

**STATE OF CONNECTICUT
STATE ELECTIONS ENFORCEMENT COMMISSION**

In the Matter of a Complaint by

File No. 2010-132

Daniel Reale, Plainfield

FINDINGS AND CONCLUSIONS

Complainant Daniel Reale brings this complaint pursuant to General Statutes § 9-7b alleging that the Office of the Secretary of the State made “willful and unlawful” alterations to the official candidate list that the Libertarian Party submitted to the office prior to the 2010 elections. In addition to that charge, Complainant also leveled several other allegations stemming from the 2008 election cycle. Complainant alleged that the Office of the Secretary of the State had altered records within the state’s central voter registration system creating difficulties for his wife when she went to vote in 2008; that in 2008 the Office of the Secretary of the State had failed to safeguard petition pages from the Libertarian Party in its custody and some pages went missing; and that in 2008 the Office of the Secretary of the State had miscounted signatures on pages it had received from town clerks in Connecticut supporting the Libertarian Party presidential candidate. Finally, Complainant alleged that in the 2008 ballot effort some 382 signatures on Libertarian Party ballot access petitions were “erroneously rejected,” wrongfully depriving the Libertarian Party of a place on the 2008 ballot.

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

1. Complainant Reale filed this complaint with the Commission in September of 2010 alleging that the Secretary of the State had engaged in actions that had wrongly denied him and other Libertarian Party nominees spots on the election ballot.
2. After filing this complaint, Complainant also petitioned the Supreme Court pursuant to General Statutes § 9-323 for injunctive relief to force the Secretary of the State to grant the Libertarian Party candidates spots on the 2010 election ballot. The court denied the Complainant’s request for a temporary injunction and on October 21, 2010 issued a written opinion laying out its rationale for rejecting Complainant’s request. *See Reale v. Bysiewicz*, 298 Conn. 808, 6 A.3d 1138 (2010).

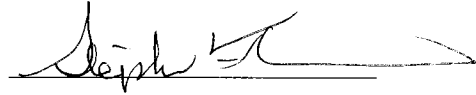
3. The court determined that the Complainant was not entitled to a spot on the ballot as a petitioning candidate under the statutory mechanism laid out in General Statutes § 9-453d. *Reale v. Bysiewicz*, supra, 298 Conn. 815. To qualify under that provision, Complainant would have had to collect 3231 signatures from registered voters in the Second Congressional District, according to the court's calculation. *Reale v. Bysiewicz*, supra, 298 Conn. 814. After a hearing on the matter, the court agreed with the Secretary of the State's assessment that Complainant had collected no more than 90 valid signatures. *Reale v. Bysiewicz*, supra, 814.
4. The court determined not only that Complainant was not entitled to a place on the ballot but also that it was "incumbent upon the defendant *not* to place his name on the ballot." *Reale v. Bysiewicz*, supra, 298 Conn. 816 (Emphasis in original).
5. The court concluded that the inclusion of the Complainant and other petitioning Libertarian Party candidates in a press notification and preliminary online voter guide was the result of a clerical error that the Secretary of the State quickly and appropriately corrected before the official voter guide was published on October 1, 2010, according to the deadline established by General Statutes § 9-462. *See Reale v. Bysiewicz*, supra, 298 Conn. 815.
6. The Commission's authority to investigate the Secretary of the State's office based on Complainant's allegations stems from General Statutes § 9-355, which penalizes official neglect or fraud on the part of an elections official. *See* General Statutes § 9-355.
7. The Commission's investigation of this matter revealed nothing to suggest that the Secretary of the State or her agents had engaged in neglect or fraud that would violate General Statutes § 9-355.
8. Investigation of the Complainant's other allegations stemming from the 2008 election cycle yielded similar results.
9. The Commission investigated the allegations of misconduct in 2008 on the part of the Secretary of the State based on its jurisdiction under General Statutes § 9-355 but found no evidence to corroborate Complainant's charges that the Secretary of the State had engaged in neglect or fraud under General Statutes § 9-355 related to the maintenance of the voter registration database, the safeguarding of petition pages that the Libertarian Party had submitted in 2008, the calculation of the numbers of valid signatures on the 2008 Libertarian Party's presidential candidate ballot petition, or the disqualification of valid signatures from the Libertarian Party's 2008 ballot petition.

ORDER

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

That the matter be dismissed.

Adopted this 24th day of October of 2012 at Hartford, Connecticut.

A handwritten signature in black ink, appearing to read "Stephen F. Cashman", written over a horizontal line.

Stephen F. Cashman

By Order of the Commission