

STATE OF CONNECTICUT  
STATE ELECTIONS ENFORCEMENT COMMISSION

In the Matter of a Referral by  
The Secretary of the State

File No. 2011-073

FINDINGS AND CONCLUSIONS

This Secretary of the State referred this matter pursuant to Connecticut General Statutes § 9-7b (a) (1) upon receipt of a complaint from a citizen alleging irregularities related to the certification of the nomination of a candidate at 13<sup>th</sup> Senatorial District Nominating Convention for the Republican Party held on January 13, 2011

After an investigation of the Complaint, the Commission makes the following findings and conclusions:

1. On or about January 7, 2011 Governor Malloy issued writs of election setting February 22, 2011 as the date on which special elections would be held to fill any vacancies in the General Assembly that existed at that time. See General Statutes § 9-215.
2. Among the vacancies for which the special election would be held was a vacancy in the 13<sup>th</sup> Senatorial District in the Connecticut General Assembly, which is a “district” office, as defined in General Statutes § 9-372.
3. General Statutes § 9-215 reads, in pertinent part:
  - (a) When any member or member-elect of the General Assembly resigns, the member or member-elect shall resign by notifying the Secretary of the State of the member's or member-elect's decision, and if any member or member-elect of the General Assembly dies, the town clerk from the town in which the member or member-elect resides shall notify the Secretary of the State of such death.
  - (b) When any such vacancy occurs, except as provided in this section, the Governor shall, within ten days after its occurrence, issue writs of election, directed to the town clerks or assistant town clerks in the several towns in the district in which the vacancy exists, ordering an election to be held therein on the forty-sixth day after the issue of such writs to fill such vacancy, and cause them to be conveyed to such town clerks or assistant town clerks. No such election shall be held on a Saturday or Sunday. If such a vacancy occurs between the one hundred twenty-fifth day and the forty-ninth day before the day of a regular state or municipal election in November of any year, the Governor shall so issue such writs on the forty-sixth day before the day of such regular election, ordering

an election to be held on the day of such regular election. If such a vacancy occurs after the forty-ninth day before the day of a regular state election but before the Wednesday following the first Monday of January of the next-succeeding year, the Governor shall not issue such writs and no election shall be held under this section, unless the position vacated is that of member-elect, in which case the Governor shall issue such writs and an election shall be held as provided in this section.

...

(d) . . . (2) If such vacancy is a district office, as defined in section 9-372, the delegates to the senatorial or assembly convention for the last state election shall be the delegates for the purpose of selecting a candidate to fill such vacancy. If a vacancy occurs in the delegation from any town, political subdivision or district, such vacancy may be filled by the town committee of the town in which the delegate resided. *Nominations by political parties pursuant to this section may be made and certified at any time after the resignation or death of the member or member-elect of the General Assembly **and not later than the thirty-sixth day before the day of the election.** No such nomination shall be effective until the presiding officer and secretary of any district convention have certified the nomination to the Secretary of the State.* . . .

(Emphasis added.)

4. On January 13, 2011, the Republican Party convened a convention to choose a nominee for their party's endorsement in such district. At such convention, Len Suzio was endorsed and nominated as candidate for State Senator for the 13<sup>th</sup> District in the February 22, 2011 Special Election. Written certification of such endorsement and nomination was made by Respondent James Belote and Mark Mnich, respectively the presiding officer and secretary of the convention, on a form drafted by the Secretary of the State.
5. Bijan Bahramian made a complaint to Secretary of the State, which was referred to the Commission in full, and alleged that after the aforementioned certification by the presiding officer and the secretary, the presiding officer, Respondent Belote, gave the certification form to Mr. Suzio with instructions to file such form no later than 14 days from said date.
6. Mr. Bahramian alleges that Respondent Belote erred in his instructions to the candidate and that General Statutes § 9-215 (d) required that the certification be delivered by no later than January 18, 2011. He alleges that Respondent Belote, as the presiding officer, had the responsibility of delivering the certification and erred in giving it to the candidate.
7. Respondent Belote does not generally deny that he gave the certification over to the candidate, nor does he deny that he gave the candidate instructions concerning the 14 day delivery window. However, he asserts that he told the candidate to return the

certificate “immediately” to be safe. He alleges that it was his sincere understanding that there was a 14 day window for delivery of the certificate to the Secretary of the State and that he would not have deliberately given the candidate the wrong information.

8. As an initial matter, the Commission concludes that the candidate may deliver the certification to the Secretary of the State. General Statutes § 9-388 reads, in pertinent part:

Whenever a convention of a political party is held for the endorsement of candidates for nomination to state or district office, *each candidate endorsed at such convention shall file with the Secretary of the State a certificate, signed by him, stating that he was endorsed by such convention*, his name as he authorizes it to appear on the ballot, his full residence address and the title and district, if applicable, of the office for which he was endorsed. Such certificate shall be attested by either (1) the chairman or presiding officer, or (2) the secretary of such convention and shall be received by the Secretary of the State not later than four o'clock p.m. on the fourteenth day after the close of such convention. Such certificate shall either be mailed to the Secretary of the State by certified mail, return receipt requested, *or delivered in person*, in which case a receipt indicating the date and time of delivery shall be provided by the Secretary of the State to the person making delivery. If a certificate of a party's endorsement for a particular state or district office is not received by the Secretary of the State by such time, such certificate shall be invalid and such party, for purposes of section 9-416 and section 9-416a shall be deemed to have made no endorsement of any candidate for such office. . . .

9. Moreover, the Secretary of the State issued written notices and instructions to the town clerks of the various towns in which special elections were held. The Secretary’s instructions specifically allow a candidate to deliver the certificate. See General Statutes § 9-3.
10. The Commission also concludes that the Respondent did err in instructing the candidate that he had 14 days to return the certificate. It appears that Respondent Belote confused the 14-day deadline in § 9-388—which applies to Certifications during the normal course of the primary and general election cycle are due—with General Statutes § 9-215—which proscribes a deadline that is no later than 36 days before the Special Election, which in this case was January 18, 2011. Mr. Bahramian presented evidence, through the Secretary of the State, that such certification was received on January 18, 2011.

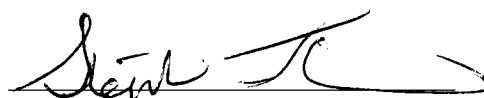
11. Considering the aforesaid, the Commission concludes that while Respondent Belote did err in instructing the candidate of the incorrect date such error was not a violation of law. Accordingly, this matter should be dismissed.

**ORDER**

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

- 1) That the matter is dismissed.

Adopted this 27th day of July, 2011 at Hartford, Connecticut.



Stephen P. Cashman, Chairperson  
By Order of the Commission