

STATE OF CONNECTICUT
STATE ELECTIONS ENFORCEMENT COMMISSION

In the Matter of a Complaint by Enrico Melita, New Haven

File No. 2017-050A

FINDINGS AND CONCLUSIONS

The Complainant filed the instant complaint with the Commission pursuant to Connecticut General Statutes § 9-7b. The Complaint alleged that the Respondent, Marcus Paca, directed petition circulators to allow individuals to sign primary petitions in the name of others. The following are the Commission's findings of fact and conclusions of law:

1. At all times relevant hereto, Marcus Paca was a candidate for election as Mayor of The City of New Haven in the 2017 general election.
2. At all times relevant hereto, Toni Harp was the incumbent Mayor of the City of New Haven and a candidate for reelection in the 2017 general election.
3. Prior to the September 12, 2017 Democratic primary in The City of New Haven, the New Haven Democratic Town Committee endorsed Toni Harp for reelection as Mayor.
4. Prior to the September 12, 2017 Democratic primary in The City of New Haven, Marcus Paca attempted to obtain petition signatures to force a primary for the Democratic Party's nomination for Mayor of The City of New Haven.
5. In order to obtain the petition signatures required to force a primary, Marcus Paca enlisted the help of other individuals to circulate petitions on his behalf.
6. On or about August 31, 2017, the Complainant filed the instant complaint with the Commission alleging, among other things, that some of the signatures on the petition pages submitted by Marcus Paca's campaign were not authored by the individual that purported to sign them.
7. General Statutes § 9-410, governing petition gathering for municipal offices provides, in pertinent part:

(a) The petition form for candidacies for nomination to municipal office or for election as members of town committees shall be prescribed by the Secretary of the State and provided by the registrar of the municipality in which the candidacy is to be filed or duplicate petition pages shall be produced in accordance with section 9-409, and signatures shall be obtained only on such forms or such duplicate petition pages. Such form shall include, at the top of the form and in bold print, the following:

WARNING

IT IS A CRIME TO SIGN THIS PETITION
IN THE NAME OF ANOTHER PERSON
WITHOUT LEGAL AUTHORITY TO DO SO
AND YOU MAY NOT SIGN THIS PETITION
IF YOU ARE NOT AN ELECTOR.

The form shall include thereon a statement of instructions to persons using the form and shall indicate the date and time by which it shall be filed and the person with whom it shall be filed. . . .

...

(c) . . . Each separate sheet of such petition shall contain a statement as to the authenticity of the signatures thereon and the number of such signatures, and shall be signed under the penalties of false statement by the person who circulated the same, setting forth such circulator's address and the town in which such circulator is an enrolled party member 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 and that the spaces for candidates supported, offices or positions sought and the political party involved were filled in prior to the obtaining of the signatures. Each separate sheet of such petition shall also be acknowledged before an appropriate person as provided in section 1-29. Any sheet of a petition filed with the registrar which does not contain such a statement by the circulator as to the authenticity of the signatures thereon, or upon which the statement of the circulator is incomplete in any respect, or which does not contain the certification hereinbefore required by the registrar of the town in which the circulator is an enrolled party member, shall be rejected by the registrar. Any individual proposed as a candidate in any primary petition may serve as a circulator of the pages of such petition, provided such individual's service as circulator does not violate any provision of this section.

8. General Statutes § 9-7b (a) (2) (B) permits the Commission to impose a civil penalty of “two thousand dollars per offense against any person the commission finds to be in violation of any provision of . . . 9-410”
9. After reviewing the complaint, Commission staff reviewed every petition page for which there was any suspicion of signature anomalies.
10. As a result of that review, Commission staff sent out 48 witness questionnaires to individuals whose signatures on petitions raised concern.

11. The investigation revealed that two petition pages had been signed by circulators other than those that had circulated the petition. As detailed in the final decisions in the final decisions in *In the Matter of a Complaint by Enrico Melita, New Haven*, File No. 2017-050B, and *In the Matter of a Complaint by Enrico Melita, New Haven*, File No. 2017-050C, such errors appeared to be the result of mistake on the part of the circulators.
12. Respondent Paca denied that he or his campaign directed petition circulators to allow individuals to sign a petition on behalf of others. Respondent Paca further provided 17 sworn affidavits of petition circulators for his campaign that denied that they had ever been instructed that allowing signatures on petitions by other members of a household was permissible. Despite the extensive investigation conducted by Commission staff, no evidence beyond what was contained in the complaint could be identified with regard to this allegation.
13. Accordingly, it is the determination of the Commission that this matter should be dismissed as it relates to Respondent Paca.

ORDER

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

That no further action be taken with regard to this matter.

Adopted this 15 day of January, 2020 at Hartford, Connecticut.



~~Anthony J. Castagno, Chairperson~~
By Order of the Commission
Stephen T. Penny