

**STATE OF CONNECTICUT**  
**STATE ELECTIONS ENFORCEMENT COMMISSION**

Complaint by Nancy W. Riella,  
Colchester

File No. 2011-095

**FINDINGS AND CONCLUSIONS**

Complainant brings this complaint pursuant to Connecticut General Statutes §9-7b, alleging that the Colchester Democratic Town Committee violated General Statutes § 9-390, in that it failed to publish public notice of its July 25, 2011 caucus in a timely fashion. After the investigation of the Complainant's complaint, the Commission makes the following findings and conclusions:

1. Complainant alleged that the Colchester Democratic Town Committee (“hereinafter CDTC”) leadership failed to comply with the “letter and spirit” of General Statutes § 9-390 in that the Colchester Democratic caucus that was noticed for July 25, 2011 to be held at the Cragin Memorial Library was rescheduled to the Colchester Fish and Game Club (hereinafter “CFGC”) on the day of the caucus.
2. There is no dispute that the CDTC properly noticed the caucus pursuant to General Statutes § 9-390 as described in paragraph 2 above, as originally scheduled for the Cragin Memorial Library. Further there is no dispute that the CDTC Chair e-mailed to the CDTC membership notice pertaining to a change in the location to the CFGC, on or about the morning of July 25, 2011.
3. The gravamen of the complaint is that the change of venue of the Colchester Democratic caucus from the Cragin Memorial Library to the CFGC and notice by e-mail on July 25, 2011, did not satisfy the five day preceding public notice rule of General Statutes § 9-390 , and therefore violated that section.
4. Mr. Timothy Gilman, Colchester, Connecticut was CDTC Chair at all times relevant to this complaint.
5. Connecticut General Statutes § 9-387, provides in pertinent part:

*The state rules of each party shall prescribe the manner in which any dispute as to the endorsement by such party of a candidate for state, district or municipal office or for town committee member, or as to the selection by such party of a delegate to a convention, including conflicting claims to such endorsement or selection, shall be resolved.*  
[Emphasis added.]

6. Connecticut General Statutes § 9-390, provides in pertinent part:

(a) Except as provided in subsection (g) of this section, party-endorsed candidates of any party in any municipality for municipal office shall be selected, in accordance with the rules of such party, by: (1) The enrolled members of such party in such municipality in caucus, (2) delegates to a convention chosen in accordance with such rules by such enrolled members, or (3) the town committee of such party. ***The town chairman or his designee shall give notice in a newspaper having a general circulation in the town of the date, time, location and purpose of a caucus held pursuant to subdivision (1) of this subsection. Such notice shall be given not less than five days prior to the date set for the caucus;*** provided, if the rules of the party in any municipality require earlier notice, such party rules shall prevail. ...

[Emphasis added.]

7. Upon investigation, the Commission finds that Mr. Gilman as CDTC Chair made a decision to change the venue of the caucus based on the perceived inadequacy of the Cragin Memorial Library for the Colchester Democratic caucus on the Friday prior to the caucus. Mr. Gilman asserts that he realized that the CDTC had been assigned for “Room B” at the library which had capacity of less than 40 persons. The Commission finds no evidence contrary to such assertion.
8. Additionally, the Commission finds that on August 26, 2010 the Democratic State Central Committee denied a complaint by Complainant pertaining to the “*Colchester Town Committee Dispute Resolution*,” which was brought to the state central committee and regarded the same facts and circumstances of Complainant’s present complaint.
9. The Commission finds that “Statement of Facts” in the dispute resolution, described in paragraph 8 above, indicates that Mr. Gilman’s sought and received counsel from Democratic State Central Committee Legal Counsel Attorney Kevin Reynolds regarding Mr. Gilman’s concerns about the caucus, insufficient space at Cragin Memorial Library Room B and notice regarding the change in venue. Further, the Commission finds that Attorney Reynolds provided the following advice to Mr. Gilman:
- a. *Find an alternative location to hold the caucus on Monday[July 25, 2011] night;*
  - b. *Place a sign outside Room B directing Democrats and others to the new location; and*

c. *Begin the caucus 15 minutes later than scheduled to allow people to move from the original site [Cragin Memorial Library] to the new location [CFGC].*

10. The Commission has reviewed the “*Colchester Town Committee Dispute Resolution*” of the Democratic State Central Committee. Specifically, the Commission notes that in dismissing the complaint the state central committee concluded that:

*...Mr. Gilman acted wisely and fairly. The Panel notes that no one ... alleged that the move was done to give an advantage or create a disadvantage to any person or group. ... The Panel further notes that approximately 90 people attended the caucus, a number that is more than double the number that Room B of the Cragin Library could hold. As a result of the move, a successful and problem-free caucus was held.*

11. Based on the above findings, and pursuant to General Statutes § 9-387, the Commission has determined that it plainly lacks jurisdiction in this matter and therefore defers to the Democratic State Central Committee to the extent its decision and advice, delineated herein, resolves the matters exclusive to its party rules which were subject of this complaint.

12. Finally, based on the above findings, and under these limited and specific circumstances, the Commission declines to investigate the matter further and need not reach any factual or legal determinations pertaining to General Statutes § 9-390 regarding the alleged violation.

### **ORDER**

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

That this matter is dismissed.

Adopted this 27<sup>th</sup> day of June, 2012 at Hartford, Connecticut.



Stephen F. Cashman, Chairperson  
By Order of the Commission