

STATE OF CONNECTICUT
STATE ELECTIONS ENFORCEMENT COMMISSION

In the Matter of a Complaint by Elaine Pivrotto, Bridgeport

File No. 2016-006

FINDINGS AND CONCLUSIONS

The Complainant alleges that Respondent Santa Ayala placed candidates on the ballot for the Bridgeport Democratic Town Committee primary in an improper order.

1. Respondent, Santa Ayala was, at all times relevant hereto, the Democratic Registrar of Voters for the City of Bridgeport, Connecticut.
2. The facts of this matter are not in dispute and were confirmed by an independent investigation by the State Elections Enforcement Commission.
3. On January 14, 2016, a slate of candidates (hereinafter "Slate A") for the Bridgeport Democratic Town Committee submitted primary petitions for the Democratic Town Committee primary for the 132nd District to the Respondent.
4. On January 20, 2016, Respondent determined that there were only 172 valid signatures on the 11 petition pages Slate A submitted. One hundred seventy-six (176) signatures were required to appear on the ballot for that town committee primary.
5. Slate A submitted two additional primary petition pages with a total 14 additional signatures on January 21, 2016.
6. Prior to that, on January 19, 2016, a second slate of candidates (hereinafter "Slate B") submitted petition pages to the Respondent with sufficient signatures for Slate B to appear on the ballot.
7. After receiving both Slate A and Slate B's petition pages, the Respondent prepared a ballot whereby Slate A appeared on the first line and Slate B appeared on the second line.
8. Complainant alleges that Slate B should have appeared on the first line because it was the first slate to deliver sufficient signatures to qualify for ballot position.

9. Connecticut General Statutes § 9-437 (d) details the requirements concerning the order of candidates for municipal office. Specifically, this provision provides:

In the case of candidates for municipal office, a single row shall be used for the candidates whose names are contained in one primary petition, provided such petition proposes at least two candidates and the full number of candidates for each office to be contested at such primary as the party may nominate or choose thereat, precedence as to row being given to the candidates whose names appear in the first such petition filed, and so on in descending order.

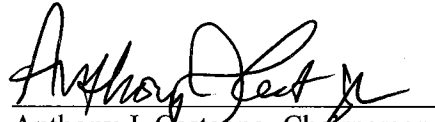
10. The Commission has not previously addressed the proper ballot order when a Registrar receives petition signatures for a slate of municipal candidates that are insufficient for ballot access, but such insufficiency is not realized until after the Registrar receives petition signatures from a second slate of candidates.
11. The Commission finds, in the absence of statutory guidance or precedent in this area, if a petition for ballot access is insufficient for the slate to access the ballot, the delivery of such petition cannot be used for ballot access purposes. Rather, it is the date such insufficiency is corrected that should be used for ballot access.
12. In this case, even though Slate A delivered most of the signatures required on January 14, 2016, the first complete petition with the requisite signatures was delivered on January 19, 2016 by Slate B. Accordingly, Slate B should have been listed on the first line of the ballot.
13. However, due to the lack of Commission precedence in this area and the apparent good faith attempts by the registrar to comply with the law, the Commission, in its discretion, declines to take further action with regard to this Complaint.

ORDER

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

The Commission takes no further action.

Adopted this 11th day of May, 2016 at Hartford, Connecticut.



Anthony J. Castagno, Chairperson
By Order of the Commission