

**STATE OF CONNECTICUT  
STATE ELECTIONS ENFORCEMENT COMMISSION**

In the Matter of a Complaint by Norman Gauthier, Preston  
In the Matter of a Complaint by Norman Gauthier, Preston

File No. 2019-107A  
File No. 2019-116

**AGREEMENT CONTAINING A CONSENT ORDER**

The parties, Desiree Majcher ("Respondent") and the undersigned authorized representative of the State Elections Enforcement Commission (the "Commission"), enter into this agreement as authorized by Connecticut General Statutes § 4-177 (c) and Regulations of Connecticut State Agencies § 9-7b-54. In accordance with those provisions, the parties agree that:

*Parties*

1. At all times relevant hereto, Respondent Desiree Majcher was the Republican Registrar of Voters in the Town of Preston.

*Allegations*

2. Complainant alleged, over the course of two complaints, that the Respondent Desiree Majcher: 1) issued primary petitions that failed to meet statutory requirement; 2) accepted primary petitions that were not properly certified; and 3) issued a primary petition without first getting a signed statement of candidacy; and 4) accepted primary petition pages beyond the statutory timeframe.

*Statement of the Law*

3. General Statutes § 9-405 provides the timeframe in which a primary petition must be filed and states that:

(a)(1) Candidacies of persons other than party-endorsed candidates for nomination by a political party to a municipal office to be voted upon at a municipal election, or for election as town committee members shall be filed with the registrar, as provided in section 9-406, not later than four o'clock p.m. on the thirty-fourth day preceding the day of the primary of such party for the nomination of candidates for such office or for the election of town committee members. Said day and hour shall be specified on the petition forms.

(2) Candidacies of persons, other than party-endorsed candidates, for nomination by a political party to a municipal office to be voted upon at a state election shall be filed with the registrars, as provided in section 9-406, not later than four o'clock p.m. on the sixty-third day preceding the day of the primary for such office. Said day and hour shall be specified on the petition forms.

(b) On the last day for filing primary petition candidacies, in accordance with the provisions of this section, the office or office facilities of the registrars of voters shall open not later than one o'clock p.m., and remain open until at least four o'clock p.m., and such registrars or their deputy or assistant registrars shall be present.

4. General Statutes § 9-409 details the obligations of a Registrar of Voters when issuing a primary petition:

Petition forms for candidacies for nomination to municipal office or for election as members of town committees shall be available from the registrar beginning on the day following the making of the party's endorsement of a candidate or candidates for such office or position, or beginning on the day following the final day for the making of such endorsement under the provisions of section 9-391, whichever comes first. Any person who requests a petition form shall give his name and address and the name, address and office or position sought of each candidate for whom the petition is being obtained, and shall file a statement signed by each such candidate that he consents to be a candidate for such office or position. In the case of the municipal offices of state senator and state representative, each such candidate shall include on the statement of consent his name as he authorizes it to appear on the ballot. Upon receiving such information and statement, the registrar shall type or print on a petition form the name and address of each such candidate, the office sought and the political party holding the primary. The registrar shall give to any person requesting such form one or more petition pages, suitable for duplication, as the registrar deems necessary. If the person is requesting the form on behalf of an indigent candidate or a group of indigent candidates listed on the same petition, the registrar shall give the person a number of petition pages determined by the registrar as at least two times the number needed to contain the required number of signatures for a candidacy for nomination to municipal office or a number of petition pages determined by the registrar as at least five times the number needed to contain the required number of signatures for a candidacy for election as a town committee member. An original petition page filled in by the registrar may be duplicated by or on behalf of the candidate or candidates listed on the page and signatures may be obtained on such duplicates. The duplicates may be filed in the same manner and shall be subject to the same requirements as original petition pages. All information relative to primary petitions shall be a public record.

5. General Statutes § 9-410 details the duties of the Registrars of Voters as it relates to receipt of primary petitions for municipal office or town committee members. Specifically, as it relates to the allegations in this matter, General Statutes § 9-410 (c) provides, in pertinent part:

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.

*Statement of the Facts*

6. On or about, July 22, 2019, the Preston Republican Town Committee held a caucus to endorse a candidate for First Selectman in the Town of Preston for the November 5, 2019 General Election.
7. On or about July 22, 2019, Edward Gauthier was endorsed by the Preston Republican Town Committee as its candidate for First Selectman in the Town of Preston for the November 5, 2019 General Election.
8. On or about July 25, 2019, Gregory Moran<sup>1</sup> requested from Respondent Desiree Majcher, the forms required to force a primary for the Republican nomination for First Selectman in the Town of Preston for the November 5, 2019 General Election.
9. On or about July 25, 2019, Gregory Moran requested the forms to force a primary, Respondent Majcher had Respondent Moran complete and sign a statement of candidacy.
10. On or about July 25, 2019, when Gregory Moran completed his statement of candidacy, Gregory Moran failed to date the document.
11. On or about July 25, 2019, Respondent Majcher provided Gregory Moran with single sided petition pages that did not contain the circulator statement of authenticity on the back.
12. On or about August 7, 2019, Gregory Moran turned in four petition pages in support of his attempt to force a primary for the Republican nomination for First Selectman in the Town of Preston for the November 5, 2019 General Election (the "Primary Petition Pages").
13. There were 80 total signatures on the Primary Petition Pages.
14. Forty four (44) signatures were required in order for Respondent Moran to force primary for the Republican nomination for First Selectman in the Town of Preston for the November 5, 2019 General Election.
15. All of the Primary Petition Pages were single sided documents, and none contained a circulator statement of authenticity of records.
16. Attached to the Primary Petition Pages was the form of a circulator statement of authenticity, in which Gregory Moran authenticated 44 signatures.
17. On or about August 7, 2019, Respondent Majcher accepted the Primary Petition Pages.
18. Respondent Majcher claims that, on or about August 8, 2019, she, herself dated the undated statement of candidacy form she had received on July 25, 2019 with the date August 8, 2019.

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<sup>1</sup> Allegations in the complaints concerning Gregory Moran shall be addressed in a separate document.

19. On or about September 10, 2019 the Town of Preston held a primary for the Republican nomination for First Selectman in the Town of Preston for the November 5, 2019 General Election.

*Discussion*

20. As detailed above, Respondent Majcher did not comply with the requirements of her position when she issued and accepted primary petition pages that did not contain the circulator statement of authenticity on the back. When accepting the petition pages from Gregory Moran, Respondent Majcher failed ensure that each separate page had a certification and that the number of signatures certified equaled the number of signatures submitted as required by General Statutes § 9-410. Finally, Respondent Majcher admits that she misdated the statement of candidacy which was required in order for her to issue the primary petitions in the first place pursuant to General Statutes § 9-409.
21. Pursuant to General Statutes § 9-405, Gregory Moran was required to file a statement of candidacy prior to August 7, 2019 in order to be eligible to be a candidate for the September 10, 2019 primary. The evidence in this case, however, suggests that such document was received prior to that date, but she misdated it.
22. Based upon the foregoing the Commission concludes that Respondent Majcher violated General Statutes §§ 9-409 and 9-410, but does not conclude that Respondent Majcher violated General Statutes § 9-405.

*Terms of General Application*

23. The Respondent admits to all jurisdictional facts and agrees that this Agreement and Order shall have the same force and effect as a final decision and order entered into after a full hearing and shall become final when adopted by the Commission.
24. The Respondent waives:
  - a. Any further procedural steps;
  - b. The requirement that the Commission's decision contain a statement of findings of fact and conclusions of law, separately stated; and
  - c. All rights to seek judicial review or otherwise to challenge or to contest the validity of the Order entered into pursuant to this Agreement.
25. Upon the Respondent's agreement to comply with the Order hereinafter stated, the Commission shall not initiate any further proceedings against the Respondent regarding this matter.
26. It is understood and agreed by the parties to this Agreement that the Commission will consider this Agreement at its next available meeting and, if the Commission rejects it, the

Agreement will be withdrawn and may not be used as an admission by the Parties in any subsequent hearing, proceeding or forum.

**ORDER**

It is hereby ordered that the Respondent Majcher shall henceforth strictly adhere to the requirements of General Statutes §§ 9-409 and 9-410.

It is further ordered that Respondent Majcher shall complete all Registrar training modules concerning nominating and primary petitions.

**Respondent Majcher:**

By: Desiree Majcher  
Desiree Majcher  
165 Middle Road  
Preston, CT 06365

Dated: 7-28-2020

**For the State of Connecticut:**

By: Michael J. Brandi  
Michael J. Brandi  
Executive Director and General Counsel and  
Authorized Representative of the  
State Elections Enforcement Commission  
20 Trinity St.  
Hartford, CT 06106

Dated: 8/5/2020

Adopted this 5 day of August, 2020 at Hartford, Connecticut by vote of the Commission.

Salvatore Bramante  
Anthony J. Castagno, Chairman  
By Order of the Commission  
Salvatore Bramante, Vice Chair