

STATE OF CONNECTICUT
STATE ELECTIONS ENFORCEMENT COMMISSION

In the Matter of a Complaint by Michael E. Bushior,
Somers

File No. 2016-007

FINDINGS AND CONCLUSIONS

The Complainant brings this Complaint pursuant to Connecticut General Statutes § 9-7b, alleging that Respondent David Reed faxed a certificate of party endorsement containing a candidate signature that he had not witnessed and therefore that it did not satisfy the requirement of General Statutes § 9-391, as amended by Public Act 15-224.

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

1. At all times relevant to this complaint Respondent David Reed was the Caucus Chair of the Somers Republican Town Committee (SRTC).
2. The Complainant alleged that Respondent David Reed faxed a certificate of party endorsement containing a candidate signature that he had not witnessed and therefore the certificate did *not* satisfy the requirement of General Statutes § 9-391(as amended by P.A. 15-224).
3. The Commission notes that § 11 of P.A. 15-224 that substituted General Statutes § 9-391 was effective January 1, 2016. Therefore, the substitution relied upon by Complainant as a basis for his allegation was applicable to the events that gave rise to this complaint and investigation.
4. General Statutes § 9-391, as amended by Public Act 15-224, provides in pertinent part:
Sec. 11. Section 9-391 of the general statutes is repealed and the Substitute Senate Bill No. 1051 Public Act No. 15-224 16 of 44 following is substituted in lieu thereof (Effective January 1, 2016): (a) Each endorsement of a candidate to run in a primary for the nomination of candidates for municipal office to be voted upon at a municipal election, or for the election of town committee members shall be made under the provisions of section 9-390 not earlier than the fifty-sixth day or later than the forty-ninth day preceding the day of such primary. In the case of an endorsement of a candidate for a municipal office of state senator or state representative, such endorsement may be made of a candidate

whose name appears upon the last-completed enrollment list of such party within the municipality or political subdivision within which such candidate is to run for nomination. ***The endorsement shall be certified to the clerk of the municipality by either (1) the chairman or presiding officer, or (2) the secretary of the town committee, caucus or convention,*** as the case may be, not later than four o'clock p.m. on the forty-eighth day preceding the day of such primary. ***Such certification shall be signed by such candidate*** and contain the name and street address of each person so endorsed, the title of the office or the position as committee member and the name or number of the political subdivision or district, if any, for which each such person is endorsed. Such certification shall be made on a form prescribed by the Secretary of the State or on such other form as may comply with the provisions of this subsection. If such a certificate of a party's endorsement is not received by the town clerk by such time, such certificate shall be invalid and such party, for purposes of sections 9-417, 9-418 and 9-419, shall be deemed to have neither made nor certified such endorsement of any candidate for such office. ...

[Emphasis added.]

5. Upon investigation, it was determined that the SRTC on January 7, 2016 submitted to the Somers Town Clerk's office a certificate of party endorsement by the SRTC for town committee members that contained a "Signature of Endorsed Candidate" of John H. Reddick. Further, the Commission finds that the aforementioned certificate was "Attested by" Respondent Reed as "Chairman or Presiding Officer," and by Ms. Joan Sizer as "Secretary of Meeting."
6. The Commission finds that the certificate of party endorsement of Mr. Reddick was subsequent to a party caucus held by the SRTC at Somers Town Hall on January 5, 2016.
7. The Complainant and Respondent do not dispute that the January 7, 2016 SRTC Certificate of Party Endorsement contained a signature by Mr. Reddick that was received via facsimile by Respondent Reed.
8. The Complainant alleges that since Respondent Reed received a faxed copy of the signature of Mr. Reddick that the document was not valid as it did not meet the requirements of General Statutes § 9-391(as amended by § 11 of P.A. 15-244) as amended by Section 11 of P.A. 15-224).

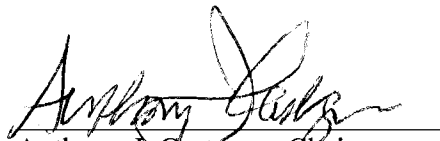
9. The Commission notes that on December 31, 2015, the Office of the Secretary of the State (SOTS) issued advice “To all Town Clerks – Town Committee Endorsements” that specifically addressed § 11 of P.A. 15-224, which “made changes to CGS Section 9-391.” Specifically, the SOTS advised that: “...*Section 9-391 ... now requires all municipal candidates, including candidates for town committees, to sign there certificate of endorsements.*”
10. The Commission concludes, consistent with its own reading of General Statutes § 9-391 (as amended by § 11 of P.A. 15-244) and the written advice of the SOTS, as detailed herein, that the statutory amendments pertaining to certificates of endorsement requires that a candidate *sign* a certificate of endorsement.
11. The Commission further concludes that the change in law does *not* specify the nature of the signature (e.g. original or facsimile) required by General Statutes § 9-391 (as amended by § 11 of P.A. 15-244). Furthermore, the Commission stresses that inquiries to the SOTS confirmed the interpretation regarding the signature requirement by that office both in past advice by that office prior to and in the course of this investigation.
12. The Commission finds that because Mr. Riddick signed the January 7, 2016 SRTC certificate of party endorsement made to the Somers Town Clerk, as required by General Statutes § 9-391 (as amended by § 11 of P.A. 15-244) the allegation is not supported by the facts after investigation.
13. The Commission further finds, after thorough investigation and review, a lack of evidence that the SRTC and Respondent Reed by submitting the certificate endorsement as detailed herein failed to file a valid certificate of endorsement to the Somers Town Clerk pursuant to General Statutes § 9-391 (as amended by § 11 of P.A. 15-244) .

ORDER

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

That the matter is dismissed.

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


Anthony J. Castagno, Chairperson
By Order of the Commission