

**STATE OF CONNECTICUT
STATE ELECTIONS ENFORCEMENT COMMISSION**

In the Matter of a Complaint of Benjamin Ancona, Newington

File No. 2018-046

FINDINGS AND CONCLUSIONS

The Complainant, alleged based on a June 4, 2018 article in the Connecticut Post, that gubernatorial candidate David Stemerma's campaign may have used a primary petition circulator who did not meet the statutory requirements under General Statutes § 9-404b that a such circulator for a state or district office be a member of the candidate's political party and registered to vote within the State of Connecticut.¹

Law

1. General Statutes § 9-404b enumerates the form and procedural requirements for a primary petition for state or district office, including but not limited to the requirements for a circulator, and reads as follows:

(a) The petition form for candidacies for nomination to state or district office shall be prescribed and provided by the Secretary of the State, and signatures shall be obtained only on such form or on duplicate petition pages produced in accordance with the provisions of section 9-404a. 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

¹ This matter is one of two brought against the Stemerma campaign alleging substantially similar activity, but under different facts and involving potentially different responsible individuals. As such, File No. 2018-049 was docketed separately and will be addressed under separate cover.

AND YOU MAY NOT SIGN THIS PETITION

IF YOU ARE NOT AN ELECTOR.

The form shall include 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. The form shall provide spaces for the names and addresses of the candidates, the offices to which nomination is sought and the political party holding the primary, and shall provide lines for the signatures, street addresses, dates of birth and the printing of the names of enrolled party members supporting the person or persons on behalf of whose candidacy the petition is used.

(b) Only as many candidates may be proposed in any one primary petition for the same office as are to be nominated by such party for such office, but any one primary petition may propose as many candidates for different state offices as there are nominations to be made.

(c) The names of enrolled party members signing a primary petition may be on several pages, provided no person shall sign more than one petition page for the same candidate or candidates. Any person who signs a name other than the person's own to a primary petition filed under the provisions of this section or who signs a name other than the person's own as circulator of such petition shall be fined not more than one hundred dollars or imprisoned not more than one year, or both. Each such page shall indicate the candidate or candidates supported, the offices sought and the political party for which nomination is being sought. No page of such a petition shall contain the names of enrolled party members residing in different municipalities and any petition page that has been certified by the registrars of two or more municipalities shall be rejected by the Secretary. Withdrawal of petition signatures shall not be permitted.

(d) Each circulator of a primary petition page shall be an enrolled party member of a municipality in this state. Each petition page shall contain a statement signed by the registrar of the municipality in which the circulator is an enrolled party member attesting that the

circulator is an enrolled party member in the municipality. Unless such a statement by the registrar of voters appears on each page so submitted, the Secretary shall reject the page. *Each separate page of the petition shall contain a statement as to the authenticity of the signatures on the page and the number of such signatures, and shall be signed under the penalties of false statement by the person who circulated the page, setting forth the circulator's address and the town in which the circulator is an enrolled party member and attesting that each person whose name appears on the page signed the petition in person in the presence of the circulator, that the circulator either knows each such signer or that the signer satisfactorily identified himself or herself to the circulator and that the spaces for candidates supported, offices sought and the political party involved were filled in prior to the obtaining of the signatures.* Each separate page of the petition shall also be acknowledged before an appropriate person as provided in section 1-29. The Secretary shall reject any page of a petition filed with the Secretary which does not contain such a statement by the circulator as to the authenticity of the signatures on the page, or upon which the statement of the circulator is incomplete in any respect, or which does not contain the certification required under this section by the registrar of the town in which the circulator is an enrolled party member. Any individual proposed as a candidate in any primary petition may serve as a circulator of the pages of the petition, provided the individual's service as circulator does not violate any provision of this section. (Emphasis added.)

...

June 4, 2018 Article

2. The Complainant here included as his proof of a potential petition circulator violation a June 4, 2018 article entitled "Signatures for Sterner-who?" published in the Connecticut Post and written by reporter Emilie Munson.
3. In the article, the reporter indicates that she encountered a man outside of a coffee shop in Stamford who she reported was circulating petitions supporting David Stererman's campaign to gain a position on the August 2018 Republican Party primary ballot for the office of Governor.

4. The article further reports that the unidentified Stemerman campaign worker barely knew the name of the candidate (which prompted the title of the article) and that he asserted that he had just been flown in from California, his state of residence, by either the Stemerman campaign or contractors working on behalf of the Stemerman campaign.
5. The short article did not identify the man by name or provide any detail as to how the reporter came to the conclusion that the person was circulating official primary petition pages issued pursuant to General Statutes § 9-404b.

Complaint

6. The Complainant's allegation here, based on the aforementioned article, is that either the man outside the coffee shop violated the residency requirement in General Statutes § 9-404b, or alternatively if someone else after the fact signed the circulator statement for any petition circulated by the unidentified man, such person would be in violation of the requirement that every circulator swear that such circulator witnessed every signature on the petition.

Response

7. The Stemerman campaign here was very responsive to the instant investigation. They asserted that they hired a third party vendor, Lincoln Strategy Group, to handle the rapid collection of the 9,081 signatures to make it on to the August 2018 Republican Party Primary ballot.
8. The campaign generally denied using out-of-state individuals to serve as official circulators and specifically asserted that it was LSG's particular practice to hire only enrolled Connecticut Republicans act as circulators and to witness the signatures.
9. However, they also asserted that they hired other individuals experienced in gathering petitions, some of whom did not meet the § 9-404b criteria, to work in other non-circulator roles managing and/or supporting the efforts to collect a sufficient number of petition signatures.
10. Moreover, while the article did not identify the man whom the article identified as coming from California to work on the petition gathering effort, the Stemerman campaign submitted an affidavit by a Robert Anderson, who asserted under oath that he was the individual identified in the article.

11. Mr. Anderson asserted that he was hired by Lincoln Strategy Group to train the in-state circulators for the Stemerman campaign.
12. Mr. Anderson further asserted that in his experience and observation, Lincoln Strategy Group paired each circulator with a trainer like himself to assist and educate such circulator in the petition gathering process.
13. Finally, Mr. Anderson asserted that in his experience and observation, Lincoln Strategy Group hired only circulators who qualified under General Statutes § 9-404b and that in his experience and observation, no signature was gathered on behalf of the Stemerman campaign without a qualified circulator witnessing such signature.
14. The campaign also submitted the affidavit of one of their qualified, in-state circulators—Mary Sandys—who also confirmed the assertions of the campaign and Mr. Anderson, that in her experience and observation, all qualified petition circulators were paired with an experienced trainer and that she personally witnessed all of the signatures on petition pages that she submitted.

Analysis and Conclusion

15. The matter here was difficult to substantively investigate insofar as the Complainant had no first-hand knowledge and/or observation of the events depicted in the article, nor was he or anyone else able to identify any other witness to the events.
16. Moreover, it is the practice of Hearst Newspapers, the parent of the Connecticut Post, to generally decline to disclose its reporters' protected work product, including but not limited to the identity of sources, as well as any unpublished notes and/or documentation used to produce its published content.
17. While Commission investigators contacted reporter Emilie Munson, no more information was disclosed about the events depicted in the article than was already known.
18. Moreover, the Commission notes that even assuming the events depicted in the article to be true, while Mr. Anderson was identified as a circulator and may even have been soliciting for signatures, it does not necessarily follow that an in-state circulator was not there alongside him verifying identities and observing signatures, as asserted.
19. Based on the evidence before us, there is insufficient evidence here to determine that it was more likely than not that the events occurred in the manner reported and/or that such

reporting fully captured the totality of the circumstances such that the Commission could make such a determination.

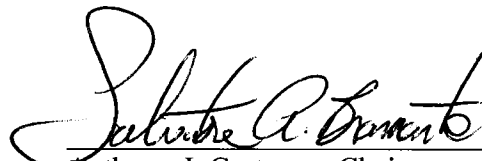
20. For the reasons set forth above, the Commission finds that it cannot conclude that it is more likely than not that any violation of General Statutes § 9-404b occurred as alleged in this Complaint. Accordingly, this matter should be dismissed.

ORDER

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

Dismissed.

Adopted this 19th day of June, 2019 at Hartford, Connecticut.


~~Anthony J. Castagno, Chairperson~~
By Order of the Commission *Vice Chair ma*
Salvatore Bramante

RECEIVED
STATE ELECTIONS

JUN 19 2019

ENFORCEMENT COMMISSION