

STATE OF CONNECTICUT
STATE ELECTIONS ENFORCEMENT COMMISSION

In the Matter of a Complaint by
Nancy Rossi, West Haven

File No. 2007-339

FINDINGS AND CONCLUSIONS

Complainant brings this complaint pursuant to Connecticut General Statutes § 9-7b and challenges the authenticity of several signatures on primary petitions that were circulated on behalf of a candidate for city council for West Haven's 7th voting district. With respect to those primary petitions, the Complainant also claims that the Democratic Registrar of Voters, Charles Marino, failed to reject the signatures of two individuals that did not live in the 7th voting district.

After an investigation of the complaint, the following Findings and Conclusions are made:

1. Through the use of primary petitions, Brian F. Banning, Sr. successfully achieved a spot on the ballot as a 7th voting district candidate for city council in the City of West Haven's democratic primary election held on September 11, 2007.
2. Mr. Banning's son, William Banning (hereinafter "Banning") circulated petitions on behalf of his father. Banning is 19 years old.
3. The complainant challenges the authenticity of signatures that appear on three separate petitions circulated by Banning; those of Ivan Balfour, Tashai Balfour, Diana D'Angelico, John D'Angelico, Donald Webb, and Susan Webb.
4. Connecticut General Statutes § 9-410 (c), provides the following in pertinent:

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, . . . 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

5. An implicit requirement of section 9-410 is that the circulator's statement is true. Accordingly, if the circulator signed a section 9-410 petition statement that he or she knew or should have known was untrue, that circulator will be deemed to have violated section 9-410.
6. Each petition circulated by Banning contained the following statement (hereinafter the "Statement") which was followed by Banning's signature: **"Each person whose name appears on this petition signatures page signed the same in person in my presence. I either know each such signer or such signer satisfactorily identified himself or herself to me. . . . I hereby declare under**

the PENALTIES OF FALSE STATEMENT, **that the statements made in the foregoing Circulator's Statement of Authenticity are true.** [Emphasis added.]

7. The evidence clearly establishes that Diane D'Angelico, Tashai Balfour, Ivan Balfour and Susan Webb identified themselves to Banning and signed their names to the petition in his presence.
8. As a result, Banning's statements concerning those individuals were true. It is therefore concluded that William Banning did not violate General Statutes § 9-410 by making those statements.
9. There is insufficient evidence to prove that Banning's statements regarding John D'Angelico and Donald Webb were inaccurate. The Commission cannot therefore conclude that William Banning violated Connecticut General Statutes § 9-410 by making those statements.
10. The complainant also claims that the Democratic Registrar of Voters, Charles Marino, violated the law when he certified the petition signatures of Kerri Ruocco and Sandra Lorusso. The complainant asserts that those individuals did not live in the 7th voting district at the time they signed the petition and, thus, their signatures should not have been accepted by Registrar Marino. Notably, Sandra Lorusso is the Democratic Deputy Registrar of Voters.
11. General Statutes § 9-412 provides in relevant part as follows:

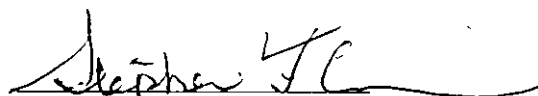
In checking signatures on primary petition pages, the registrar shall reject any name if such name does not appear on the last-completed enrollment list in the . . . political subdivision
12. General Statutes § 9-372(10) states that "political subdivision" means "any voting district or combination of voting districts constituting a part of a municipality."
13. In the present case, Kerri Ruocco and Sandra Lorusso each lived at the address they provided on the petition. Those addresses fall within the 7th voting district. Their voter registration information did not, however, reflect those addresses at 3:53 p.m. on August 8, 2007, the day the petition in question was submitted to the Democratic Registrar of Voters office. At that time, their voter registration information indicated that they lived outside the 7th voting district.
14. On August, 9, 2007, however, both Ruocco and Lorusso requested that their voter registration information be updated to reflect their change of addresses. As such, the evidence establishes that Registrar Marino did not certify Ruocco's and Lorusso's signatures until after he confirmed that they lived at the addresses they provided on the petition. The Commission therefore concludes that Charles Marino did not violate General Statutes § 9-412 by failing to reject Kerri Ruocco's and Sandra Lorusso's petition signatures.

ORDER

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

The complaint is hereby dismissed.

Adopted this 13th day of February, 2008 at Hartford, Connecticut.

A handwritten signature in black ink, appearing to read "Stephen F. Cashman", with a long horizontal flourish extending to the right.

Stephen F. Cashman, Chairman
By Order of the Commission