

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

In the Matter of a Complaint by John Santanella,  
Enfield

File No. 2019-169

**FINDINGS & CONCLUSIONS**

Complainant John Santanella of Enfield filed this complaint pursuant to Connecticut General Statutes § 9-7b alleging that the Town of Enfield wrongly limited electors to choosing four candidates out of seven at-large councilors on its ballot for the November 5, 2019 municipal election. After investigating the allegations raised in the complaint the Commission makes the following findings and conclusions:

1. Complainant alleges that by limiting an elector to choosing any four candidates, when the Enfield Town Charter specifies that seven will be elected, violates the state and federal constitution.
2. The Commission limits this disposition to its authority and jurisdiction to interpret and apply Title 9, General Statutes and to determine whether statutory violations within its purview have occurred.
3. The Enfield Town Attorney, in response to this complaint and investigation, addressed Complainant's allegations, as excerpted below:

*The eleven-member Enfield Town Council includes seven at-large councilors. Town Charter Chapter II, section 2, subsection (a) provides that no more than four (4) shall be of the same political party. Historically, the Democrat [sic] Town Committee and the Republican Town Committee have each nominated four individuals to run for the at-large seats (seven successful candidates and one unsuccessful candidate). Electors are allowed to vote for up to four at-large councilors.*

*For the November 2019 Town Council election, in addition to the Republican's four candidates and the Democrat's four candidates, two unaffiliated candidates [including Complainant] were on the ballot. Four Republicans and three Democrats were elected.*

...

*There are statutes that limit the number of votes that an elector may cast for boards of education and boards of selectmen. Elections for Boards of Education are governed by Conn. Gen. Stat. §9-204 which provides that no elector shall vote for more than a bare majority of those running for seats on the Board of Education. ...*

*Elections for Boards of Selectmen are governed by Conn. Gen. Stat §9-188 which provides that an elector shall not vote for more candidates than any political party can elect. While this section specifically pertains to elections for Selectmen; it may provide an historical basis for the four-vote limitation. The Town of Enfield switched from a Board of Selectman to the current Council/Manager government in the mid-1960s. Arguably, Town officials carried over the limitations of §9-188 to the first Town Council elections and have continued this practice ever since.*

*Conn. Gen. Stat §9-414 may also provide insight into the Town's limitation of four votes. This statute prohibits a political party from nominating more candidates than the number for whom an elector may vote. While the Town Charter limits a political party to no more than four at-large seats, there is no specific limit to the number of candidates for whom an elector may vote. ... Once again, there could be evidence from the 1960's that each major party's nomination of only four candidates (while logical in view the Charter's limits) was and is based on Conn. Gen. Stat §9-414's language. It could be argued that each party's nomination of only four candidates stems from an implication that an elector may cast votes only up to four candidates.*

4. It is undisputed that the Enfield Charter provides that there shall be elected eleven members of the Enfield town council of which seven "at-large" members shall be elected, of whom "no more than four ... shall be of the same political party." See Enfield Town Charter, Section 2 (a).
5. General Statutes § 9-167a, provides in pertinent part:
  - (b) Prior to any election for or appointment to any board, commission, legislative body, committee or similar body of the state or any political subdivision thereof, the municipal clerk, in cases of elections, and the appointing authority, in cases of appointments, shall determine the maximum number of members of any political party who may be elected or appointed to such body at such election or appointment. Such maximum number shall be determined for each political party in the following manner: From the number of members of one political party who are members of such body at the time of the election or appointment, subtract the number of members of such political party whose terms expire prior to the commencement of the terms for which such election or appointment is being held or made and subtract the balance thus arrived at from the appropriate number specified in column II of subsection (a) of this section.
6. Given the Town of Enfield's decision to abandon selectmen for town council members and the Charter's silence as to how many of the seven at-large counselors electors are entitled to

choose, the Commission declines to substitute its judgement for that of Enfield itself for interpreting its own governing charter.

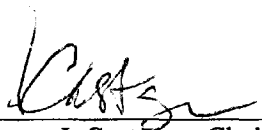
7. Furthermore the Commission finds reasonable the town's goal of crafting its ballot consistent with and to ensure requirements for "minority representation" pursuant to General Statutes § 9-167a and reconciling its ballot to the requirement that no more than four at-large town council members be of the same party pursuant to its town charter.
8. Finally, the Commission notes that the November 5, 2019 municipal ballot in Enfield was submitted and approved by the Office of the Secretary of the State and the Commission does not generally serve to review the SOTS' approval power over ballots without some claim of an underlying Title 9 violation.
9. Based on the limited and specific facts, as detailed herein, the Commission dismisses Complainant's allegations as the facts and law did not support the conclusion that a violation of General Statutes Title 9, occurred in this instance.

#### ORDER

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

This matter is dismissed.

Adopted this 20<sup>th</sup> day of MAY, 2020 at Hartford, Connecticut.

  
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Anthony J. Castagno, Chairperson  
By Order of the Commission