the time when you  
13 guys were in possession of them.

14 Q Okay. So when you or your mom in this case  
15 have a question about how to apportion, they feel  
16 comfortable reaching out to SEEC?

17 A Yes. And I'm quite certain if I went and  
18 bothered my mom who is a senior citizen who had knee  
19 surgery recently and said go find all the emails to where  
20 you talked to Andrew about how to divvy this up, she  
21 would gladly do it.

22 And as Senator Markley pointed out, the trifold  
23 flyer, it has six panels on it. And I remember when I  
24 designed the mailer I was like, well, should he be paying  
25 half? He's only on a portion of it. Should be on one-

1 twelfth because he's only on half of one of the six  
2 panels. So we asked the question and they said the most  
3 fair thing to do was to divvy it up where he pays one-  
4 sixth of the expenditure and that's why we did it that  
5 way.

6 Q And I'm handing you State's Exhibit 6 which is  
7 the trifold you were just discussing.

8 A Also this -- one other thing I'd say about this  
9 is that this also was pretty much designed in 2012. I  
10 only made minor changes to it to use it in 2014.

11 And I'd also note that if you guys are tracking  
12 the cost of these my opponent only complained about one  
13 of them. I don't know which one it was but when it was  
14 reprinted I made minor changes I don't think anything  
15 relevant to this discussion. But he only complained  
16 about one of those.

17 Q So you know how to make a joint expenditure.

18 A Yes.

19 Q If you have questions you know what to do, who  
20 to ask.

21 A Yes.

22 Q Did you think to ask about apportioning some of  
23 that to Tom Foley?

24 A Absolutely not.

25 Q Why not?

1           A       Because I didn't see that these expenditures  
2 were relevant to anyone but Senator Markley and I for the  
3 reason I stated, which is that we were trying to inform  
4 the voters in our district where we stand on these issues  
5 so they can make an informed choice on who to elect.

6                   To me that's my job as a candidate, is to try  
7 and put forward as much factual information to get people  
8 to understand where I'm coming from and what I will do as  
9 their elected official. If I'm restricted from saying  
10 that I oppose or endorse the policies of a sitting  
11 Governor, I mean what are they going to get to vote on?  
12 Just for the ease of being able to describe a policy,  
13 too. I mean, you know, we're relegated to sending out  
14 flyers and mailers to contact our voters. Sometimes we  
15 can send a letter, write a radio ad, but you don't have  
16 an attention span that I could go through the entire  
17 content of a budget in every issue. People knew it as  
18 Governor Malloy's budget, Governor Malloy's tax hike, and  
19 they knew whether they were for it or against it and I  
20 wanted to make sure they could identify where my position  
21 was also.

22           Q       Do you think prohibiting you from referring to  
23 the Governor's policies restricts your freedom of speech?

24           A       Absolutely. When I became aware of the  
25 advisory opinion which is a few days after it was issued

1 an email came from my House Republican Caucus explaining  
2 that it had come down. I glanced at it and I said this  
3 doesn't apply to me because I read the language in it and  
4 it said you have to use communications that are directly  
5 related to your own race and I felt that I had in every  
6 way. And it said promotes a defeat of or attacks a  
7 candidate, and none of my correspondence anywhere has  
8 ever said anything about promoting Tom Foley or Jonathan  
9 Pelto or Joe Visconti or any of the other people that  
10 were running for Governor, and it never attached anyone  
11 to say vote against Dan Malloy or anyone else. It only  
12 said I disagree with the policy agenda of a sitting  
13 Governor. Totally relevant to the people who get to vote  
14 for me or not.

15 Q So this would have benefitted anybody else on  
16 the ballot, not just Tom Foley? Let me go back.

17 And if this was an attack on Malloy would it  
18 benefit all candidates for Governor or just the  
19 Republican candidate for Governor?

20 A I supposed you could make an argument of that,  
21 although I don't know how much it matters whether or not  
22 one legislative candidate, you know, is for or against  
23 any other legislative candidate or executive branch  
24 office candidate. I don't know that that matters.  
25 People endorse each other all the time. I don't know

1 that makes any difference whatsoever.

2 Again, the motivation here was to tell the  
3 voters I plan to be a check on Governor Malloy and his  
4 agenda from a policy standpoint. I believed that in 2012  
5 and I believed that in 2014 and I still believe it today.  
6 In fact I am proud to walk around and say that I am the  
7 greatest check against Governor Malloy's policy agenda  
8 and I hope this gets me more attention in that regard.  
9 But it's not about not electing Governor Malloy, it's  
10 about where I stand which is in opposition to his policy  
11 agenda. And I believe that's an expenditure directly  
12 related to my campaign and I believe it's permissible  
13 under 9-607b.

14 I mean the question was 9-601 says what an  
15 expenditure is, but you had failed to talk about 9-607  
16 which says permissible expenditures and that is --

17 HEARING OFFICER: Representative Sampson,  
18 I think you've gone a little beyond the  
19 original question.

20 MR. TALBERT-SLAGLE: I was just going to  
21 say that but I'm on -- he's on a roll. This is  
22 a little much. I would ask him just to --

23 BY MR. CRONIN:

24 Q Finally, in regards to the mail pieces that  
25 we're discussing here today, all the State's Exhibits, do

1 you remember when they were requested from the printer or  
2 ordered?

3 A I was asked a question early on in this  
4 investigation and I answered by email.

5 Q Do you have that email in your --

6 MR. TALBERT-SLAGLE: I think that's one of  
7 the exhibits.

8 MR. CRONIN: It is one of the exhibits.

9 HEARING OFFICER: What was requested from  
10 the printer?

11 BY MR. CRONIN:

12 Q These particular ads, when the order for these  
13 ads was put in or when the drafts went to the printer.

14 A Yeah, all I would say is that it's been a long  
15 time now it was very fresh in my mind at the time and I  
16 would rely on what I said in that email as to be as  
17 factual as I possible could be.

18 Q Would you like to look at that email and  
19 refresh your recollection?

20 A If you want to talk about the details of it,  
21 sure.

22 Q Just some of the dates. I know you responded  
23 to the investigators here.

24 A Is there a specific question?

25 Q Can you just give me a time, you know, to the



1 best of your knowledge.

2 A Yeah, oh, yeah, I mean the only mailing that  
3 was really done after the advisory opinion, and again, my  
4 position about the advisory opinion is that it was not  
5 relevant to any of these mail pieces anyway and I also  
6 knew that I had a protected constitutional right for  
7 speech and that there is nothing in the way of --

8 HEARING OFFICER: Representative Sampson,  
9 I think the question was if you could tell us  
10 the date after the advisory opinion came out of  
11 the mailers that would be helpful.

12 A The only item that I am aware of is Exhibit 1  
13 which is the letter from Senator Markley addressing  
14 candidate John Mazurek and we --

15 BY MR. CRONIN:

16 Q Okay, that was Exhibit 1 in the complaint, that  
17 is State's Exhibit --

18 A Oh, yeah, I'm sorry. That's my Exhibit 1.

19 HEARING OFFICER: State's Exhibit 4?

20 BY MR. CRONIN:

21 Q And that was the only one drafter after?

22 A The other items were all completed prior to. I  
23 cannot swear to the exact date that they were mailed by  
24 the print house. I instructed them to mail them prior to  
25 that date and I did pay for some of them after the fact.

1 But it was already done. I mean the mail pieces were  
2 manufactured, designed, printed. And I certainly can  
3 document that. Even the files on my computer, I looked  
4 at them and all the dates are from August and September  
5 when I made them.

6 MR. CRONIN: I have no further questions.

7 Sorry.

8

9 CROSS EXAMINATION

10 BY MR. TALBERT-SLAGLE:

11 Q So from your direct testimony you specifically  
12 wanted to identify Governor Malloy.

13 A I wanted to identify my positions with  
14 reference to Governor Malloy's policies.

15 Q No, but you specifically wanted to tie these  
16 policies to Governor Malloy.

17 A I described Governor Malloy's tax hike because  
18 that's what it was.

19 Q Would you just answer the question please? Did  
20 you want to tie these policies to Governor Malloy?

21 A This is a --

22 Q You intended to use Governor Malloy's name.

23 A It's like the Brooklyn Bridge, is the bridge in  
24 Brooklyn. I wouldn't describe it any other way.

25 Governor Malloy's tax hike is Governor Malloy's tax hike.

1 Q So that's a good point. When you as a  
2 legislator vote on a budget the Governor walks in and he  
3 plops it on the desk and you guys just vote on it,  
4 correct?

5 A No.

6 Q So somebody has to introduce it into the  
7 legislative body?

8 A That is correct.

9 Q And who does that? The Governor?

10 A It could be any number of legislators that  
11 introduce it on the floor.

12 Q But a legislator does.

13 A Sure. But it's still the policy agenda of the  
14 Governor as crafted by him.

15 Q And who's the majority in the Legislature?

16 A The Democratic Party.

17 Q And so it would have equally been accurate to  
18 say I voted against the Democrats' budget, correct?

19 A Yes, equally, and in places I do say that also.

20 Q Just answer the question please. So but  
21 instead you intended to clearly identify Governor Malloy.  
22 Yes or no.

23 A I described the tax hike in a way that would be  
24 known to my constituents. My constituents understood it  
25 to be Malloy's tax hike.

1 Q So you wanted --

2 A And that's a bad example. Why don't you ask me  
3 about the busway. That's a proposal he put forward. The  
4 early release program, that's a proposal he put forward.

5 Q And once again I would go back to the busway.  
6 He just went out there, started digging and the busway is  
7 in existence. It doesn't go before the Legislature at  
8 all, correct? There's no role that the Democrats in the  
9 Legislature played in introducing these policies, the  
10 busway, the early release of felons. It wouldn't be as  
11 accurate to say the Democrat policy.

12 A The executive branch still is responsible for  
13 putting forth and agenda and creating -- I won't say law  
14 but they govern.

15 Q Right.

16 A So decisions about the policies of the state  
17 are determined by the executive independent of the  
18 Legislature.

19 Q So once again I get back to my original  
20 question. When you drafted, and by your own admission  
21 you drafted these ads and flyers and whatever you want to  
22 call them, you intended to identify Governor Malloy. Yes  
23 or no.

24 A I did it so that my constituents --

25 Q Yes or no.

1 A But you're leading me to say why I did it.

2 Q I am allowed to lead. That is the whole point.

3 Yes.

4 A Well, the answer is no if you're going to --

5 Q The answer is no.

6 A -- if you're going to make a requirement about  
7 why. Did you mention Governor Malloy? Yes. Did I do it  
8 for a specific purpose that you are indicating? No.

9 Q No, I just asked did you intend to mention  
10 Governor Malloy?

11 A Yes. Clearly I did. I wrote his name on the  
12 document.

13 Q Thank you for your answer.

14 I appreciate that your mother served as deputy  
15 treasurer.

16 A Me too. I don't know if I can get her to do it  
17 again after --

18 MR. CRONIN: She might be subpoenaed.

19 MR. TALBERT-SLAGLE: I would ask the  
20 Hearing Officer please --

21 HEARING OFFICER: Yep, we're gonna --

22 MR. TALBERT-SLAGLE: -- if he would just  
23 keep some comments to himself please. Thank  
24 you.

25 A Forgive me, but you know --

1 HEARING OFFICER: There's no question  
2 pending.

3 BY MR. TALBERT-SLAGLE:

4 Q Do you know sitting here today that your mother  
5 contacted SEEC in 2014 to ask about the portion of these  
6 ads that you originally designed in 2012?

7 A I would say yes.

8 Q You would say yes.

9 A I'm very --

10 Q Do you know --

11 A I'm very confident of it.

12 HEARING OFFICER: It was asked and  
13 answered.

14 MR. CRONIN: Wait. You asked in 2014  
15 about the 2012 ads.

16 MR. TALBERT-SLAGLE: No, I said the ones  
17 -- the ads, did she contact him in --

18 MR. CRONIN: In 2014 --

19 (Unintelligible crosstalk.)

20 MR. SMITH: I object. Attorney Cronin has  
21 absolutely no objection for this body right  
22 now.

23 MR. CRONIN: I'm asking for clarification.  
24 He asked two different years.

25 HEARING OFFICER: Well, then you would

1 ask, you would say objection, I would like the  
2 question clarified.

3 MR. CRONIN: Then objection.

4 HEARING OFFICER: Or could you phrase it  
5 differently or does he understand it.

6 MR. TALBERT-SLAGLE: I'll rephrase my  
7 question.

8 BY MR. TALBERT-SLAGLE:

9 Q Sitting here today can you swear under oath  
10 that your mother contacted SEEC about the apportionment  
11 of these ads in 2014?

12 A I can't swear to what my mother did. That's my  
13 understanding.

14 Q Okay.

15 A If she told me I have to assume that she did.  
16 You want me to swear to a phone call I was not --

17 HEARING OFFICER: The question has been  
18 answered.

19 MR. TALBERT-SLAGLE: Just a second.

20 (Pause.)

21 MR. TALBERT-SLAGLE: I have nothing  
22 further at this time.

23 MR. SMITH: Okay. I just have a couple  
24 quick questions.

25 BY MR. SMITH:

1 Q Again, Attorney Cronin asked if you found that  
2 the Commission's advisory opinion violated your free  
3 speech. Do you recall that question?

4 A Not really, but I believe you.

5 Q Okay. He also asked if you believe that the  
6 advisory opinion and the Commission's application of  
7 these laws violated the constitution. Do you remember  
8 that?

9 A Vaguely, yes.

10 Q Just so we understand your understanding of  
11 what the Commission's doing in the legal process involved  
12 here, do you believe that the Commission has the  
13 authority to adjudicate free speech?

14 A No.

15 Q Okay. Do you have a belief that we have the  
16 authority to adjudicate and issue rulings on the United  
17 States Constitution?

18 A No.

19 Q Do you believe that our functions are limited  
20 to applying, interpreting and conducting investigations  
21 and hearings regarding the Title 9 elections?

22 A I'm not familiar with the term Title 9.

23 Q I'm sorry. Chapter 155 and Chapter -- the  
24 election statutes.

25 A I'm not familiar with those things either but



1 election statutes, yes.

2 Q Okay. Final question -- well, final two  
3 questions. When you made the 2014 mailings did you ask  
4 the town committee in your jurisdiction to help out to  
5 make the expenditure?

6 A No.

7 Q Okay. Do you believe that it would have been a  
8 permissible expenditure if they had shared the cost with  
9 you for any of those five or six?

10 A I honestly don't know.

11 Q Okay.

12 A That would have been a question I'd ask my  
13 treasurer to ask SEEC before I went ahead.

14 Q Okay. And you answered Attorney Cronin's  
15 question about you didn't reach out to Tom Foley, I  
16 remember that. But did you ask the Central Committee,  
17 the Republican State Central Committee, did you ask them  
18 to share or apportion or participate in any of these  
19 joint communications?

20 A No.

21 Q Only if you know, do you think that would have  
22 been a permissible expenditure?

23 A Again, I would have had to ask SEEC for a  
24 ruling in advance.

25 Q Okay. Let me just see here. Oh, finally, in

1 either email, phone calls, correspondence, in-person  
2 training sessions, can you identify the words that this  
3 Commission have told you not to use in your mailers?

4 A No.

5 Q Okay. Can you identify any phrases we've told  
6 you not to use in these mailers?

7 A No.

8 Q Okay. Thank you.

9 MR. SMITH: That's all I have.

10 HEARING OFFICER: Attorney Cronin?

11 MR. CRONIN: Just a couple quick ones.

12

13 REDIRECT EXAMINATION

14 BY MR. CRONIN:

15 Q In 2014 did you contact the Green Party about  
16 apportioning any expenses?

17 A Shockingly, no.

18 Q Did you contact any write-in candidates about  
19 apportioning any expenditures?

20 A No. I had no reason to so I did not.

21 Q Do you think if there was an ad attacking  
22 Malloy it would have benefited candidates beside the  
23 Republican?

24 A Certainly.

25 Q And finally, do you believe that SEEC rulings

1 or policies can implicate constitutional rights?

2 A Certainly. They can certainly attempt to.  
3 Whether they actually are successful, I would say in my  
4 case they were not because I went ahead with my mailings  
5 thankfully before I even was aware of the advisory  
6 opinion, but I believe other candidates had their  
7 opportunities to use their free speech in their political  
8 campaigns taken from them because of fear of  
9 repercussions from this body.

10 Q Okay. Thank you.

11 MR. CRONIN: Nothing further.

12 HEARING OFFICER: No other questions for  
13 State Representative Sampson?

14 MR. TALBERT-SLAGLE: I have nothing  
15 further.

16 HEARING OFFICER: Okay. Attorney Cronin,  
17 did you have any other witnesses?

18 MR. CRONIN: No other witnesses. And I'm  
19 going to discuss a couple of the other exhibits  
20 but I guess we'll do it when we argue the legal  
21 issues.

22 HEARING OFFICER: All right. Let's take a  
23 10-minute break for a second and then we'll  
24 come back on the record.

25 MR. TALBERT-SLAGLE: Okay.

1 (Off the record.)

2 HEARING OFFICER: The format that we are  
3 now going to follow is each side is going to be  
4 allotted 10 minutes to make a closing  
5 statement. If you don't need all 10 minutes  
6 don't take it.

7 We're also as I stated in my opening  
8 statements there is a briefing schedule and if  
9 parties wanted to submit briefs by I believe I  
10 said September 20th?

11 MR. TALBERT-SLAGLE: So it would not be  
12 one or the other so in lieu of a closing  
13 statement the usual brief or --

14 HEARING OFFICER: If you guys wanted to  
15 come to an agreement that all you wanted to do  
16 was a closing statement and call it a day and  
17 there's an agreement as to that, that is up to  
18 you. If one side you had come to an agreement  
19 that you'd like -- and somebody wants an  
20 opportunity to brief this entire issue they can  
21 have that opportunity too.

22 MR. TALBERT-SLAGLE: Okay.

23 HEARING OFFICER: It's completely up to  
24 what the parties want.

25 MR. TALBERT-SLAGLE: Well, I know that I

1 think we want to brief it.

2 MR. SMITH: We'll have to brief it.

3 MR. TALBERT-SLAGLE: I think Will would  
4 want that.

5 HEARING OFFICER: Per my opening statement  
6 the brief right now we would like submitted by  
7 September 20th, however obviously if it gets  
8 closer and someone needs more time we're  
9 flexible with respect to that. That's not an  
10 issue.

11 So I'm going to give you each about 10  
12 minutes to make a closing statement. The  
13 state, you start off.

14 MR. SMITH: Thank you, Hearing Officer.

15 So basically I think what we've understood  
16 today is the case before us with regard to  
17 allegations that Respondents Sampson and  
18 Markley failed to follow the rules with regard  
19 to expenditures and the treasurer, Barbara  
20 Roberts, who is also Respondent, was  
21 incorporated into today's hearing with regard  
22 to any violations as treasurer that she may be  
23 liable for.

24 I would say as I said in my opening  
25 statement and as I tried to point out several

1 times today is that this Commission's authority  
2 is really limited. It is limited by what the  
3 Legislature gives us as law.

4 We presume as an administrative agency and  
5 as an attorney for this office that the  
6 Legislature is going to hand us law which is  
7 constitutional. With all due respect to the  
8 Hearing Officer there is no issue with regard  
9 to whether there's going to be an adjudication  
10 of free speech rights, constitutional rights,  
11 the makeup of checks and balances. This is a  
12 hearing about whether permissible expenditures  
13 were made. That's it.

14 To the witnesses' own testimony with the  
15 exception of Ms. Roberts, the Respondents with  
16 the exception of Ms. Roberts, no document, no  
17 testimony has been offered that this Commission  
18 ever ordered them one way or the other to  
19 refrain from or to use any specific words or  
20 any specific phrases. What the Commission did  
21 do is apply its definition of expenditures and  
22 candidates to the very regulated context of two  
23 individuals who decided in a voluntary program  
24 to participate. That's it.

25 And in doing so all three Respondents

1 today swore a false statement that they would  
2 be willing to follow the rules and regulations  
3 of the Commission. And it does specifically  
4 say declaratory ruling, statutes, laws --  
5 excuse me, and regulations.

6 There is something made of this Advisory  
7 Opinion 2014-04. I want to be really clear to  
8 the Hearing Officer we are not enforcing an  
9 advisory opinion. This contested case under  
10 the UAPA is not about enforcing an advisory  
11 opinion. Those advisory opinions are based on  
12 this Commission's charge to uphold and apply  
13 the law. It is grounded in the statutes and  
14 grounded in the very regulations of these  
15 programs that the advisory opinion is used.  
16 The laws and the regulations in the entire  
17 electron cycle are the same regardless of  
18 whether this advisory opinion issues.

19 So that's why I'm not going to rely on an  
20 argument that the advisory opinion is going to  
21 sway you one way or the other. What is  
22 applicable is regulations as to the statutes  
23 and the statutes themselves. And I think it's  
24 plain from the evidence today that there were  
25 two highly competent treasurers, exceptionally

1 professional. I think we got out from both of  
2 them that they were able to submit their  
3 detailed audits with very little findings of  
4 any issues or any problems. Exceptionally  
5 professional witnesses in terms of their  
6 abilities to be treasurers.

7 But that's not the issue. The issue is  
8 the expenditures that they authorized, and we  
9 had from the witness Cleary that he was well  
10 aware of how to apportion something, well aware  
11 of the attribution requirement. Respondents  
12 Sampson and Markley testified that they were  
13 well aware of the need to apportion and  
14 understand apportioning of those expenditures  
15 and that not only had they had the experience  
16 in 2014, but in 2012 and Attorney Cronin  
17 brought in the evidence. They were able to do  
18 this in 2012.

19 The difference is that in their ability  
20 to apportion and share expenditures in 2014 as  
21 Attorney Talbert-Slagle brought out, there was  
22 a Governor in the election, and that Governor  
23 was a candidate, and under these definitions,  
24 the definition of an expenditure includes an  
25 expenditure that promotes or opposes a Governor



1 -- or excuse me, a candidate for statewide  
2 officer such as Dannel Malloy who appears in  
3 all of these subject mailers.

4 The issue of Governor Malloy's reckless  
5 spending, Governor Malloy's tax hike, Governor  
6 Malloy's agenda, all of these were cast in such  
7 a way to oppose an individual who was running  
8 for statewide office. And the very rules that  
9 they agreed to follow meant as volunteering to  
10 receive tens of thousands of dollars' worth of  
11 public financing that they would agree to  
12 restrict their spending to oppose candidates  
13 that were in their race. I would argue that  
14 the evidence in the record supports today that  
15 they filed to do that.

16 The Commission in defining these rules can  
17 weigh the costs to the -- excuse me, can weigh  
18 the idea of future compliance, that is what  
19 would it take for these Respondents to comply  
20 in the future. The Commission can review  
21 whether these Respondents have been before us  
22 before.

23 I would ask the Commission to take notice  
24 of 9-7b-48 within the regulations which plainly  
25 gives you the authority to weigh the

1 consequences of these violations which I  
2 believe were proved today. Those violations  
3 can be weighed against the gravity of the act  
4 or omission, the amount necessary to endure  
5 immediate and continued compliance, and the  
6 previous history of similar acts and whether a  
7 person has shown good faith in attempting to  
8 follow the rules. Okay.

9 With regard to Markley and Sampson, the  
10 Respondents, excuse me, I just don't see from  
11 what we've seen today that without a strict  
12 penalty there isn't going to be an assurance of  
13 immediate compliance. There isn't going to be  
14 continued compliance. We're here because they  
15 didn't believe they have to do it in the first  
16 place, that we're violating free speech and  
17 that we're violating their constitutional  
18 rights, we're violating separations between  
19 executive branch and the Legislature, whether  
20 they're showing good faith in attempting to  
21 comply.

22 I don't think there's a nefarious act  
23 here. I don't think either of the Respondents,  
24 Sampson or Markley are sneaking around trying  
25 to pull a fast one. I think in their own minds

1 that they're trying to do this in good faith.

2 But I have to let them know that an  
3 advisory opinion in this Commission's charge of  
4 applying these laws is more than a gentle  
5 nudge, and that when we make these rules and  
6 apply these laws for clarification purposes we  
7 are doing so that the expenditures of finances  
8 that are provided in the public financing  
9 system are correct. That's it.

10 Based on today's record I would suggest  
11 that the exposure, and I'm only going to the  
12 exposure, the exposure of the Respondent  
13 Roberts is of two violations of 9-706 and 9-607  
14 as well as the regs 9-706(1) and 9-706(2), her  
15 exposure for two violations under 9-7b is  
16 \$2,000 per violation which would be \$4,000 for  
17 two violations or -- and I'm just ballparking,  
18 twice the prohibited expenditure for Roberts,  
19 the prohibited expenditure, and this is just a  
20 ballpark, was about \$798. But I would rely on  
21 the record and Jaime and the witness putting  
22 together and matching up those expenditures,  
23 but it would be in your authority to match up  
24 the expenditures and double it as impermissible  
25 expenditures and Respondent Roberts would be

1 responsible for that.

2 In my own mind I'll leave those decisions  
3 to you. It may be that perhaps a hence forth  
4 order and a reprimand to follow the rules in  
5 the future would be sufficient for Respondent  
6 Roberts to comply with these rules in the  
7 future. Not so in my mind for Representative  
8 Markley -- I apologize, for Respondent Markley  
9 and Respondent Sampson.

10 In these instances we also have the two  
11 violations at 2,000 per for Mr. Markley or  
12 twice the prohibited expenditure. Again,  
13 you're at about \$1,500 or under 9-706 and 9-  
14 706(3), because he made impermissible  
15 expenditures through his candidate committee he  
16 can be required to pay back to the Citizens'  
17 Election Program the entire amount of the  
18 impermissible expenditure and I would encourage  
19 you as the Hearing Officer to consider that as  
20 appropriate under 9-7b-48 because the idea of  
21 immediate and continued compliance or the idea  
22 that there's going to be these attempts to  
23 comply I don't think was shown today.

24 Finally, with Respondent Sampson there are  
25 four violations. We looked at four different

1 2014 mailers. Again the ballpark is about  
2 \$13,000. I would defer to the evidence in the  
3 records that the witness and Attorney Talbert-  
4 Slagle made where he matched up the  
5 communications with the expenditures. But  
6 we're now looking at twice the prohibited  
7 expenditure or 27,000. You could under 9-7b do  
8 that.

9 That said, that may not be necessary  
10 because you could also make him under 9-706 and  
11 9-706(3) pay back to the Citizens' Election  
12 Program the \$13,000 or so in impermissible  
13 expenditures made by his candidate committee.

14 And with that I would just remind the  
15 Commission that whether it was the idea of  
16 providing witnesses with the protection of a  
17 subpoena there were inferences today that it  
18 was waved as some kind of sword or there was a  
19 shock that subpoenas were issued. A subpoena  
20 is a shield to protect those witnesses and  
21 respondents for their purpose of being here at  
22 a legal process.

23 And also the witness testimony, we had no  
24 objections to bringing in people but I would  
25 point out that there are processes that we as a

1 hearing today need to follow. And with that  
2 I'll end.

3 HEARING OFFICER: Thank you, Attorney  
4 Smith.

5 Attorney Cronin?

6 MR. CRONIN: I want to start off by saying  
7 that none of the Respondents filed false  
8 statements. At the time they signed those they  
9 believed that they were -- they intended to  
10 comply with election laws, they feel to this  
11 day they complied with election laws, that the  
12 playing field was changed by issuing executive  
13 order 2 -- or excuse me, advisory opinion 2014-  
14 4.

15 I know Attorney Smith said that that's not  
16 why we're here, we're here for the statutes.  
17 If the law was so clear why did we need this  
18 advisory opinion? Why did we need this  
19 advisory opinion issued two and a half weeks  
20 before the election in a rush manner at the  
21 request of the Democrat State Central  
22 Committee?

23 We've got the emails that I've put into  
24 evidence where they requested it, they worked  
25 with the staff here at Elections Enforcement to

1           come up with a proper format. The advisory  
2           opinion was drafted, brought to a meeting where  
3           it was not on the agenda originally, it was  
4           added to the agenda, it was then discussed in  
5           executive session which I think is improper.

6           The only way a draft document can be  
7           discussed in executive session is if the state  
8           interest in withholding that document outweighs  
9           the public interest in disclosure. You came  
10          out of executive session and adopted that  
11          document in full so it immediately went to the  
12          public. I don't see why it had to be discussed  
13          in private and what it changed in the state's  
14          interest in that interim, that bit of time.

15          My point is there was no notice that this  
16          was coming. Nobody had input on it as they  
17          would if under a declaratory ruling. There was  
18          no request for comment. There was no  
19          discussion besides whatever was discussed in  
20          your secret executive session.

21          There's problems with this as we've seen.  
22          If there's multiple candidates for Governor,  
23          who gets the benefit? It a four-governor race  
24          why doesn't the Green -- if we went to the  
25          Green Party and said, hey, give us 20 bucks,

1 that would have been okay? If we went to a  
2 petitioning candidate and asked for money that  
3 would have suddenly been okay? It doesn't say  
4 it's the same party. This thing is fraught  
5 with problems that would have been if it had  
6 been done properly and the time had been taken  
7 it could have been vetted out properly and  
8 something a lot clearer would have come up.

9 But if we're here only on the statutes the  
10 statutes are vague on this. In your executive  
11 -- well, when you say that we're only here on  
12 the statutes, Mr. Mazurek's complaint mentions  
13 every violation in regards to advisory opinion  
14 2014-4. It's what his complaint is based on,  
15 it's basically why we're here.

16 In that opinion your Commission puts forth  
17 a two-prong test. One of those prongs is it  
18 can't be related to the legislative race.  
19 These issues clearly pertain to the legislative  
20 race. The legislature has a role against the  
21 executive, they're a check on it, they override  
22 vetoes, they approve administrative  
23 appointments. Yes, the Governor puts a budget  
24 in, it's tweaked and then it's the Governor's  
25 budget. The Legislature does have a role in



1 it. They are a check under the constitution,  
2 under the separation of powers on the executive  
3 branch. To ignore that in a legislative  
4 mailing or in a legislative race is doing a  
5 disservice.

6 I know the authority of this Commission is  
7 limited. You're trying to point your law --  
8 you're pointing out in the statutes that says  
9 there's nothing in there that says we can  
10 restrict free speech, but some of the  
11 applications of the laws can implicate free  
12 speech or separation of powers. And this is  
13 one of those instances.

14 I think this was a rush job to get this  
15 advisory opinion out and I think it wasn't  
16 thought through and I think some of the  
17 problems are now finally becoming evident.

18 Yes, this is a voluntary program but as I  
19 said the doctoring of unconstitutional  
20 conditions simply entering a voluntary program  
21 to get a governmental benefit doesn't mean you  
22 leave your constitutional rights at the door.  
23 The application of this program in this  
24 instance does implicate free speech, it does  
25 implicate separation of powers and I'm thinking

1           it's unconstitutional to do something -- to  
2           apply something against the constitution there  
3           has to be a compelling state interest.  When  
4           this Citizens' Election Program was first  
5           enacted it was challenged in the Garfield case.  
6           There was a lobbyist ban, a strict lobbyist ban  
7           and when they upheld parts of the Citizens'  
8           Election Program and overturned others, they  
9           overturned the lobbyist ban and said, okay,  
10          limits are okay but a strict ban on them is not  
11          because there was no issue.  There was a  
12          contractor issue with Governor Rowland so they  
13          said a contractor ban is permissible.  It's a  
14          proper response to a substantial state  
15          interest.  There had been no lobbyist  
16          malfeasance.  They said you're going too far  
17          here.  There was no coordination of  
18          expenditures crisis either.  There was no  
19          misappropriation of funds at any point in this.

20                 So I think again this is a solution in  
21                 search of a problem.  It doesn't rise to a  
22                 constitutional crisis where you can start  
23                 trampling on free speech.

24                         I thank you and thank you for your time.

25                         HEARING OFFICER:  Thank you.

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Again, if anybody did want to submit a brief by September 20th, that's when the briefs would be due.

MR. CRONIN: Yep. Thank you.

HEARING OFFICER: Hearing nothing further, that concludes the hearing portion. Thank you.

(End of proceeding.)

## 1 CERTIFICATE

2  
3 I hereby certify that the foregoing 160  
4 pages are a complete and accurate transcription to the  
5 best of my ability of the Hearing in the matter of  
6 Complaint by John Mazurek against Respondents Joseph  
7 C. Markley, Barbara P. Roberts and Robert C. Sampson,  
8 File Number 2014-170 held before Hearing Officer  
9 Michael Ajello at the State of Connecticut State  
10 Elections Enforcement Commission, 18-20 Trinity  
11 Street, Hartford, Connecticut on August 31, 2017.  
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19 \_\_\_\_\_  
20 Suzanne Benoit, Transcriber

Date: 6/21/2021

## Certification

The undersigned attorney hereby certifies, pursuant to Connecticut Rule of Appellate Procedure § 67-2A, that on February 24, 2023:

(1) a copy of the brief and party appendix has been sent electronically to each counsel of record in compliance with § 62-7, except for counsel of record exempt from electronic filing pursuant to § 60-8, to whom a paper copy of the brief and party appendix was to be sent;

(2) the brief and party appendix being filed with the appellate clerk are true copies of the brief and party appendix that were submitted electronically pursuant to subsection (f) of this section;

(3) the brief and party appendix have been redacted or do not contain any names or other personal identifying information that is prohibited from disclosure by rule, statute, court order, or case law, unless the brief is filed pursuant to § 79a-6;

(4) the e-brief contains 7,719 words;

(5) the brief complies with all provisions of this rule; and

(6) no deviations from this rule were requested/approved.

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