

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

Complaint of Michael J. Telesca,  
Waterbury

File No. 2016-076

**FINDINGS AND CONCLUSIONS**

The Complainant brings this Complaint pursuant to Connecticut General Statutes § 9-7b, alleging that multiple individuals violated election laws pertaining to scheduling and conducting the Independent Party of Connecticut caucus held on August 23, 2015 in Danbury, Connecticut.

Executive Summary: The Commission's authority is limited by state statute to investigating alleged violations of any provisions of state statutes relating to elections, primaries and referenda. *See* General Statutes § 9-7b (a) (1). This disposition is therefore exclusive to Complainant's alleged violations of state statutes and where an allegation, expressly or implicitly, seeks to raise or address issues pertaining to party rules the Commission makes no determination as to the truth or veracity of such claims. In fact, only Allegations Two and Four, regardless of Complainant's assertions pertaining to party rules, squarely allow for resolutions within the provisions of election statutes and therefore the Commission issues this disposition as a matter of its specific enforcement authority. *See* General Statutes § 9-7b. Furthermore, this disposition should not be read to exercise original authority over the application or interpretation of Independent Party of Connecticut party rules, as that authority specifically rests with the state central committees of parties. *See* General Statutes § 9-387. These findings and conclusions, consistent with state statutes, therefore do not treat allegations pertaining to the August 23, 2015 Independent Party of Connecticut caucus that would rely solely on the application and interpretation of party rules for their resolution and that do not otherwise trigger the application of Title 9 of the General Statutes. The Independent Party of Connecticut bylaws are attached to this disposition.

The Commission notes that the matter of party rules is currently before the Connecticut Superior Court. *See* docket no. CV 16-6071180-S. While the parties to that litigation await resolution, the Commission has addressed compliance with electronic filing requirements in a separate resolution adopted December 20, 2017. (Attached to this disposition.)

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

1. Complainant filed this complaint alleging various violations by Connecticut residents Roger A. Palanzo, of Danbury, Mark Boughton of Danbury, Michael Duff, of Bethel, Donna LaFrance, of Wolcott, and John L. Dieter, of Bethel ( hereinafter "Respondents") pertaining to the Independent Party of Connecticut (hereinafter "IPC") August 23, 2016 caucus (hereinafter "Caucus") in the City of Danbury.

2. Specifically, Complainant alleged that:

- (1) Respondents failed to verify that each of the participants at the Caucus were enrolled IPC members in violation of Chapter 153, Title 9, General Statutes;
- (2) Respondents impermissibly nominated all of the IPC candidates for the ballot in a “single vote for slate,” in that they were nominated for different districts and they did not qualify as a “slate” pursuant to General Statutes § 9-372;
- (3) Respondents conducted a single “voice vote” for all districts, which allowed individuals to vote for candidates in districts they did not reside, in violation of General Statutes § 9-431a ;
- (4) Respondents failed to properly publish a notice of the Caucus pursuant to General Statutes § 9-452a;
- (5) Respondents allowed a non-member of the IPC to sign the notice of caucus filed with the Office of the Secretary of the State (hereinafter “SOTS”) in violation of General Statutes § 9-452a;
- (6) The notice of caucus file by Respondents with the SOTS was “vague and incomplete,” in that it did not include the specific districts to be included at the Caucus and failed to satisfy the requirements of General Statutes § 9-452a; and,
- (7) Respondents allowed Respondent Boughton to act as an officer of the Caucus in violation of Chapter 153, Title 9, General Statutes; and,
- (8) Respondents attempted to exclude individual IPC members from around the state from the Caucus by “concealing” as much information from IPC members as possible regarding the Caucus.

3. General Statutes § 9-372, provides that the following terms ... shall have the following meanings:

- (1) “Caucus” means any meeting, at a designated hour and place, or at designated hours and places, of the enrolled members of a political party within a municipality or political subdivision thereof for the purpose of selecting party-endorsed candidates for a primary to be held by such party or for the purpose of transacting other business of such party;

...

- (13) ***“Slate” means a group of candidates for nomination by a political party to the office of justice of the peace of a town,*** which group numbers at least a bare majority of the number of justices of the peace to be nominated by such party for such town; [Emphasis added.]

4. General Statutes § 9-374 provides, in pertinent part:

No authority of the state or any political subdivision thereof having jurisdiction over the conduct of any primary shall permit the name of a party-endorsed candidate for an office or position to be printed on the official ballot to be used at any such primary unless a copy of the party rules regulating such party and its method of selecting party-endorsed candidates for nomination to such office or for election as town committee members, as the case may be, has been filed in the office of the Secretary of the State at least sixty days before such candidate is selected under such method of endorsement. ... The state party rules shall be filed by the state chairman or the secretary of the state central committee of such party. In the case of a minor party, no authority of the state or any subdivision thereof having jurisdiction over the conduct of any election shall permit the name of a candidate of such party for any office to be printed on the official ballot unless at least one copy of the party rules regulating the manner of nominating a candidate for such office has been filed in the office of the Secretary of the State at least sixty days before the nomination of such candidate. In the case of a minor party, the selection of town committee members and delegates to conventions shall not be valid unless at least one copy of the party rules regulating the manner of making such selection has been filed in the office of the Secretary of the State at least sixty days before such selection is made. ... The term "party rules" as used in this section includes any amendment to such party rules. When any amendment is to be filed as required by this section, complete party rules incorporating such amendment shall be filed, together with a separate copy of such amendment.

5. General Statutes § 9-451 provides:

The nomination by a minor party of any candidate for office, including an office established after the last-preceding election, and the selection in a municipality by a minor party of town committee members or delegates to conventions *may be made in the manner prescribed in the rules of such party*, or alterations or amendments thereto, filed with the Secretary of the State in accordance with section 9-374.

[Emphasis added.]

6. General Statutes § 9-452a provides:

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.]

7. Allegation One: Respondents failed to verify that each of the participants at the Caucus were enrolled IPC members in violation of Chapter 153, Title 9, General Statutes.
8. General Statutes § 9-451 provides that nominations of candidates by a minor party “*may be made in the manner prescribed in the rules of such party.*” Further, the Commission finds that the *Independent Party State Bylaws – Article 3, Section 3 Voting Eligibility* provides that:  
*One must be a registered member of the Independent Party for a minimum of 90 continuance days prior to a state caucus to have voting rights at that state caucus.*
9. The Commission finds that General Statutes § 9-451 and its use of the word “may,” indicates that the statute is *permissive* and therefore allows, but does *not* strictly require, minor parties to administer a caucus “in the manner prescribed in the rules of such party,” which in turn provides some statutory leeway for the administration of party meetings. Therefore, the Commission concludes that pursuant to § 9-451 the IPC had the discretion as to whether or not it would implement its bylaws at *Article 3, Section 3* pertaining to “Voting Eligibility” and under the specific circumstances of the Caucus.
10. The Commission concludes after investigation that Complainant’s allegations pertaining to the Caucus, and whether or not individuals other than enrolled IPC members were allowed to participate, remains unsupported by a plain reading of General Statutes § 9-451. The Commission therefore dismisses Allegation One.
11. Allegation Two: Respondents impermissibly nominated all of the IPC candidates for the ballot in a “single vote for [a] slate,” in that they were nominated for different districts and they did not qualify as a “slate” pursuant to General Statutes § 9-372.

12. Upon investigation, the Commission finds that General Statutes § 9-372 defines a “slate” as a “*group of candidates for nomination by a political party to the office of justice of the peace of a town.*” According to Complainant therefore, the voting at the Caucus for all ICP candidates to appear on district ballots at the November 8, 2016 election violated § 9-372, which was limited to municipal elections for justice of the peace. The Commission finds Complainant’s assertion that a “single vote for a slate” equates with the definition of a “slate” in § 9-372 unsupported by the facts and circumstances in this instance.
13. The Commission concludes that General Statutes § 9-372 does not apply to the facts as alleged by Complainant regarding a single voice vote for IPC candidates at the Caucus. Moreover, the Commission finds that § 9-451 through § 9-452a, which govern the nomination of candidates at conventions and party meetings by minor parties, such as the IPC, are silent pertaining to whether or not a minor party can use a single vote at a caucus to nominate candidates for multiple districts.
14. Further, the Commission notes that General Statutes § 9-387 specifies that “state rules,” as opposed to state statutes, are the manner by which disputes over endorsements of candidates shall be “resolved.” Further, the Commission has historically limited itself to the interpretation of state statutes and declined to interpret and apply party rules where an alleged violation rests on the latter. *See Complaint of Lori Jeffers*, Willimantic, File No. 2014-003 (where the Commission found a violation of § 9-390 regarding a notice of caucus, but declined to interpret party rules as referenced by that section).
15. The Commission finds that Complainant’s allegation pertaining to a single voice vote at the Caucus rests solely on the interpretation and application of IPC party rules and does not otherwise trigger the provisions or application of General Statutes § 9-451 through § 9-452a. Therefore, the Commission declines to further consider Allegation Two.
16. Allegation Three: *Respondents conducted a single “voice vote” for all districts, which allowed individuals to vote for candidates for districts in which they did not reside, in violation of General Statutes § 9-431a.*
17. The Complainant alleged that the single voice vote for candidates at the Caucus, as described herein, violated General Statutes § 9-431a. However, because the IPC is a *minor* party and § 9-431a regulates major parties is inapplicable. The Commission therefore limits its analysis of Allegation Three to the application of § 9-451 to these facts pertaining the IPC as a minor party.

18. As detailed above, General Statutes § 9-451 provides that nominations of candidates by a minor party “*may be made in the manner prescribed in the rules of such party.*” Further, the Commission finds that the Independent Party State Bylaws – Article 4, Section 4 “*Date and Location of Caucuses*” provides that candidates for office “will be determined by eligible members” of the IPC “that live in the district or the town that the candidates represent.”
19. The Commission finds that, due to the permissive nature of General Statutes § 9-451, while the IPC *could*, consistent with its bylaws, limit the vote for district candidates at the Caucus to those eligible IPC members “*that live in the district or the town that the candidates represent,*” it was not statutorily required to do so. The statutory flexibility inherent § 9-451 appears to anticipate circumstances pertaining to minor party meetings where a need to perhaps adjust the process consistent with attendance at a meeting or to otherwise allow party members to reconcile their party rules with the circumstances of a given caucus. The Commission concludes therefore that the IPC had a choice to either implement its bylaws at *Article 4, Section 4*, or not, pursuant to § 9-451.
20. Consequently, because the IPC had discretion on whether or not to meet requirements that district votes for each candidate at the Caucus be limited to eligible IPC members in each respective district pursuant to its bylaws, its exercise of that discretion in this instance does not violate General Statutes § 9-451. The Commission therefore dismisses Allegation Three.
21. Allegation Four: *Respondents failed to properly publish a notice of the Caucus pursuant to in violation of General Statutes § 9-452a.*
22. General Statutes § 9-452a provides that “*not later than five days before a minor party holds a party meeting to nominate a candidate for public office,*” the presiding officer shall cause a written notice of the caucus to be published in a newspaper of general circulation in the applicable towns for those public offices.
23. Upon investigation, the Commission finds that the IPC on August 16, 2016 filed with the SOTS a notice of the Caucus that included its date of August 23, 2016. Further, the Commission finds that notice of the Caucus was published by the *Hartford Courant* in its Monday, August 15, 2016 edition, which was eight days prior to the IPC caucus. Finally, the Commission finds that an “Affidavit of Publication” of that notice of caucus was issued to Respondents and the IPC by the *Hartford Courant* on August 16, 2016.

24. The Commission finds that pursuant to § 9-452a the IPC was required to file a notice of caucus in a newspaper of general circulation in the towns for the applicable offices candidates were to be nominated for at the Caucus within five days of that party meeting. The Commission further finds that the IPC published a notice of the Caucus and its date of August 23, 2016 *eight days prior* to the party meeting. More specifically, that notice was published on August 15, 2016 in the *Hartford Courant*, a newspaper with statewide circulation.
25. The Commission, as detailed above, concludes that the IPC satisfied the notice of party meeting requirements pursuant to General Statutes § 9-452a. The Commission concludes therefore that the IPC did not violate § 9-452a under these facts and circumstances. The Commission therefore dismisses Allegation Four.
26. Allegation Five: *Respondents allowed a non-member of the IPC to sign the notice field with the SOTS of the Caucus in violation of General Statutes § 9-452a.*
27. The Complainants alleged that Respondents allowed a non-member to sign the IPC notice of caucus that was delivered to the SOTS in violation of General Statutes § 9-452a.
28. The Commission finds that Respondent Palanzo signed the notice of the IPC caucus that was filed with the SOTS on August 16, 2016. Further, the Commission finds that Respondent Palanzo signed the notice as “*Secretary and Deputy Treasurer ... Independent Party of Connecticut State Central Committee.*”
29. The Commission concludes that General Statutes § 9-452a does not address whether a caucus notice filed in accordance with its provisions must be filed by an enrolled member of the party filing such notice. The Commission further concludes that § 9-452a requires that a “presiding officer” file a notice on behalf of a minor party. Finally, the Commission notes that there is a lack of evidence after investigation that Respondent Palanzo was *not* qualified to sign the IPC notice of caucus submitted to the SOTS on August 16, 2016.
30. The Commission concludes therefore that no violation of General Statutes § 9-452a occurred pertaining to a non-member signing the IPC notice of caucus as alleged. The Commission therefore dismisses Allegation Five.
31. Allegation Six: *The notice of caucus provided by the Respondents to the SOTS was “vague and incomplete” in that it did not include the specific districts to be included at the Caucus and failed to satisfy the requirements of General Statutes § 9-452a.*
32. Pursuant to General Statutes § 9-452a, written notice of a minor party meeting to nominate candidates must include “... the date, time, location and purpose of the meeting.”

33. Upon investigation, the Commission finds that the IPC notice of caucus specified the time, date and location of the Caucus and indicated that its purpose was “*to endorse candidates for President of the United States, US Senate, US House of Representatives, CT State Representative and CT Senate.*” Furthermore, the Commission finds that Complainant’s assertion that the aforementioned notice of caucus was “vague and incomplete” is unpersuasive under the facts and circumstances of this matter.
34. Specifically, the Commission finds, after investigation, that the IPC notice of caucus, as detailed herein, included the necessary elements to satisfy the requirements of General Statutes § 9-452a. The Commission concludes therefore that no violation of § 9-452a pertaining to the content of the IPC notice of caucus occurred. The Commission therefore dismisses Allegation Six as it was not supported by the facts or the law after investigation.
35. Allegation Seven: *Respondents allowed Respondent Boughton to act as an officer of the Caucus in violation of Chapter 153, Title 9, General Statutes.*
36. Pursuant to Chapter 153, Title 9, General Statutes and § 9-451 through § 9-452a as they apply to the nomination of candidates by minor parties, the Commission finds a lack of statutory basis to support Complainants’ allegation that Respondents violated the law by allowing a non-member of the IPC to act as an “officer” at the Caucus.
37. The Commission stresses that even assuming the facts to be true as alleged by Complainant, the Commission lacks a statutory basis pursuant to § 9-451 through § 9-452a to find a law violation by the Respondents because those sections of statutory authority that govern the nomination of candidates to minor parties do not address the issue of party membership and the holding of offices at a party meeting.
38. Therefore the Commission finds that a determination regarding Allegation Seven is not within the statutory scope of the statutes provided to govern nominations at party meetings by minor parties such as the IPC. Therefore the Commission concludes a lack of authority pursuant to its jurisdiction provided by General Statutes § 9-7b, to further consider or draw a conclusion pertaining to Allegation Six.
39. Allegation Eight: *Respondents attempted to exclude individual IPC members from around the state from the Caucus by “concealing” as much information from IPC members as possible regarding the Caucus.*



40. Complainant alleged that the Respondents, as the individuals responsible for the Caucus, attempted to exclude IPC members throughout the state by “concealing” information regarding the caucus from them. The Commission finds, consistent with this disposition and related allegations regarding General Statutes § 9-452a, that Complainant’s allegation pertaining to Respondents attempted concealment of facts surrounding the Caucus as unsubstantiated.
41. More specifically, after investigation, the Commission finds that because Respondents provided notice of the Caucus to the SOTS, published the notice in the *Hartford Courant* and otherwise included the necessary details within the notice itself pertaining the Caucus, Respondents provided ample information regarding the Caucus to statewide IPC members in accordance with the statutory requirements. *See* General Statutes § 9-452a.
42. Therefore, to the extent that Allegation Eight pertains to the application of General Statutes § 9-452a to the facts surrounding information disseminated by the Respondents pertaining to the Caucus, the Commission concludes that the allegation fails as a matter of law and fact and therefore dismisses this allegation.
43. Finally, the Commission declines to further consider the elements of Allegation Eight as it pertains to the concealment of information among and between IPC members because they are at most internal party disputes that are best left to be resolved by the state party pursuant to its own bylaws. *See* General Statutes § 9-387 and *Jeffers*.
44. The Commission, for the reasons detailed herein, concludes that Complainant’s various allegations after a thorough review of the facts in this matter do not rise to the level of violations of Chapter 153, Title 9, General Statutes and § 9-451 through § 9-452a by Respondents as those laws apply to the nomination of candidates by minor parties.
45. Finally, for the reasons detailed herein, the Commission declines to address those allegations detailed throughout this disposition that fail to identify a statutory basis for further consideration pursuant to Commission authority provided by § 9-7b, or allegations and claims that otherwise solely rely upon the interpretation and application of IPC party rules for their resolution.

**ORDER**

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

That the matter is dismissed.

Adopted this 20<sup>th</sup> day of December 2017, Hartford, Connecticut.

*Salvatore A. Bramante*

~~Anthony J. Castagno, Chairman~~

By Order of the Commission

*Salvatore A. BRAMANTE*