

STATE OF CONNECTICUT



*AUDITORS' SPECIAL REVIEW
OF THE OFFICE OF THE SECRETARY OF THE STATE
E-NEWSLETTER PROJECT*

AUDITORS OF PUBLIC ACCOUNTS

JOHN C. GERAGOSIAN ❖ ROBERT M. WARD

STATE OF CONNECTICUT



AUDITORS OF PUBLIC ACCOUNTS

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JOHN C. GERAGOSIAN

ROBERT M. WARD

The Honorable Denise W. Merrill
Secretary of the State
30 Trinity Street
Hartford, Connecticut 06106

March 3, 2014

Subject: Request for Special Review of your E-Newsletter Project

Dear Secretary Merrill:

On October 15, 2013, you requested that our office conduct a review of the e-newsletter project recently undertaken by the Office of the Secretary of the State. You asked that the review include an examination of the preparation of the email distribution list and the preparation of the newsletter and its content. You also asked that we determine whether state resources employed in the newsletter project were properly and prudently used, and whether your office was in compliance with all legal requirements in undertaking this project.

We have completed our review of your newsletter project. Each area that you asked us to review is included under separate captions in this report.

Preparation of the Email Distribution List:

Our review disclosed that the actual email list consisted only of email addresses, and that it was supported by five individual Excel files; two of which included only names and email addresses; two others that included names, email addresses, and phone numbers; and one that was a listing of attorneys that we were told volunteered to assist your office at polling sites throughout the state on election day in November 2012, on an as-needed basis. That list included more information but did not include any information regarding political affiliation.

The two files that included names, email addresses, and phone numbers were created on state computers from sign-in sheets of people who attended two community civic engagement events. An intern in your office entered the information into the Excel files. The two files contained a total of 64 email addresses. The file that included the volunteer attorneys was created for last year's election, well before the e-newsletter project began. We were told by your employees that the email addresses from the above sources were added to the list because they belonged to people who showed an interest in the activities of your office.

The files that included only names and emails made up the bulk of the email list and were not created on state computers, but were separately emailed from the your chief of staff's personal

email account to your communication director's state computer. The first was emailed on April 26, 2013, and had 5,095 email addresses and the second was emailed on June 20, 2013, and had 227 email addresses. You publicly stated that much of the list came from your 2010 campaign and that many of the names on the list were your own personal contacts prior to the campaign. This could give the impression that the newsletter was sent to them for personal reasons. You have also publicly stated that the purpose they were sent was not personal. We cannot make any positive determination as to why this portion of the list was created, but can conclude that, since the employees involved in creating the list are in unclassified positions, no state statutes were violated. This is explained further under the caption titled "Preparation of the Newsletter."

Preparation of the Newsletter:

Our review disclosed that five newsletters were prepared and emailed to most of the email addresses on the email list, from June 1, 2013 through October 1, 2013. The newsletters were also posted on Twitter and Facebook. We were told that staff in unclassified positions prepared those newsletters.

We note that there was an August 2010 report issued by the Attorney General's Office (AGO) regarding the investigation of another complaint concerning a database maintained by the former Secretary of the State, Susan Bysiewicz. The report indicates that "State law prohibits state employees in the classified service from engaging in political activity on state time and from using state equipment for political purposes. Conn. Gen. Stat. Sec. 5-266a(b). The Chief State's Attorney's Office has determined that the prohibitions contained in Conn. Gen. Stat. §5-266a(b) do not apply to unclassified state employees." The report also states that "Indeed, there is no prohibition at all on unclassified state employees engaging in political or campaign activities on state time. Only actions taken for clearly political purposes that involve the work of classified state employees on state time or using state equipment or property violate Section 5-266a(b)."

The time that employees spent working on the newsletters was not specifically tracked on employee timesheets or any other record, thus, we could not determine the cost associated with the preparation of the newsletters or obtain substantive documentation to support the employees who did work on them. Based on the information included in the newsletters and the information we obtained from interviews we conducted with your staff, it appears reasonable to conclude that only unclassified employees worked on the newsletters. However, it must be made clear that without any substantive documentation supporting who worked on the newsletters and when they worked on them, we must accept the information we obtained from the interviews we conducted with your employees; specifically that only unclassified employees worked on those newsletters. Based on that information and the criteria included in the AGO report referred to above, it can be concluded that the preparation of the five newsletters that were sent out from June 1, 2013 through October 1, 2013 did not violate state statutes.

Content of the Newsletter:

We reviewed the newsletters that were issued. We have no comments to make regarding their contents, except to note that it was reported in the news that there were no objections to the content of the newsletter or the newsletter itself.

Determination as to whether state resources employed in the newsletter project were properly and prudently used:

There were minimal additional charges that resulted from the decision to email the newsletter. In order to send out the e-newsletters, a new state email account was required. The new state email account was set up by a SOTS classified employee through the Department of Administrative Services Bureau of Enterprise Systems and Technology (BEST). The initial request made to the BEST Helpdesk requested that the new account be set up as Merrill.sotsnews@ct.gov, but it was initially set up as sotsnews@ct.gov. After a subsequent SOTS request was made, the account name was changed to that which was initially requested and that is the account that was used to send out the e-newsletters. We were told by your employees that your name was required so that the recipients would know who sent it; that they may not have identified 'sotsnews' as coming from Denise Merrill.

We noted that your office already had an account with a mass email service vendor, Swiftpage, and the new state email account was tied to that account. The existing account allowed for a limit of 60,000 emails per day, which cost \$1,063.08 per quarter year, including the \$359.49 per quarter year standard cost for the daily limit of 13,000 emails. That account is exclusively for your Commercial Recording Division, for emailing notices to businesses. The new account for the e-newsletter increased the daily email limit from 60,000 to 70,000, and cost an additional \$49.90 per month (10,000 email limit per day @ \$4.99 per 1,000). The allocation of the \$359.49 per quarter year standard cost for the service to the e-newsletter amounts to \$17.12 per month. We also noted that emails were sent to certified public accountants in the state from the new email account, informing them of continuing education opportunities. We did not consider the emails to the certified public accountants in the cost calculation, but do note that if the notification was done through the U.S. Mail it would have cost considerably more than the increase in the cost for the mass email service. The confirmation received from the email vendor indicates that 8,932 emails were sent out in the July 1, 2013 mass email to the certified public accountants.

The number of emailed newsletters per the email confirmations from your mass email vendor is summarized below:

<u>Date</u>	<u>Addresses Submitted*</u>	<u>Emails Sent</u>
June 1, 2013	5,165	4,567
July 2, 2013	5,310	4,357
August 13, 2013	5,404	4,399
September 11, 2013	5,375	3,864
October 1, 2013	5,393	3,845

*The number of addresses submitted was reduced by those identified as duplicates, invalid addresses, opt outs, bounce suppressed, and failed emails.

We understand that you have discontinued the newsletter project completely.

Determination as to whether your office was in compliance with all legal requirements in undertaking this project:

Based on the information reviewed it can be concluded that the newsletter project that was discontinued did not violate state statutes. However, there may always be a question as to whether the e-newsletters were emailed to individuals to inform them of what your office is doing, or to get your name out to those individuals for partisan political purposes. We found no substantive documentation to positively support that the e-newsletter project was for clearly political purposes, although it could be perceived that it was. You stated in writing in your October 15, 2013 press release that the e-newsletter was never intended to be used to somehow campaign for a future election, and that the intent of the e-newsletter program was to let people know what your office is doing.

We hope that this adequately answers your questions about the e-newsletter project. We wish to express our appreciation for the cooperation and courtesies extended to our representatives by the personnel of the Office of the Secretary of State.

Sincerely,



John C. Geragosian
Auditor of Public Accounts



Robert M. Ward
Auditor of Public Accounts

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