

STATE OF CONNECTICUT
STATE ELECTIONS ENFORCEMENT COMMISSION

In the Matter of a Complaint by Dayna McDermott-Arriola, Hampton

File Nos. 2014-205

FINDINGS AND CONCLUSIONS

The Complainant, the Hampton Republican Registrar of Voters brings this Complaint pursuant to Connecticut General Statutes § 9-7b, alleging Respondent Marilyn Higgins, the Democratic Registrar of Voters at the time the Complaint was filed, failed to make a Primary Petition available after a caucus in violation of General Statutes § 9-409.¹

1. Complainant Dayana McDermott-Arriola was, at all times relevant hereto, the Republican Registrar of Voters in the Town of Hampton.
2. Respondent Marilyn Higgins was, at all times relevant hereto, the Democratic Registrar of Voters in the Town of Hampton.
3. On May 27, 2014, a Democratic Caucus was called in Hampton for the purpose of endorsing a candidate for Registrar of Voters, the position held by the Respondent at the time.
4. The Complainant alleges that after the caucus, Matt LaFontain, a candidate who was unsuccessful in his pursuit of the Hampton Democratic Party's endorsement at the caucus, attempted to procure a primary petition form from the Respondent, but was unsuccessful.
5. General Statutes § 9-409 provides, in pertinent part:

Petition forms for candidacies for nomination to municipal office or for election as members of town committees shall be available from the registrar beginning

¹ There were numerous other allegations in the Complaint concerning the conduct of the Respondent. As the Respondent no longer serves as a Registrar of Voters in the Town of Hampton, and many of the issues raised were previously addressed in the final decision issued the final decision of *In the Matter of a Complaint by Marilyn Higgins, Hampton*, File No. 2013-105, the Complainant has, with the Commission's approval, withdrawn all aspects of the Complaint concerning conduct other than conduct relating to the Hampton Democratic Caucus on May 27, 2014. Any statements within the Complaint concerning said caucus not addressed herein either did not specifically allege a violation or alleged facts which, if proven true, would not have amounted to a violation within the Commission's jurisdiction.

on the day following the making of the party's endorsement of a candidate or candidates for such office or position, or beginning on the day following the final day for the making of such endorsement under the provisions of section 9-391, whichever comes first.

6. At the caucus and after, there was some disagreement about whether Mr. LaFontaine was eligible to serve as the Democratic Registrar of Voters, as he was, at the time of the caucus, an unaffiliated voter.²
7. The day after the caucus, Mr. LaFontaine, either on his own behalf or through the Complainant (the facts are unclear on this point) attempted to obtain a primary petition from the Respondent.
8. At that time, the Respondent advised Mr. LaFontaine that she did not believe he was eligible to serve as the Democratic Registrar of Voters, because he was not a member of the Democratic Party.
9. On June 3, 2014, Mr. LaFontaine joined the Democratic Party.
10. Subsequently, the Respondent provided Mr. LaFontaine with the requested petitions.
11. Upon providing Mr. LaFontaine with the petitions, the Respondent contacted staff at the Secretary of State's office, to inquire as to how she should handle Mr. LaFontaine's paperwork, as it pertained to his role as her political opponent, which evidence suggests that she did.
12. Mr. LaFontaine obtained the requisite number of signatures to force a primary for the Democratic Registrar of Voters in the Town of Hampton, which was held on August 12, 2014.
13. Because (1) primary petitions were generally available the day after the Hampton Democratic Caucus in 2014; (2) the dispute over Mr. LaFontaine's primary petitions was based in a good faith dispute over the applicable law; and (3) the dispute was resolved in a timely manner and Mr. LaFontaine successfully forced a primary for the elective office in question, the Commission elects to take no further action with regard to this Complaint.

² As eligibility to serve as Registrar of Voters is governed by both state statute and various party rules, and because the determination is not dispositive on the outcome of this matter, the Commission declines comment on whether Mr. LaFontaine was required to be a member of the Democratic Party to be nominated or to serve as the Democratic Registrar of Voters in the Town of Hampton.

ORDER

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

The Commission takes no further action with regard to this matter.

Adopted this 15 day of February, 2017 at Hartford, Connecticut.

Salvatore A. Bramante
BRAMANTE

Salvatore A. Bramante

Anthony J. Castagno, Chairperson (Vice)
By Order of the Commission