

STATE OF CONNECTICUT
STATE ELECTIONS ENFORCEMENT COMMISSION

In the Matter of a Complaint by John Samperi, Killingworth

File No. 2019-140

FINDINGS AND CONCLUSIONS

The Complainant brought this matter pursuant to Connecticut General Statutes § 9-7b, alleging that Dawn Mooney, the Killingworth Town Clerk, unlawfully made an alteration to a Certificate of Party Endorsement after it was filed with her office.¹ After an investigation, the Commission makes the following findings and conclusions:

Law

1. General Statutes § 9-391 reads, in pertinent part:

(a) Each endorsement of a candidate to run in a primary for the nomination of candidates for municipal office to be voted upon at a municipal election, or for the election of town committee members, shall be made under the provisions of section 9-390 not earlier than the fifty-sixth day or later than the forty-ninth day preceding the day of such primary. The endorsement shall be certified to the clerk of the municipality by either the chairperson or presiding officer or the secretary of the town committee, caucus or convention, as the case may be, not later than four o'clock p.m. on the forty-eighth day preceding the day of such primary. Each such candidate, except a candidate for the election of town committee member, shall sign such certification. Each such certification shall contain the name and street address of each candidate so endorsed, the title of the office or the position as committee member and the name or number of the political subdivision or district, if any, for which each such candidate is endorsed. Such certification shall be made on a form prescribed by the Secretary of the State or on such other form as may comply with the provisions of this subsection. If such a certificate of a party's endorsement is not received by the clerk of the municipality by such time, such certificate shall be invalid and

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 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.

such party, for the purposes of sections 9-417, 9-418 and 9-419, shall be deemed to have neither made nor certified such endorsement of any candidate for such office.

...
(Emphasis added.)

2. As indicated in the last sentence of subsection (a), Certificates of Party Endorsement (“CPE”) received after the deadline are not valid. No new CPE may be accepted after the deadline. For purposes of the statute, modifications to endorsements in a CPE are also not valid after the deadline.

Allegation

3. Here, the Complainant alleges that the Town Clerk’s Office provided him with two almost-identical versions of a CPE filed by the Killingworth Republican Town Committee on September 25, 2019 informing the Town Clerk that Republican endorsed candidate for the Board of Education S. Derek Phelps had withdrawn his candidacy and that the RTC was now cross-endorsing Suzanne Sack (who was already endorsed by the Democratic Party) for the office.
4. In one version of the CPE is signed by Chairperson Dawn Mooney, with cc:’s to other individuals, including Ms. Sack.
5. The second version of the CPE is identical, but with the words “I accept this endorsement. Suzanne Sack.” handwritten on the document.
6. The Complainant alleges that upon receipt of the unsigned version of the CPE, and prior to the deadline for filling the vacancy, the Town Clerk’s Office contacted Ms. Sack to ask her if she accepted the endorsement, and, if so, informed her that she would need to come down to the office and sign the document indicating her assent.
7. The Complainant further alleges that Ms. Sack did so assent to the endorsement and do so sign the document.

Analysis and Conclusion

8. Turning to the question here, the first form was not acceptable under General Statutes § 9-391 as it was not signed by the candidate, as required. As such, the Town Clerk’s office validly rejected the document.

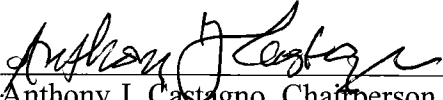
9. The second form was acceptable under General Statutes § 9-391 as it was timely received and met the requirement that the candidate indicate her assent with a signature.
10. Insofar as the Office of the Town Clerk chose to keep both versions of the document in its files, such is not an issue under the statute.
11. Considering the aforesaid, there is no issue under General Statutes § 9-391 in the manner in which the Republican Town Committee endorsement of Ms. Sack was processed by the Town Clerk.
12. Accordingly, this matter should be dismissed.

ORDER

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

Dismissed

Adopted this ~~6th~~²⁰ day of November, 2019 at Hartford, Connecticut.


Anthony J. Castagno, Chairperson
By Order of the Commission