

STATE OF CONNECTICUT
STATE ELECTIONS ENFORCEMENT COMMISSION

In the Matter of a Complaint by Elaine Pivrotto, Bridgeport

File No. 2016-005

FINDINGS AND CONCLUSIONS

The Complainant alleges that Respondent Santa Ayala failed to reject certain primary petitions related to the March 1, 2016 Bridgeport Democratic Town Committee primary.

1. Respondent, Santa Ayala was, at all times relevant hereto, the Democratic Registrar of Voters for the City of Bridgeport, Connecticut.
2. Complainant alleges that, on January 20, 2016 and January 21, 2016, Respondent certified 186 signatures on 13 petition pages concerning a slate of candidates for the Democratic Town Committee primary for the 132 District.
3. Complainant further alleges that eight pages of signatures were incomplete because the "name of circulator" line in the acknowledgement was missing or inaccurate.
4. General Statutes § 9-410 (c) provides, in pertinent part:

(c) Each circulator of a primary petition page shall be an enrolled party member of a municipality in this state who is entitled to vote. Each petition page shall contain a statement signed by the registrar of the municipality in which such circulator is an enrolled party member attesting that the circulator is an enrolled party member in such municipality. Unless such a statement by the registrar appears on each page so submitted, the registrar shall reject such page. No candidate for the nomination of a party for a municipal office or the position of town committee member shall circulate any petition for another candidate or another group of candidates contained in one primary petition for the nomination of such party for the same office or position, and any petition page circulated in violation of this provision shall be rejected by the registrar. No person shall circulate petitions for more than the maximum number of candidates to be nominated by a party for the same office or position, and any petition

page circulated in violation of this provision shall be rejected by the registrar. Each separate sheet of such petition shall contain a statement as to the authenticity of the signatures thereon and the number of such signatures, and shall be signed under the penalties of false statement by the person who circulated the same, setting forth such circulator's address and the town in which such circulator is an enrolled party member and attesting that each person whose name appears on such sheet signed the same in person in the presence of such circulator, that the circulator either knows each such signer or that the signer satisfactorily identified the signer to the circulator and that the spaces for candidates supported, offices or positions sought and the political party involved were filled in prior to the obtaining of the signatures. *Each separate sheet of such petition shall also be acknowledged before an appropriate person as provided in section 1-29. Any sheet of a petition filed with the registrar which does not contain such a statement by the circulator as to the authenticity of the signatures thereon, or upon which the statement of the circulator is incomplete in any respect, or which does not contain the certification hereinbefore required by the registrar of the town in which the circulator is an enrolled party member, shall be rejected by the registrar. Any individual proposed as a candidate in any primary petition may serve as a circulator of the pages of such petition, provided such individual's service as circulator does not violate any provision of this section.*

(Emphasis added)

5. Based upon the evidence reviewed in connection with this matter, the Commission finds:
 - a. Five of the petition pages circulated list the name of the official taking the acknowledgment rather than the circulator on the name of the circulator line.
 - b. Two of the petition pages left the name of the circulator line of the acknowledgement blank.
6. The Commission further finds that the identity of the circulator was obvious on the face of each of the petitions in question, as it was clearly printed at the top of each form.
7. When this exact issue was brought before the Superior Court in a similar matter in 2010, Judge Peck held that “the omission of a space where the acknowledging officer can fill in

the circulator's name and the absence of the circulator's name from the acknowledgment does not invalidate Part D of the form.” *Kirkley-Bey v. Vasquez*, No. HHD-CV-106007952-S, 2010 WL 1224763, at *11 (Conn. Super. Ct. Mar. 1, 2010).

8. Accordingly, because the name of circulator in the acknowledgment is not required for a petition to be valid, and because the name of the circulator was obvious on the face of the form, this matter should be dismissed.

ORDER

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

That the matter is dismissed.

Adopted this 13th day of April, 2016 at Hartford, Connecticut.


Anthony J. Castagno, Chairperson
By Order of the Commission