

STATE OF CONNECTICUT
STATE ELECTIONS ENFORCEMENT COMMISSION

In the Matter of a Complaint by Denise Lagasse, Wolcott

File No. 2017-083A

FINDINGS AND CONCLUSIONS

The Complainant alleged that Karen Mowad, the Assistant Town Clerk for the Town of Wolcott and her opponent for the Office Town Clerk in the 2017 municipal election, used her position to help her candidacy for Town Clerk, in possible violation of General Statutes § 9-622 (5).¹

Background

1. By way of background, Complainant and Respondent Mowad were opponents for the office of Town Clerk for the Town of Weston during the November 7, 2017 municipal election.
2. Both the Complainant and the Respondent sought the Republican Party nomination for the election.
3. Both the Complainant and the Respondent also submitted nominating petition paperwork with the Secretary of the State to be placed on the ballot as a petitioning candidate in the event they were not nominated by their party.
4. Complainant ultimately appeared on the ballot as the nominee of the Republican Party and Respondent Mowad appeared as a petitioning candidate.
5. At all times relevant to the instant matter, Respondent Mowad was the Wolcott Assistant Town Clerk.

Allegations

¹ The following are the Commission's findings and conclusions based on those portions of the Complainant's statement of complaint which the Commission could reasonably construe as alleging facts amounting to a specific violation of those laws within the Commission's jurisdiction. Any statements within the Complaint 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.

6. The Complainant here alleges first that she submitted her Application for Nominating Petition² on or about January 5, 2017 to the Town Clerk's Office for certification and the application was mailed to the Secretary of the State on or about January 6, 2017.
7. She alleges that Respondent Mowad—who certified the document in her role as Assistant Town Clerk—abused her role of Assistant Town Clerk and the “insider” knowledge that she gained and drafted her own Application for Nominating Petition, had it certified and physically drove the document up to the Secretary of the State's Office so that her document would be received and processed by the Secretary first and that she would receive a higher position on the ballot than the Complainant.
8. Secondly, the Complainant alleges that she was “informed by various individuals that Karen Mowad campaigned in the Town Clerk's Office and through Town Hall on Town paid time. In some cases, voters would come into the Town Clerk's Office to pick up their absentee ballot applications and Mrs. Mowad would hand them their ballot, her business card with her name and picture on it and say ‘you know who to vote for.’ In another incident, Mrs. Mowad handed a voter a purple painted rock within the Town Hall and said ‘vote for me’ in the presence of a Town Hall co-worker.”
9. In some circumstances, the use of public facilities and/or resources, including an employee's time, for the purposes of advocating for a person's candidacy could be considered improperly giving something of value General Statutes § 9-622 reads, in pertinent part:

The following persons shall be guilty of illegal practices and shall be punished in accordance with the provisions of section 9-623:

...

(5) Any person who, directly or indirectly, pays, gives, contributes or promises any money or other valuable thing to defray or towards defraying the cost or expenses of any campaign, primary, referendum or election to any person, committee, company, club, organization or association, other than to a treasurer, except that this subdivision shall not apply to any expenses for postage, telegrams, telephoning, stationery, express charges, traveling, meals, lodging or photocopying incurred by any candidate for office or for

² In her Affidavit of Complaint, the Complainant referred to “SEEC Form 1” however it was clear from the context of the Complaint that she was referring to the Application for Nominating Petition.

nomination to office, so far as may be permitted under the provisions of this chapter; . . .

Response

10. As concerns the Application for Nominating Petition, the Respondent generally admits that she drove her own form up to the Secretary of the State's office with the intent that her form would be received earlier than the Complainant's so that she could receive a higher ballot row position.³ She asserts that she took time off from work and drove up in a snowstorm in order to get her form to the Secretary of the State before the Complainant.
11. As concerns the allegation that she was electioneering in Town Hall, she generally denies the allegation insofar as she never intended to campaign for her election inside town hall. She admits that as part of her job she often hands out business cards, but denies that she ever made the campaign statements attributed to her.
12. She stated that the provenance of the rock was that a campaign supporter from the "Wolcott Rocks" Facebook page left a rock at Town Hall with the words "Karen Mowad for Town Clerk" painted on it and that she put the rock in her bag because she did not think that it was appropriate for it to be placed there. She stated that she told a colleague about the incident and that the colleague requested that she give her the rock, which she did. But at no point did she believe that she was seeking to sway any other individual to cast a ballot for her.
13. Susan Mulcahy, the recipient of the rock in question, submitted a statement that she and Respondent Mowad had been friends for over 9 years and confirmed the substance of Ms. Mowad's statement regarding how the rock came into her possession. She stated that at no time did Ms. Mowad explicitly state or implicitly suggest during the exchange of the rock that Ms. Mulcahy should vote for her.

Investigation

14. The investigation here largely focused on the second part of the Complainant's allegation, as the Respondent does not generally deny the first part of the Complaint.
15. The investigation reached out to and interviewed multiple individuals whom the Complainant asserted had helpful information in this matter, as well as others related to town hall activities. In no instance did the investigation reveal reliable corroborating testimony or evidence that could substantiate the allegations that at any point Respondent

³ See, General Statutes § 9-453r (b).

Mowad actively campaigned or said or did anything in Town Hall that could be reasonably construed as campaigning for her election as Town Clerk.

Analysis

16. General Statutes § 9-622 (5) effectively makes it impermissible to accept something of value to benefit a candidate's campaign for election other than the statutorily acceptable sources of funds enumerated in Chapter 155 and 157.
17. Here, the allegations are that the Respondent used her position as an Assistant Town Clerk to unfair advantage, including her access to the nominating petition paperwork, as well as the facilities of Town Hall and her own salary (by campaigning on Town Hall time).
18. As an initial matter, the first allegation, that the Respondent used her position as an Assistant Town Clerk to unfair advantage, by driving up to the Secretary of the State's office after being at the Town Clerk's office when the Complainant came to have her paperwork certified. This allegation fails, as even if the Commission could somehow assign a value to this, the paperwork was a public document, accessible by any member of the public.
19. Regarding the second allegation, there was insufficient evidence found here to support the Respondent was actively electioneering on Town Hall time.
20. Considering the lack of supporting evidence found during the Commission's investigation, the Commission concludes that it cannot hold that any violation of General Statutes § 9-622 (5) occurred here.
21. Accordingly, this matter should be dismissed.

ORDER

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

Dismissed.

Adopted this 17th day of July, 2019 at Hartford, Connecticut.

A handwritten signature in black ink, appearing to read 'Anthony J. Castagno', written over a horizontal line.

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