

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

In the Matter of a Complaint by Tom Morey, New Milford

File No. 2014-075

**FINDINGS AND CONCLUSIONS**

The Complainant brings this Complaint pursuant to Connecticut General Statutes § 9-7b, alleging that Respondent Gale Alexander was improperly endorsed by the New Milford Democratic Town Committee for State Representative in the 67<sup>th</sup> House District in the Connecticut General Assembly for the November 2014 General Election.

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

1. The Complainant alleges that at a meeting held on May 21, 2014 Respondent Gale Alexander was endorsed by the New Milford Democratic Town Committee (“DTC”) to be the Democratic nominee for State Representative in the 67<sup>th</sup> House District in the Connecticut General Assembly.
2. The Complainant alleges that the party rules of the New Milford Democratic Town Committee require that such an endorsement must only be by caucus and as such, Mr. Alexander’s nomination should be voided.
3. State Representative in the 67<sup>th</sup> House District in the Connecticut General Assembly is considered to be a “municipal office,” as that term is defined in General Statutes § 9-372 (7)<sup>1</sup>, as it is entirely contained within a single municipality.
4. Mr. Alexander’s Certificate of Endorsement was accepted by the Connecticut Secretary of the State on or about May 23, 2014. Such certificate indicates that Mr. Alexander was endorsed at a town committee meeting held at Richmond Senior Center in New Milford on May 21, 2014

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<sup>1</sup> General Statutes § 9-372 (7) reads:

The following terms, as used in this chapter, chapter 157 and sections 9-51 to 9-67, inclusive, 9-169e, 9-217, 9-236 and 9-361, shall have the following meanings: . . . (7) “Municipal office” means an elective office for which only the electors of a single town, city, borough, or political subdivision, as defined in subdivision (10) of this section, may vote, including the office of justice of the peace; . . .

5. General Statutes § 9-390 reads, in pertinent part:

(a) Except as provided in subsection (g) of this section, party-endorsed candidates of any party in any municipality for municipal office shall be selected, in accordance with the rules of such party, by: (1) The enrolled members of such party in such municipality in caucus, (2) delegates to a convention chosen in accordance with such rules by such enrolled members, or (3) the town committee of such party. The town chairman or his designee shall give notice in a newspaper having a general circulation in the town of the date, time, location and purpose of a caucus held pursuant to subdivision (1) of this subsection. Such notice shall be given not less than five days prior to the date set for the caucus; provided, if the rules of the party in any municipality require earlier notice, such party rules shall prevail. . . .

(Emphasis added.)

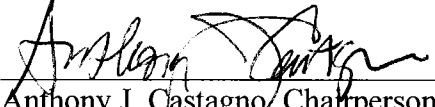
6. The Complainant argues that since Mr. Alexander was not, as he alleges, selected according to the rules of the New Milford DTC, his endorsement was not valid under § 9-390.
7. As an initial matter, under General Statutes § 9-390, the endorsement was correctly accepted by the Secretary of the State, as the Certificate of Party Endorsement form was timely submitted and indicated on its face that such endorsement was made under one of the three criteria set forth in § 9-390.
8. Turning to the Complainant's specific allegations, that Mr. Alexander was improperly endorsed under the New Milford DTC rules, while General Statutes § 9-390 states that "party-endorsed candidates of any party in any municipality for municipal office shall be selected, in accordance with the rules of such party," General Statutes § 9-387 sets forth that the state rules of each party shall prescribe the manner in which any dispute as to the endorsement by such party of a candidate for municipal office shall be resolved. The Commission does not have jurisdiction to enforce or interpret party rules.
9. As such, this matter should be dismissed for lack of subject matter jurisdiction.

**ORDER**

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

That the matter is dismissed.

Adopted this 19th day of August, 2014 at Hartford, Connecticut.

  
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Anthony J. Castagno, Chairperson  
By Order of the Commission