

**STATE OF CONNECTICUT**  
**STATE ELECTIONS ENFORCEMENT COMMISSION**

In the Matter of a Referral by Winchester Town Clerk Sheila Sedlack

File No. 2019-119

**FINDINGS AND CONCLUSIONS**

The Referring Official alleged that Respondent David LaPointe falsified a candidate signature on a minor party Certificate of Endorsement.<sup>1</sup>

**Introduction and Background**

1. By way of background, the “Winsted Independent Party” was a minor party with ballot access in municipal elections since at least 2011 continuing through the 2019 municipal General Election that is the subject of this Referral.
2. During the November 5, 2019 election season, Respondent David LaPointe was a candidate on the ballot for a seat on the Winchester Board of Selectman, running under the “Winsted Independent Party” line.
3. The Referring Official, the Winchester Town Clerk, alleged that on or about September 4, 2019, Respondent LaPointe submitted to her office a Certificate of Endorsement form per General Statutes § 9-391, which form included the names and apparent signatures of Mr. LaPointe and Jerry Martinez to run for Board of Selectman in the November 5, 2019 municipal General Election.
4. The Referring Official further alleged that on or about September 5, 2019, Jerry Martinez came into her office and asserted that he did not wish to be a candidate and that the signature purporting to be his on the Certificate of Endorsement submitted by Respondent LaPointe was falsified.

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<sup>1</sup> 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 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.

Law

5. General Statutes § 9-452 provides:

All minor parties nominating candidates for any elective office shall make such nominations and certify and file a list of such nominations, as required by this section, not later than the sixty-second day prior to the day of the election at which such candidates are to be voted for. *A list of nominees in printed or typewritten form that includes each candidate's name as authorized by each candidate to appear on the ballot, the signature of each candidate, the full street address of each candidate and the title and district of the office for which each candidate is nominated shall be certified by the presiding officer of the committee, meeting or other authority making such nomination* and shall be filed by such presiding officer with the Secretary of the State, in the case of any state, district or municipal office to be voted upon at a state election, or with the clerk of the municipality, in the case of any municipal office to be voted upon at a municipal election, not later than the sixty-second day prior to the day of the election. The registrars of voters of such municipality shall promptly verify and correct the names on any such list filed with him, or the names of nominees forwarded to the clerk of the municipality by the Secretary of the State, in accordance with the registry list of such municipality and endorse the same as having been so verified and corrected. For purposes of this section, a list of nominations shall be deemed to be filed when it is received by the Secretary of the State or clerk of the municipality, as appropriate. If such certificate of a party's nomination is not received by the Secretary of the State or clerk of the municipality, as appropriate, by such time, such certificate shall be invalid and such party, for purposes of sections 9-460, 9-461 and 9-462, shall be deemed to have neither made nor certified any nomination of any candidate for such office. A candidacy for nomination by a minor party to a district or municipal office may be filed on behalf of any person whose name appears on the last-completed registry list of the district or municipality represented by such office, as the case may be. A candidacy for nomination by a minor party to a state office may be filed on behalf of any person whose name appears on the last-completed registry list of the state.

## Analysis

6. As an initial matter, the Commission notes that the Referring Official confirmed that she removed Mr. Martinez from the ballot after he informed her of the issue.
7. Turning to the question here, under General Statutes § 9-7b, for potential violations of § 9-452 the Commission has only investigative authority and the ability to refer matters to the Chief State's Attorney. The Commission does not possess any direct administrative jurisdiction such as the ability to notice hearings under the Uniform Administrative Procedures Act or impose penalties after such hearings.
8. Moreover, General Statutes § 9-452 enumerates the administrative and form requirements for filing candidacies for minor parties, including the filing of the Certificate of Endorsement, including the signatures of the candidates. However, it does not enumerate any specific punitive consequences for, as alleged, submitting falsified information on such form, nor does any other statute in Title 9 provide such recourse under § 9-452.
9. However, this alleged act is not without consequences at law—General Statutes § 53a-139 of the Penal Code provides, in pertinent part:
  - (a) A person is guilty of forgery in the second degree when, with intent to defraud, deceive or injure another, he falsely makes, completes or alters a written instrument or issues or possesses any written instrument which he knows to be forged, which is or purports to be, or which is calculated to become or represent if completed: . . .
    - (2) a public record or an instrument filed or required or authorized by law to be filed in or with a public office or public servant; . . .
  - (c) Forgery in the second degree is a class D felony
10. Accordingly, while the Commission does not find that the Respondent violated General Statutes § 9-452, the Commission concludes that this matter merits consideration by the Chief State's Attorney under General Statutes § 53a-139.
11. Considering the aforesaid, this matter should be dismissed and referred to the Chief State's Attorney for investigation.

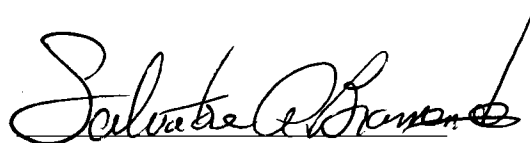
ORDER

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

That the matter is dismissed.

That the matter is referred to the Chief State's Attorney.

Adopted this 7<sup>th</sup> day of October, 2020 at Hartford, Connecticut.

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

~~Anthony J. Castagno, Chairperson~~

By Order of the Commission

Salvatore Bramante