

STATE OF CONNECTICUT
STATE ELECTIONS ENFORCEMENT COMMISSION

In the Matter of a Complaint by Gregory Cann, Stratford

File No. 2019-108

FINDINGS AND CONCLUSIONS

The Complainant brought this Complaint pursuant to Connecticut General Statutes § 9-7b, alleging that during the primary petitioning candidate Allison Longo-Taccogna of Stratford falsely signed a circulator statement on a petition page which contained signatures that she did not solicit and/or witness.¹

Law

1. General Statutes § 9-410 enumerates the form and procedural requirements for a primary petition for municipal office, including but not limited to the requirements for a circulator, and reads as follows:

(a) The petition form for candidacies for nomination to municipal office or for election as members of town committees shall be prescribed by the Secretary of the State and provided by the registrar of the municipality in which the candidacy is to be filed or duplicate petition pages shall be produced in accordance with section 9-409, and signatures shall be obtained only on such forms or such duplicate petition pages. 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

¹ The following are the Commission's findings and conclusions based on those portions of the Complainant's statement of complaint which the Commission could reasonably construe as alleging facts amounting to a specific violation of those laws within the Commission's jurisdiction. Any statements within the Complaint not addressed herein, including but not limited to the allegations against the office of the Stratford Registrars of Voters, either did not specifically allege a violation or alleged facts which if proven true would not have amounted to a violation within the Commission's jurisdiction.

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 thereon 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 or the positions to which election 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. Only as many candidates may be proposed in any one primary petition for the same office or position as are to be nominated or chosen by such party for such office or position; but any one primary petition may propose as many candidates for different offices or positions as there are nominations to be made or positions to be filled.

(b) The names of enrolled party members signing a primary petition need not all be on one sheet but may be on several sheets, but 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 a petition shall be fined not more than one hundred dollars or imprisoned not more than one year or both. Each such sheet shall indicate the candidate or candidates supported, the offices or positions sought and the political party the nomination of which is sought or which is holding the primary for election of town committee members. No page of such a petition shall contain the names of enrolled party members residing in different municipalities and any page thereof which has been certified by the registrars of two or more municipalities shall be rejected by the registrar. Withdrawal of petition signatures shall not be permitted.

(c) Each circulator of a primary petition page shall be an enrolled party member of a municipality in this state who is entitled to vote. Each petition page shall contain a statement signed by the registrar of the municipality in which such circulator is an enrolled party member attesting that the circulator is an enrolled party member in such municipality. Unless such a statement by the registrar appears on each page so submitted, the registrar shall reject such page. No candidate for the nomination of a party for a municipal office or the position of town committee member shall circulate any petition for another candidate or another group of candidates contained in one primary petition for the nomination of such party for the same office or position, and any petition page circulated in violation of this provision shall be rejected by the registrar. No person shall circulate petitions for more than the maximum number of candidates to be nominated by a party for the same office or position, and any petition page circulated in violation of this provision shall be rejected by the registrar. *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. Any sheet of a petition filed with the registrar which does not contain such a statement by the circulator as to the authenticity of the signatures thereon, or upon which the statement of the circulator is incomplete in any respect, or which does not contain the certification hereinbefore required by the registrar of the town in which the circulator is an enrolled party member, shall be rejected by the registrar. Any individual proposed as a candidate in any primary petition may serve as a circulator of the pages of such petition, provided such 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 Allison Longo-Taccogna for her own candidacy for Town Council in the September 10, 2019 Democratic Party Primary in the Town of Stratford.
3. Ms. Longo-Taccogna's petitions were all signed and sworn by her as the sole circulator.
4. Ms. Longo-Taccogna successfully petitioned to challenge the Complainant, who was the party endorsed candidate in the race for the District 5 seat on the Stratford Town Council in 2019.
5. The Complainant defeated Ms. Long-Taccogna with 83% of the total votes in the District 5 primary.

Allegation

6. The Complainant alleged that on a single petition page containing 13 signatures, he had knowledge that at least 5 of the signatures were witnessed by an unaccompanied male circulator and not by the Respondent.
7. The Complainant asserted that he contacted the five signers personally and each denied signing the petition in the presence of the Respondent.

Response

8. The Respondent denied the allegations in full and asserted that while she often circulated the petitions in the company of others, she was present for each signature on the petition pages that she signed as circulator.
9. The Respondent asserted that the instant Complaint was one of a number of attempts by the endorsed candidate to "bully" the Respondent and asserted, without support, that the Complainant willfully attempted to elicit false testimony from the signers of her petitions, among other alleged acts.

Investigation

10. The investigation here was limited in its ability to fully verify the facts alleged here due to the 1-year time limitation contained in General Statutes § 9-7a (g) and a severe shortage of investigatory staff during the spring and summer of 2019 when this matter was filed.
11. However, the SEEC investigators did make attempts to contact all of the signatories that the Complainant alleged supported his allegations.
12. Of the five individuals, SEEC investigators were able to make contact with two of the individuals.
13. One of the individuals, JoAnn Fogerty, acknowledged her signature but could not recall who circulated the petition that she signed.
14. One of the individuals, Warde Whipple, supported the Complainant's allegation and asserted in an email response to SEEC investigators that the Respondent did appear at his home and attempted to secure his signature, but he refused to sign the petition, asserting that he was a supporter of the Complainant.
15. Mr. Whipple further confirmed the Complainant's specific allegation that a male supporter of the Complainant came back to his home after he rejected the Respondent's entreaty and Mr. Whipple relented and signed the petition page.

Analysis

16. General Statutes § 9-410 (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.
17. An implicit requirement of General Statutes § 9-410 (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.

18. Intentional misrepresentation of the contents of a petition is a criminal violation of General Statutes § 9-368c.²
19. Turning to the question here, the Commission concludes that while the allegations here are concerning and do contain a modicum of support, there is insufficient evidence gathered to date to sustain that it was more likely than not that the Respondent did not meet her obligations under General Statutes § 9-410 (c). The single signatory's assertion, denied by the Respondent, is unsupported by any other corroborating evidence, such as a witness to the event.
20. If the Commission had additional resources and sufficient time to explore this matter further, perhaps our conclusions would be different. However, due the investigatory constraints contained in General Statutes § 9-7a (g), the Commission can take no further action on this matter.

² General Statutes § 9-368c reads:

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

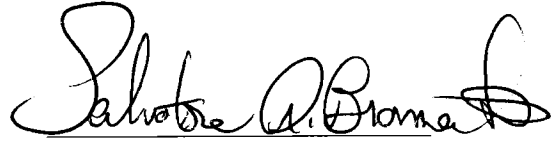
(b) Any person who violates any provision of this section shall be guilty of a class D felony.”

ORDER

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

No further action.

Adopted this 21 day of October of 2020 at Hartford, Connecticut

A handwritten signature in cursive script, appearing to read "Salvatore A. Bramante".

~~Anthony J. Castagno, Chair~~

By Order of the Commission

Salvatore Bramante, Vice Chair