

STATE OF CONNECTICUT
STATE ELECTIONS ENFORCEMENT COMMISSION

In the Matter of a Complaint by Harry A. Gagliardi, Jr.,
Hamden

File No. 2017-042

FINDINGS AND CONCLUSIONS

Complainant brought this Complaint pursuant to Connecticut General Statutes § 9-7b, alleging that Mr. Christopher Vega certified petition pages that contained signatures solicited by other individuals who circulated petition pages on his behalf pertaining to the September 17, 2017 primary for the 2nd District Council seat in the Town of Hamden.

1. This complaint was submitted by Hamden 2nd District Council member Harry A. Gagliardi, Jr., after he viewed a post on Mr. Vega's Facebook page with a picture of two individuals that appeared to be campaigning for Mr. Vega. That post included a message thanking the two individuals "... *of the Hamden Progressive Action Network for coming out today and knocking on some doors and getting signatures. Greatly appreciate your energy and effort!*"
2. Mr. Vega submitted to the Hamden Town Clerk's office petition pages pertaining to his attempt to challenge Mr. Gagliardi for the 2nd District Council seat at the September 12, 2017 primary; including two petition pages that each contained two signatures and names of individuals, which had been crossed-out. Each of these two petition pages were accepted by the Town Clerk, though only those signatures that were not crossed-out were subsequently approved as valid petition page signatures by the Registrars of Voters.
3. After the filing of this complaint, and prior to the September 12, 2017 primary, the Town of Hamden confirmed that Mr. Vega withdrew his primary petitions and would not be on the ballot for the September 12, 2017 Democratic primary for Councilman for the 2nd District.
4. Connecticut General Statutes § 9-410 and provides, in pertinent part:

(c) Each circulator of a primary petition page shall be an enrolled party member of a municipality in this state who is entitled to vote. . . . ***Each separate sheet of such petition shall contain a statement as to the authenticity of the signatures thereon . . . and shall be signed under the penalties of false statement by the person who circulated the same, . . . and attesting that each person whose name appears on such sheet signed the same in person in the presence of such circulator, that the circulator either knows each such signer or that the signer satisfactorily identified the signer to the circulator [Emphasis added.]***

5. General Statutes § 9-410 (c) requires that each individual that circulates a petition must provide an attestation under the penalties of false statement that each person who signed that petition signed in the circulator's presence, and that each signatory was either known to the circulator or satisfactorily identified him or herself to the circulator.
6. An implicit requirement of General Statutes § 9-410 (c) is that the circulator's attestation be true. Accordingly, if the circulator signed a General Statutes § 9-410 (c) petition statement that he or she knew or reasonably should have known was untrue, that circulator will be deemed to have violated General Statutes § 9-410 (c).
7. Each of the petition pages, as detailed above, contained a Circulator's Statement of Authenticity of Signatures. That statement is made pursuant to the provisions of Chapter 153, General Statutes and provides: *Each person whose name appears on this petition signatures page signed the same in person in my presence. I either know each such signer or such signer satisfactorily identified himself or herself to me.* Each Statement was followed by Mr. Vega's signature.
8. The Commission finds that Mr. Vega cooperated fully with this investigation and has no prior matters with the Commission. The Commission further finds that Mr. Vega admitted that he had the assistance of two individuals while canvassing for primary petition page signatures on or about July 25, 2017, who collected signatures for his primary challenge.
9. Mr. Vega further explained, in response to this complaint and investigation, that: [D]ue to the fact that the signatures were not Democrats, but of another party ... [the] signatures were disposed of and not submitted to the Registrar." Finally, Mr. Vega asserted that this was the first time these two individuals had canvassed for a campaign and that he withdrew his candidacy after this complaint and responded to the Commission "with honesty and to the best of [his] knowledge."
10. The Commission finds that the explanation of events regarding the circulating of primary petition pages by Mr. Vega and two individuals were corroborated by those individuals in response to this complaint and investigation. Further, the Commission finds that each individual involved with assisting Mr. Vega cooperated with this investigation and showed contrition for their errors in handling his primary petition pages pertaining to the 2nd District Council seat at the September 12, 2017 Hamden Democratic primary.
11. The Commission finds that Mr. Vega technically did *not* violate General Statutes § 9-410 (c) by falsely certifying signatures that were solicited by other individuals, in that they had been crossed-out prior to their submission and certification to the Town of Hamden.

12. Based upon the investigation and admissions of the Respondent, the Commission finds the following facts significant, under these narrow and specific circumstances: (1) that Mr. Vega withdrew his primary challenge after he realized his potential errors in canvassing with petition pages and (2) that the errantly gathered signatures had not been submitted by Mr. Vega in efforts to meet the required numbers of signatures to qualify for a primary for 2nd District Council seat at the September 12, 2017 Hamden Democratic primary.
13. Nevertheless, the Commission deems Mr. Vega, and those individuals who volunteered for his campaign by canvassing for primary petition pages, that they are on notice of the strict requirements for soliciting and certifying primary petition pages for election to public office pursuant to General Statutes § 9-410.
14. The Commission, for the reasons detailed herein, declines to take further action in this matter and dismisses this complaint.

ORDER

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

That the Complaint be dismissed.

Adopted this 23 day of MARCH of 2018 at Hartford, Connecticut



Anthony J. Castagno, Chairman
By Order of the Commission