

**STATE OF CONNECTICUT
STATE ELECTIONS ENFORCEMENT COMMISSION**

In the Matter of a Referral by Greenwich Registrar of Voters Fred DeCaro File No. 2018-049

FINDINGS AND CONCLUSIONS

The Referring Official brought this Referral pursuant to Connecticut General Statutes § 9-7b, alleging that his wife was approached to sign a primary petition and impermissibly induced to sign on behalf of her husband, who was not present, for David Stemerman to be placed on the August 2018 Republican Party primary ballot for governor.

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

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.)

Background

2. The facts of this Complaint concern primary petition gathering conducted by circulators hired by the campaign of David Stemerma for governor.
3. Mr. Stemerma ran for governor in 2018 and achieved a place on the Republican Party primary ticket by meeting the required 9081 threshold for that race.
4. The Stemerma campaign hired a third party vendor, Lincoln Strategy Group (“LSG”), to handle the rapid collection of the signatures.
5. According to a June 15, 2018 article in the Connecticut Post, the Stemerma campaign submitted approximately 20,000 signatures before the deadline, more than double the required number.

Allegation

6. The Referring Official, the Republican Registrar of Voters in the Town of Greenwich, alleged that his wife Alice “Meg” DeCaro was approached at the ShopRite supermarket in Stamford by unidentified individuals on behalf of the David Stemerma campaign for governor and who asked her to sign a petition for Mr. Stemerma to appear on the August 2018 Republican Party Primary ballot as a candidate for governor.
7. Included in the Referral was an affidavit by Mrs. DeCaro asserting that one of the solicitors urged her to sign on behalf of her husband, which she did on their urging.
8. The Referring Official alleged that by allowing his wife to sign on his behalf, the official circulator of the petition (later discovered to be Respondent Christopher Coyle), violated General Statutes § 9-404b by falsely swearing that he personally witnessed each signature and verified the identity of each signer.

Investigation

9. The investigation revealed that during approximately 11 days circulating petitions on behalf of the Stemerma campaign Respondent Coyle submitted 134 primary petition pages, totaling 711 signers, of which 494 were counted towards Mr. Stemerma’s eventual qualification for the ballot.
10. Insofar as the particular allegation is concerned here, the investigation here was able to obtain surveillance video from the ShopRite parking lot and confirmed the events alleged in the Referral.
11. Mr. Coyle was positively identified as the individual who told Mrs. DeCaro that she could sign on behalf of her husband.
12. Moreover, the surveillance video depicted two other individuals soliciting signatures in the parking lot along with Mr. Coyle.
13. The investigators were able to specifically identify two instances in which one of the two other individuals solicited a signer, collected the signature, and allowed the signer to walk away, all while Mr. Coyle was no closer than approximately 20 feet away and all without evidence that Mr. Coyle took steps to verify such signers’ identities.
14. The Stemerma campaign generally asserted that it was LSG’s particular practice to hire only enrolled Connecticut Republicans to act as circulators and to witness the signatures and they also asserted that they hired other individuals experienced in gathering petitions, some of whom did not need to 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

Response

15. Respondent Coyle was very cooperative in the investigation of this matter and did not deny that he was the person who signed the circulator statement for the petition on which Mrs. DeCaro signed for her husband.
16. The Respondent asserted in this matter that he was hired to do the circulation work after answering a Craigslist advertisement by LSG for circulating primary petitions.
17. The Respondent asserted that his contact at LSG was Principal and Co-Founder Meghan Cox.
18. He asserted that at the time of his interview and hiring at an office in Norwalk, he was told that his job would be to “witness other out of state circulators seeking signatures from Connecticut Republican electors.”
19. The Respondent asserted that he was paid a base of \$200 per day, with a bonus of \$3.00 for every signature over 15 on each petition page and a deduction of \$3.00 for every number below 15 on any petition page.
20. The Respondent asserted that he worked collecting signatures on behalf of the Stemerman campaign from on or about June 1, 2018 through on or about June 12, 2018.
21. The Respondent submitted evidence in the form of an email from LSG that LSG did assign him to a training session at 10am on June 1, 2018, which he chose not to attend.
22. However, he asserted that he was nonetheless allowed to collect signatures on behalf of the Stemerman campaign.
23. On the date in question when the Respondent collected Mrs. DeCaro’s signature, June 8th, the Respondent asserted that he was working with two LSG employees hired from out-of-state who were not themselves official circulators.
24. He stated that on the date in question, and other dates when he collected signatures, it was the practice that all three would collect signatures and that he would stay within 20’ to 25’ of either the other two when they were collecting signatures. He asserted that he “did not

see or hear every conversation between [the other two] and the people [they] solicited for signatures.”

25. Finally, the Respondent asserted that in his conversations with Ms. Cox prior to collecting he was told that he needed only to verify that each signer was a registered republican. However, he did not recall being told to verify the identity of each signer.
26. Further, the Respondent asserted that he was never specifically informed by LSG or any of his co-solicitors that it was impermissible for him to have an elector sign for his or her spouse, which is why he asserts that he told Mrs. DeCaro to do so.

Analysis

27. General Statutes § 9-404b (c) requires that each individual who circulates a petition must provide an attestation under the penalties of false statement that each person who signed such petition did so in the circulator's presence, and that each signatory was either known to the circulator or satisfactorily identified him or herself to the circulator.
28. An implicit requirement of General Statutes § 9-404b (c) is that the circulator's attestation be true. Accordingly, if the circulator signed a petition statement that he or she knew or reasonably should have known was untrue, that circulator will be deemed to have violated the statute concerning that particular petition. See *In the Matter of a Complaint by Maritza Gant, New Haven*, File No. 2018-047; *In the Matter of a Complaint by Harry A. Gagliardi, Jr., Hamden*, File No. 2017-042.
29. Intentional misrepresentation of the contents of a petition is a criminal violation of General Statutes § 9-368c.¹

The Sterman Campaign and Lincoln Strategy Group

30. Whether or not they can be found to be the proximate cause of Mr. Coyle's ignorance of his responsibilities, neither the campaign nor LSG are liable here under General Statutes § 9-404b. The responsibility and liability lay with the circulator and the circulator alone.

¹ General Statutes § 9-368c reads:

(a) No person shall intentionally misrepresent the contents of a petition circulated under title 9.

(b) Any person who violates any provision of this section shall be guilty of a class D felony.”

31. However, both deserve reproach for their actions in this matter.
32. The Stemerman campaign should not have so recklessly trusted a third party to handle such a crucial responsibility without oversight and/or verification that the signatures were collected properly.
33. And LSG put a candidate's ballot access at grave risk by its failure to adequately educate and manage its employees here. At best, they were sloppy, if not intentionally operating outside the strict and explicit petition gathering rules in Connecticut with knowledge that all liability would fall to the circulators themselves.

Christopher Coyle

34. The evidence against Mr. Coyle is clear. He admitted that he was unaware that spouses may not sign on each other's behalf.
35. He also admitted that he did not understand his duty as a circulator to not only be present for the signature, but also to verify the identity of the individual—and that such duty is not assignable.
36. The testimony of Mrs. DeCaro, as well as the video evidence collected supported Mr. Coyle's admission.
37. Petition cases involving circulators failing to properly witness signatures is well trod ground before the Commission.
38. While registrars have the responsibility under General Statutes § 9-412 of verifying that the signatories on the petition are in fact eligible to sign such petition, they do not have the added burden of checking that the right person actually signed the petition.
39. For the purposes of determining whether a candidate qualifies for ballot status, a circulator is the sole individual responsible for verifying the authenticity of a signature on a petition. Signatures must be witnessed by the circulator and the signatory must be verified by the circulator.

40. And, as a general rule, circulators may not allow a person to sign for another person, even if such person is a spouse.²
41. As stated above, that responsibility is the circulator's and the circulator's alone. And, while neither the petition statutes nor any regulation or guidance published by the Secretary of the State establishes the procedures for adequately verifying the identity of a circulator, the Commission has largely held circulators strictly liable when a signature turns out to be verifiably false. See, e.g., *In the Matter of a Complaint by Alison C. Heimer, New Haven*, File No. 2013-111A through 2013-111E.
42. The cases largely break down into three levels of severity. The harshest penalties have been reserved for those individual circulators who falsify signatures themselves. See, e.g., *In the Matter of a Complaint by Jimmy Cooper, Bridgeport*, File No. 2004-102 (Respondent circulator falsified 22 signatures himself, resulting in petition pages being rejected and the slate being removed from the ballot by the Superior Court; \$3,500 civil penalty).
43. The most common matters before the Commission involve circumstances in which the evidence showed that the circulator knew that someone impermissibly signed on behalf of another, most commonly in instances where husbands and wives signed for each other. These matters largely have ended in civil penalties of \$300 per occurrence. See, e.g., *In the Matter of a Complaint by Ellen Camhi, Stamford*, File No. 2014-164; *In the Matter of a Complaint by Alison C. Heimer, New Haven*, File No. 2013-111A through 2013-111E.
44. The issues in this matter are most closely associated with the second category. No evidence was found that Mr. Coyle falsely signed someone else's signature to a petitions. However, in at least one instance, he had actual knowledge that a signer was not present to sign his name to the petition. In two other instances, was not able to meet his duty to verify the identity of at least two signatures.
45. Moreover, based on Mr. Coyle's own statement, the chances are high that he failed to do so in other undocumented instances.
46. Mr. Coyle has no prior history in this area and the evidence discovered during the investigation did not reveal any specific facts that would support a finding that Mr. Coyle

² Two known exceptions are registered agents of blind persons (See. General Statutes § 9-6b) and individuals with Power of Attorney who meet all of the requirements in the Power of Attorney statute (See, e.g., *In the Matter of a Complaint by Leo "Butch" Arria, West Haven*, File No. 2003-194 (circulator claimed individual had Power of Attorney to sign on behalf of another, but no evidence that circulator had sufficient proof of this at the time).

signed his circulator statement in bad faith—although clearly he did not carefully read and/or understand the statement to which he swore.

47. While the potential scope of the issues with Mr. Coyle are quite large, the actual provable violations here amount to a total of three signatures. The total liability is up to \$6,000 (\$2,000 per violation).
48. However, the Commission cannot ignore the involvement of LSG and the Stemerman campaign here when assessing what to do about Mr. Coyle in this matter.
49. It appears here that the Stemerman campaign ceded all responsibility over to a third party entity, LSG, whose principles had a reputation for quickly gathering signatures.
50. LSG flooded the state with circulators and collected double the amount of necessary signatures, despite Connecticut's relatively strict statutes requiring the utilization of only in-state circulators.
51. In the case of Mr. Coyle, LSG's hiring and training processes were sorely lacking. LSG hired Mr. Coyle and put him out in the field despite the fact that he did not attend any formal training.
52. This does not appear to the Commission to have been an unusual oversight on the part of this Stemerman contractor; Mr. Coyle's ignorance about his actual duties and responsibilities under the law inured to the benefit of LSG (and, ultimately, the Stemerman campaign).
53. Mr. Coyle was cooperative from the beginning of this investigation and admitted that he did not understand his duties and responsibilities under the law, and LSG did little to disabuse him of this. The objective video evidence captured during the investigation supports this notion.
54. Indeed, the evidence gathered in the instant investigation showed what appears to the Commission to have been an organized effort to capture as many signatures as quickly as possible using imported, non-elector, experienced signature gatherers who left the jurisdiction as quickly as they arrived, and, importantly, before the local law enforcement apparatuses had time to catch up to them.
55. Such a system relies on unsuspecting locals such as Mr. Coyle to take on all of the liability and take the fall long after LSG and its contractors have exited the jurisdiction and collected their fee and long after the benefitting campaign has achieved the goal of ballot status.

56. This case exposes a considerable liability gap in our statutes concerning the gathering of petitions: Petition circulators—usually low-paid, transient workers who often receive little or no instruction and/or warning of their legal duties by the campaign—are solely responsible, even if they have been intentionally misled by a sophisticated campaign and/or its contractors.
57. At present candidates and associated political committees have no duty to assure that their contractors, employees, and volunteers are reasonably prepared to properly collect petition signatures.
58. Indeed, in situations such as the instant matter, there is a *disincentive* to properly instruct such individuals, as noncompliance can in many instances—as it may have here—lead to outcomes that directly benefit the associated campaign.
59. And in situations like this, the law enforcement apparatus is often not in a position to catch up to the activity until long after the campaign’s bottom-line goal of achieving ballot status has been reached.
60. It is the position of the Commission that this is markedly unfair to the people working with these campaigns and suborns the potential subversion of the democratic process of legally obtaining ballot status.
61. Candidates should have a legal stake in whether the pursuit of their own ballot status is properly achieved. Currently, they do not.
62. Turning to the specifically question in this case, while the Commission cannot ignore the state of the law as it currently exists, under these facts the Commission does not believe that it is necessary to pursue this matter further against Mr. Coyle.
63. However, while this decision does not absolve liability for this Respondent circulator or any future respondent circulator, even under these same facts, it should stand as a clear notice from the Commission that it is time for Secretary of the State and the General Assembly to enact reforms in this area before the next gubernatorial cycle in 2022.

ORDER

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

No further action.

Adopted this 5 day of August of 2020 at Hartford, Connecticut



~~Anthony J. Castagno, Chair~~

By Order of the Commission

Salvatore Bramante, Vice Chair