

STATE OF CONNECTICUT
STATE ELECTIONS ENFORCEMENT COMMISSION

Complaint of
Lillian Arciniegas, Hartford

File No. 2008-030

FINDINGS AND CONCLUSIONS

The Complainant brings this complaint pursuant to Connecticut General Statutes § 9-7b and alleged that Alphonse Marotta and Hector Robles circulated town committee primary petitions, with knowledge that Mr. Marotta was not qualified to circulate such petitions and was not qualified to appear on such petitions as a candidate due to the lack of residence, and falsely certified under penalties of false statement that he was a Hartford resident.

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

1. The Complainant, a resident of Hartford, Connecticut, alleges Alphonse Marotta circulated nominating petitions for the March 4, 2008 Democratic Town Committee Primary in the City of Hartford on which he appeared as a candidate even though he resides at 22 Autumn Circle in the Town of Rocky Hill. Further, Complainant alleges that Mr. Hector Robles, who also appeared as a candidate on the same nominating petitions, circulated such petitions with the knowledge that Mr. Marotta was no longer a resident of Hartford.
2. The gravamen of this complaint is that Mr. Marotta circulated nominating petitions for the March 4, 2008 Democratic Town Committee Primary in the City of Hartford, and sought a position on the Hartford Democratic Town Committee without allegedly being a resident of Hartford, and Hector Robles, with knowledge of Mr. Marotta's lack of residency, circulated petitions on behalf of the same slate of candidates.
3. General Statutes § 9-406, provides in pertinent part:
A candidacy for nomination by a political party to a municipal office or a candidacy for election as a member of a town committee may be filed by or on behalf of any person *whose name appears upon the last-completed enrollment list of such party within the municipality or within the political subdivision*, senatorial district or assembly district within which a person is to be nominated or a town committee member is to be elected, as the case may be. Any such candidacy shall be filed by filing with the registrar within the applicable time specified in section 9-405 a petition signed by (1) at least five per cent of the electors whose names appear upon the last-completed

enrollment list of such party in such municipality or in such political subdivision, senatorial district or assembly district, or (2) such lesser number of such electors as such party by its rules prescribes, as the case may be. For the purpose of computing five per cent of the last-completed enrollment list, the registrar shall use the last printed enrollment list and the printed supplementary or updated list, if any, of a political party certified and last completed by the registrars of voters prior to the date the first primary petition was issued, excluding therefrom the names of individuals who have ceased to be electors.

[Emphasis added.]

4. General Statutes § 9-453(e), provides in pertinent part:
Each circulator of a nominating petition page shall be a United States citizen, at least eighteen years of age and *a resident of a town in this state* and shall not be on parole for conviction of a felony. Any individual proposed as a candidate in any nominating petition may serve as circulator of the pages of such nominating petition.
[Emphasis added.]
5. A review of voter registration records reveals that Mr. Marotta was a registered voter at 28 Eaton Street, Hartford at the time he circulated petitions and appeared as a Democrat on the last-completed enrollment list at the time he was included on a nominating petition for a Democratic town committee primary when he signed the town committee nominating petitions circulator's statements for the March 4, 2008 primary on January 17, 2008.
6. General Statutes § 9-406 requires that candidates appear on the "last completed enrollment list" within the municipality of the party for which the primary is sought.
7. In this instance Mr. Marotta appeared as a Democrat on the last-completed enrollment list and therefore was eligible to appear on the primary petition for the March 4, 2008 Democratic Town Committee Primary in the City of Hartford.
8. General Statutes § 9-453(e) *previously required* that a circulator "shall be an elector of a town in this state and **eligible to vote** for all candidates listed on such petition." Therefore, circulators of nominating petitions for town committee primaries, in order to vote for such candidates, previously were required to be residents of the town in which they circulated petitions. However, General Statutes § 9-453(e), as amended by P.A. 04-58, no longer requires that the circulator also be eligible to vote for the candidates listed on the petitions circulated. While circulators must be electors in Connecticut, they need not be eligible to vote for all candidates listed on a petition which they circulate.

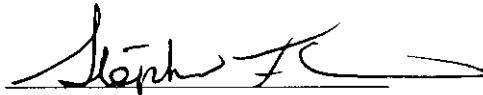
9. Upon investigation, it was discovered that Mr. Marotta is an elector in Connecticut and therefore was eligible to circulate petitions for the March 4, 2008 Democratic Town Committee Primary in the City of Hartford and did not violate General Statutes § 9-453(e). It follows that, Mr. Robles, by circulating such petitions, did not violate this section.
10. The investigation revealed that Alphonse Marotta is in fact a resident of 28 Eaton Street in Hartford, and not 22 Autumn Circle in Rocky Hill. Accordingly, the allegation that he falsely swore to his residence is dismissed.

ORDER

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

That the case be dismissed.

Adopted this 17th day of Sept., 2008 at Hartford, Connecticut.



Stephen F. Cashman, Chairperson
By Order of the Commission