

STATE OF CONNECTICUT
STATE ELECTIONS ENFORCEMENT COMMISSION

In the Matter of a Complaint by Gary Bolles
and Mike Camillo, Newington

File No. 2018-052

FINDINGS AND CONCLUSIONS

The Complainants bring this Complaint pursuant to Connecticut General Statutes § 9-7b, alleging that Respondent Linda Cultrera, Newington Republican Registrar of Voters, failed to provide an enrollment list of a political party to Mr. Bolles as a petitioning candidate for Republican Registrar of Voters at the August 14, 2018 primary, and certify on the first page that it was the most recent as required by General Statutes § 9-413a.

After an investigation of the Complaint, the Commission makes the following findings and conclusions:

1. Respondent Linda Cultrera was Republican Registrar of Voters in the Town of Newington at all times relevant to this complaint.
2. On or about May 30, 2018 Complainant Gary Bolles and Sarah Jorgensen arrived at the Newington Town Clerk's office to determine what was needed for Mr. Bolles to petition on to the primary ballot for the position of Republican Registrar of Voters. They were assisted by the Town Clerk's staff and referred to the Registrars of Voters' office.
3. At issue is (1) whether Ms. Cultrera failed to provide the most recent Republican voter registry list to Mr. Bolles as a petitioning candidate pursuant to the requirements of General Statutes § 9-55 and § 9-413a; and, (2) whether Ms. Cultrera accurately rejected signatures on Mr. Bolles' petition pages to appear on the August 14, 2018 primary ballot in Newington, as candidate for Republican Registrar of Voters.
4. General Statutes § 9-55, in pertinent part, provides:
 - (a) The registrars of voters shall cause to be printed at least once during the calendar year a complete enrollment list and *shall make such list available to the public upon request.* [Emphasis added.]
5. General Statutes § 9-412 , provides in pertinent part:

Upon the receipt of any page of a petition proposing a candidacy for a municipal office or for member of a town committee, the registrar shall forthwith sign and give to the person submitting the petition a receipt in duplicate, stating the number of pages filed and the date and time of filing and shall forthwith certify on each such page the number of signers on the page who were enrolled on the

last-completed enrollment list of such party in the municipality or political subdivision, as the case may be, and shall forthwith file such certified page in person or by mail, as described in section 9-140b, with the clerk of the municipality, together with the registrar's certificate as to the whole number of names on the last-completed enrollment list of such party in such municipality or political subdivision, as the case may be, not later than seven days after receipt of the page. ... In checking signatures on primary petition pages, the registrar shall reject any name if such name does not appear on the last-completed enrollment list in the municipality or political subdivision, as the case may be. Such rejection shall be indicated by placing a mark in a manner prescribed by the Secretary before the name so rejected. The registrar may place a check mark before each name appearing on the enrollment list to indicate approval but shall place no other mark on the page except as provided in this chapter. The registrar shall not reject any name for which the street address on the petition is different from the street address on the enrollment list, if (1) such person is eligible to vote for the candidate or candidates named in the petition, and (2) the person's date of birth, as shown on the petition page, is the same as the date of birth on the person's registration record. ...

6. General Statutes § 9-413a , provides:

A registrar of voters who provides an enrollment list of a political party in a municipality, political subdivision or district to a candidate who will be circulating a primary petition for nomination by such party of such candidate to a state, district or municipal office, in accordance with sections 9-404a and 9-404b or sections 9-409 and 9-410, shall certify on the first page of such enrollment list that such list is the most recent and, to the best knowledge of the registrar, accurate enrollment list of such party in such municipality, political subdivision or district.[Emphasis added.]

Verification of Petition Signatures

7. The Commission first addresses the allegation as to whether Respondent Linda Cultrera failed to adequately, or accurately, verify petition page signatures submitted by Mr. Bolles and his supporters, so that he could appear as a candidate for Republican Registrar at the August 14, 2018 primary in Newington.

8. Complainant generally alleges that the Respondent improperly rejected those petition Signatures pursuant to General Statutes § 9-412.
9. Respondent Cultrera, in response to this complaint and investigation, provided a detailed basis for rejecting three of the four signatures raised by Complainants that were submitted on Complainant Bolles petition pages and originally rejected by Respondent as Republican Registrar of Voters.
10. Further, Respondent indicated one of the four signatures was actually reconsidered by Ms. Cultrera and added to the final tally of qualified signatures submitted by Mr. Bolles. Nevertheless, Mr. Bolles remained three signatures short of qualifying to appear on the August 14, 2018 Newington primary.
11. Without substituting its own judgment for that of Respondent Cultrera as the Registrar of Voters, who is charged with reviewing the signatures on the petition pages pursuant to General Statutes § 9-412, the Commission considers Respondent's explanation, in response to this allegation, plausible.
12. As the facts in this case do not support Complainants' allegation, pertaining to a failure to properly reject or verify signatures petition signatures submitted to Respondent Cultrera as Republican Registrar of Voters, the Commission concludes that this allegation is dismissed.

Providing a Political Party Enrollment List

13. After investigation, the Commission finds that on or about June 12, 2018 Complainant Bolles, Complainant Mike Camillo and Ms. Jorgensen appeared and met with Ms. Cultrera at her offices and received the registrar's receipts of primary petition pages circulated on behalf of Mr. Bolles by Jennifer Ancona, Gary Bolles, Michael Camillo and Sarah Jorgensen.
14. The Commission finds that, while the parties disagree as to the details of what was discussed at that meeting on June 12, 2018, there was general agreement that this was the first time the political party enrollment lists that were used by the circulators on behalf of Mr. Bolles was discussed in the presence of all parties. The Commission notes that the aforementioned discussion pertaining to the Republican enrollment list occurred *after* the petition pages had been submitted to Respondent Cultrera, as Republican Registrar of Voters.

15. The Commission further finds a lack of evidence to establish that either Mr. Bolles or Ms. Jorgensen requested the Republican enrollment list at either the May 30 or the May 31, 2018 meetings at Newington town hall and thereby triggering the requirements of General Statutes § 9-413a. Additionally, the Commission finds a lack of evidence that Complainants, or those circulating petition pages on behalf of Mr. Bolles in their efforts, raised the issue of obtaining an updated Republican Party enrollment list from Ms. Cultrera, as Republican Registrar of Voters.
16. Moreover, the Commission finds, by their own affidavit of complaint, it would appear that issue of the Ms. Cultrera's providing the most recent enrollment list to Mr. Bolles and/or his agents occurred *after* he failed to qualify as a petitioning candidate at the August 14, 2018 Republican primary. Finally, it remains undisputed that Mr. Bolles and Ms. Jorgensen relied on enrollment lists acquired through the previous Newington Republican Town Committee chair and provided by Ms. Cultrera in the previous several years.
17. General Statutes § 9-413a requires a registrar of voters to provide the most recent enrollment list and certify the same as accurate, to the best of their knowledge, when they provide an enrollment list of a political party in a municipality "to a candidate who will be circulating a primary petition for nomination by such party of such candidate."
18. General Statutes § 9-55 requires a register of voters to provide the most recent enrollment list "upon request."
19. The Commission concludes that where, as in this instance, the petitioning candidate, or their agent, does not request from a registrar of voters the most recent enrollment list for purposes of circulating petition pages to qualify as a candidate on the ballot, the application of General Statutes § 9-413a is not triggered.
20. Further, the Commission concludes that no affirmative duty exists for a registrar of voters to provide an individual with the most recent enrollment list, when such individual does not request the list. This conclusion is based on a plain reading of General Statutes § 9-55, which require that the enrollment list of a political party be provided by the registrar of voters "upon request."
21. After investigation, the allegation set out herein was not supported by the facts, in that there was a lack of evidence that Respondent was asked for a primary enrollment list by Complainants, or otherwise failed to provide an enrollment list "upon request."
22. Furthermore, the complaint fails as a matter of law, because the registrar's responsibilities under General Statutes § 9-55 and § 9-413a were never triggered under these narrow and specific circumstances.

23. The allegation pertaining to a failure to provide and certify the most recent Republican party enrollment list pertaining to the August 14, 2018 primary in Newington is therefore dismissed.
24. Nevertheless, while the Commission dismisses this matter, it does *not* condone the conduct of Respondent as registrar of voters, as detailed herein. To the contrary, the Commission finds offensive Respondent's failure to volunteer information regarding the availability of the most up to date voter registry list to a petitioning candidate and her supporters.
25. Moreover, Respondent's omission in providing full information to what would have been her opponent in a municipal primary lends credence to the suspicion that Respondent was less than transparent in fully assisting a petitioning candidate, and that she administered her office directly to her personal advantage in this instance.

ORDER

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

That the matter is dismissed.

Adopted this 14th day of November, 2018 at Hartford, Connecticut.



Anthony J. Castagno, Chairman
By Order of the Commission

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