

**STATE OF CONNECTICUT**  
**STATE ELECTIONS ENFORCEMENT COMMISSION**

Adam Grippo, Cheshire

File No. 2014-059

**FINDINGS AND CONCLUSIONS**

The Complainant filed this complaint with the Commission pursuant to General Statutes § 9-7b. The Complainant alleges that Everett Sussman, hereinafter the Respondent, did not register his candidacy within ten days after publicly declaring his candidacy for judge of probate for the 18<sup>th</sup> district.

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

1. The Complainant alleges that the Respondent made a public declaration of his candidacy for judge of probate for the 18<sup>th</sup> district on or about May 12, 2014 and as recorded in the *Meriden Record Journal*. On such date the *Meriden Record Journal* reported that the Respondent “hopes to ‘communicate and educate’ if elected to the position of probate judge.”
2. The Respondent states that he did not publically declare his candidacy at that time and was only answering a hypothetical question about whether or not he would run under certain conditions.
3. The Respondent was endorsed by the Democratic Party for such office on May 21, 2014 with the party endorsement filed with the Secretary of the State on May 22, 2014.
4. The Respondent registered his candidate committee (SEEC Form 1 & 1A) with the State Elections Enforcement Commission on or about June 5, 2014.<sup>1</sup>
5. As reflected in the Respondent’s candidate committee’s sworn financial statements, there is no evidence of relevant expenditures or contributions prior to June 5, 2014.

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<sup>1</sup> Unlike filings governed by General Statutes § 9-608 (d), when the statutes do not specify the specific manner of receipt or otherwise prescribe the measure of timeliness, the Commission has traditionally utilized the postmarked date to determine whether a document was filed with the Commission by the applicable deadline. Such is the case with the measurement of the timeliness of candidate committee registrations under General Statutes § 9-604 (a). In this matter, while the candidate committee registration was processed as timely, the associated postmarked record was not retained, which limits the factual finding to an “on or about” date.

6. General Statutes § 9-601 (11) provides:

“Candidate” means an individual who seeks nomination for election or election to public office whether or not such individual is elected, and for the purposes of this chapter and chapter 157, an individual shall be deemed to seek nomination for election or election if such individual has (A) been endorsed by a party or become eligible for a position on the ballot at an election or primary, or (B) solicited or received contributions, other than for a party committee, made expenditures or given such individual’s consent to any other person, other than a party committee, to solicit or receive contributions or make expenditures with the intent to bring about such individual’s nomination for election or election to any such office. “Candidate” also means a slate of candidates which is to appear on the ballot in a primary for the office of justice of the peace. For the purposes of sections 9-600 to 9-610, inclusive, and section 9-621, “candidate” also means an individual who is a candidate in a primary for town committee members.

7. General Statutes § 9-604 (a) provides, in relevant part:

Each candidate for a particular public office or the position of town committee member shall form a single candidate committee for which he shall designate a campaign treasurer and a depository institution situated in this state as the depository for the committee’s funds and shall file a committee statement containing such designations, not later than ten days after becoming a candidate, with the proper authority as required by section 9-603....

8. General Statutes § 9-603 (a) establishes the Commission as the filing repository for judge of probate candidate committees and provides, in relevant part:

Statements filed by ... candidate committees formed to aid or promote the success or defeat of any candidate for the office of ... judge of probate ... shall be filed with the State Elections Enforcement Commission...

9. Even if the Respondent's reported statements constituted a public declaration of his candidacy, the Commission has recently reaffirmed its position that such statements of intent alone do not trigger the need to register as a candidate:

The Complaint here asserts that the above statements are sufficient evidence to show that the Respondent became a "candidate" and as such should have formed a committee and begun reporting activity, but failed to do so. However, even assuming that any of the above is sufficient evidence of the Respondent's intent to run for re-election, mere statements, alone do not deem an individual to be a "candidate," as that term is defined in General Statutes § 9-601 (11). See, *In the Matter of a Complaint by Thomas Barnes, Bristol*, File No. 2009-157 ("The 'public declaration' of an individual who is not in an exploratory committee, without more, is insufficient to trigger the filing requirements in General Statutes § 9-604 (a) & (b)").

*Complaint by Benjamin Ancona, Newington*, File No. 2013-140, at p. 15.

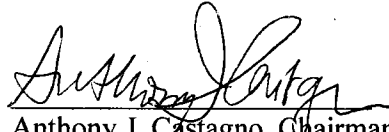
10. The Commission concludes that, based on its prior application of the statutes, seeking nomination or election alone, without meeting one or more of the specific prongs of the definition of "candidate" in General Statutes § 9-601 (11), does not trigger the need to register as a candidate under General Statutes § 9-604 (a).
11. The Commission instructs the Respondent that General Statutes § 9-604 requires candidates for judge of probate to file a candidate designation (SEEC Form 1 and 1A) with the Commission not later than ten days after conditions that include "endorsement by a party."
12. As noted above, the party endorsement occurred on May 21, 2014 and, in this instance, the "not later than ten days after becoming a candidate" filing deadline in General Statutes § 9-604 (a) runs from such date. Nevertheless, due to the absence of relevant postmarked records, the Commission declines to further review whether registration was, in fact, mailed by the applicable deadline.

**ORDER**

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

That the matter be dismissed.

Adopted this 18<sup>th</sup> day of Nov, 2014 at Hartford, Connecticut.

  
Anthony J. Castagno, Chairman  
By Order of the Commission