

STATE OF CONNECTICUT
STATE ELECTIONS ENFORCEMENT COMMISSION

In the Matter of a Complaint by Norman Gauthier, Preston

File No. 2019-107B

FINDINGS AND CONCLUSIONS

The Complainant filed the instant complaint with the Commission pursuant to Connecticut General Statutes § 9-7b. The Complaint alleged that that Respondent Gregory Moran, filed primary petition pages that lacked a certification page and that he collected primary petition signatures after the certification page had been completed.¹ The following are the Commission's findings of fact and conclusions of law:

1. At all times relevant hereto, Desiree Majcher was the Republican Registrar of Voters in the Town of Preston.
2. 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.
3. 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.
4. On or about July 25, 2019, Respondent Gregory Moran requested from 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.
5. On or about July 25, 2019, Respondent Moran requested the forms to force a primary, Desiree Majcher had Respondent Moran complete and sign a statement of candidacy.
6. On or about July 25, 2019, when Respondent Moran completed his statement of candidacy, Respondent Moran failed to date the document.
7. On or about July 25, 2019, Desiree Majcher provided Respondent Moran with single sided petition pages that did not contain the circulator statement of authenticity on the back.
8. On or about August 7, 2019, Respondent Moran turned in four petition pages in support of his attempt to force a primary for the Republican nomination for First Selectman in the

¹ Allegations concerning Desiree Majcher are addressed in a separate document.

Town of Preston for the November 5, 2019 General Election (the “Primary Petition Pages”).

9. There were 80 total signatures on the Primary Petition Pages.
10. Forty-four (44) signatures were required in order for Respondent Moran to force a primary for the Republican nomination for First Selectman in the Town of Preston for the November 5, 2019 General Election.
11. All of the Primary Petition Pages were single sided documents, and none contained a circulator statement of authenticity of records.
12. Attached to the Primary Petition Pages was the form of a circulator statement of authenticity, in which Respondent Moran authenticated 44 signatures.
13. On or about August 7, 2019, Desiree Majcher accepted the Primary Petition Pages.
14. On or about August 8, 2019, Respondent Majcher dated the undated statement of candidacy form she had received on July 25, 2019 with the date August 8, 2019.
15. 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.
16. 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.

17. 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.

18. With regard to this matter, the evidence suggests that Respondent Moran's failure to accurately certify each petition page was because he had not received the proper petition pages from the registrar. Moreover, had the petitions not followed the statutory requirements, it was incumbent upon the registrar to reject them. Accordingly, the Commission dismisses this allegation.

19. The Commission further declines to find Respondent Moran committed a violation concerning the allegation that petition signatures were collected after the certification page had been signed. The evidence shows that the petition signature collections and the submission of the certification form were separated due to the registrar's failure to include a certification page on the back of the petition. Furthermore, Respondent only certified 44 of

the 80 signatures provided. Accordingly, the Commission concludes that it does not have sufficient evidence to conclude Respondent committed a violation.

ORDER

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

That the allegations in this matter concerning Gregory Moran be dismissed.

Adopted this 5 day of August, ²⁰²⁰~~2019~~ at Hartford, Connecticut.



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