

STATE OF CONNECTICUT
STATE ELECTIONS ENFORCEMENT COMMISSION

Complaint by Mitchell S. Bolinsky, Newtown

File No. 2012-139

FINDINGS AND CONCLUSIONS

The Complainant brings this Complaint pursuant to Connecticut General Statutes § 9-7b, alleging that the Independent Party in the town of Newtown failed to properly notice a caucus to endorse a nominee for the 106th District Representative seat in the General Assembly for the 2012 General Election. He further asserts that the Independent Party failed to follow its own party rules in failing to properly notice the caucus and failing to hold the caucus before August 1, 2012.

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

1. The 106th House District is entirely located within the town of Newtown.
2. The Complainant here was at all times relevant to the instant Complaint the Republican nominee for the 106th House District for the 2012 General Election.
3. The Complainant alleges that he sought the endorsement of the Independent Party in Newtown.
4. The Complainant further alleges that the Independent Party held a caucus on August 31, 2012, but failed to properly notice said caucus, in violation of General Statutes § 9-452a.
5. Finally, the Complainant alleges that holding the caucus after August 1, 2012 and failing to notice said caucus were both violations of the party rules of the Independent Party.
6. General Statutes § 9-452 prescribes the procedures that a minor party must follow to nominate candidates for elective office, and reads:

All minor parties nominating candidates for any elective office shall make such nominations and certify and file a list of such nominations, as required by this section, not later than the sixty-second day prior to the day of the election at which such candidates are to be voted for. A list of nominees in printed or typewritten form shall be certified by the presiding officer of the committee, meeting or other authority making such nomination and shall be filed by such presiding officer with the Secretary of the State, in the case of state or district office or the municipal office of state representative, state

senator or judge of probate, or *with the clerk of the municipality, in the case of municipal office, not later than the sixty-second day prior to the day of the election.* The clerk of such municipality shall promptly verify and correct the names on any such list filed with him, or the names of nominees forwarded to him by the Secretary of the State, in accordance with the registry list of such municipality and endorse the same as having been so verified and corrected. For purposes of this section, a list of nominations shall be deemed to be filed when it is received by the secretary or clerk, as appropriate. (Emphasis added.)

7. General Statutes § 9-452a prescribes the notice requirements concerning minor party nominations, and reads:

Not later than five days before a minor party holds a party meeting to nominate a candidate for public office, the presiding officer of such meeting shall give written notice of the date, time, location and purpose of the meeting to, in the case of a municipal office, the town clerk of the municipality served by such office, or in the case of a state office or district office, the Secretary of the State. Concomitantly, the presiding officer of such meeting shall cause the written notice of such meeting to be published in a newspaper with a general circulation in the applicable town for such office. As used in this section, the terms "minor party", "state office", "district office" and "municipal office" have the meanings assigned to such terms in section 9-372. (Emphasis added.)

8. As concerns the Complainant's allegations of violations of the Independent Party rules, the Commission will take no action, as General Statutes § 9-387 prescribes that the appropriate remedy under such circumstances is to look to the party rules, not to the Commission:

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.)

9. Turning to the Complainant's allegation that the Independent Party failed to properly notice the caucus, the Respondent, through Chairman Michael Telesca, asserts that they did properly notice the caucus.

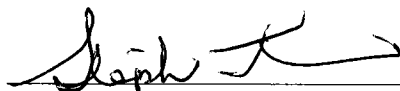
10. In support of his assertion, Mr. Telesca submitted copies of the August 10, 2012 edition of the The Bee Extra, which contains the statutory notice of August 31, 2012 caucus, including the date, time and location of said caucus.
11. Additionally, Mr. Telesca submitted copies of a notice, dated August 20, 2012, to the Secretary of the State about the date, time and location of the Independent Party caucus.
12. Considering the aforesaid, the Commission concludes that the Independent Party met its obligations under General Statutes § 9-452a. As such, this matter should be dismissed.

ORDER

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

That the matter is dismissed.

Adopted this 19th day of December, 2012 at Hartford, Connecticut.



Stephen F. Cashman, Chairperson
By Order of the Commission