

# DEMOCRATIC STATE CENTRAL COMMITTEE

## HARTFORD TOWN COMMITTEE DISPUTE RESOLUTION

THOMAS K. McDONOUGH DISTRICT 16  
SHARON MOUNDS DISTRICT 9  
CARL J. SCHIESSL DISTRICT 7

KEVIN REYNOLDS LEGAL COUNSEL

November 3, 2011

### PRELIMINARY STATEMENT

This dispute hearing combines three separate disputes against the Hartford Town Committee (“HTC”). The panel assembled to hear these complaints included Tom McDonough of the 16<sup>th</sup> District, Sharon Mounds of the 9<sup>th</sup> District and Carl Schiessl of the 7<sup>th</sup> District (hereinafter referred to as “the Panel”). The Panel heard each complaint in sequence and decided each separately.

The first complaint was filed by Edwin Vargas via a letter dated October 20, 2011. Mr. Vargas asserts that Hartford Mayor Pedro Segarra may not accept the nomination for Mayor of the Republican Party while simultaneously being the nominee for Mayor of the Democratic Party. At the hearing, Mr. Vargas was represented by Attorney Robert Ludgin. The HTC, represented by Attorney Thomas Page, and the Segarra for Mayor Campaign, represented by Attorney John Kennelly, responded in opposition to the Vargas complaint.

The second complaint was filed by Luz Torrez via a letter dated August 24, 2011. Ms. Torrez represented herself and the HTC, again represented by Attorney Page, responded. Ms. Torrez objects strongly to the HTC’s leadership’s handling of the July 21<sup>st</sup> meeting to endorse candidates for the municipal elections.

The third complaint was filed by Alyssa Peterson by a letter dated October 26, 2011. Ms. Peterson represented herself and the HTC, represented by Mr. Page, responded. Ms. Peterson objects to the HTC's leadership with regard to how it conducts itself and, more specifically, certain candidates that it endorsed for this year's elections. Ms. Peterson seeks the removal of most of the HTC's Executive Committee, and the "disqualification" of certain Democratic candidates.

## **STATEMENT OF FACTS**

### Vargas Complaint

The relevant facts in the Vargas Dispute are not in dispute. They are as follows:

1. On July 21, 2011, the HTC endorsed Pedro Segarra for Mayor;
2. On September 13, 2011, Pedro Segarra overwhelmingly defeated Edwin Vargas to win the Democratic Primary for Mayor; and
3. On September 20, 2011, the Hartford Republican Town Committee voted to replace its nominee for Mayor with Mayor Segarra.

Mr. Vargas, with support from other Democrats, argues that Article IV, Section 4 of the HTC Rules prohibits any candidate endorsed by the Democratic Party from accepting the nomination of another political party. Article IV, Section IV provides, in relevant part, that "no person may receive the endorsement or nomination of any political party for which he has received Town Committee endorsement." In light of Mayor Segarra's refusal to reject the Republican's nomination, Mr. Vargas asks for the revocation of Mayor Segarra's Democratic endorsement.<sup>1</sup>

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<sup>1</sup> Mr. Vargas noted that several other Democratic-endorsed candidates for City Council and Treasurer did refuse the Republican nomination.

### Torrez Dispute

The facts in the Torrez dispute are not necessarily in dispute. The allegations stem from Ms. Torrez's personal account of the July 21<sup>st</sup> endorsement process and the HTC did not counter them.

### Peterson Dispute

In the Peterson dispute, much is in dispute. At the hearing, Ms. Peterson skillfully elicited testimony from witnesses to support her charges that the Vice Chair regularly chairs the town committee meetings, notice comes in different forms (email or regular mail), Treasurer Reports are only oral, and minutes of meetings are not produced and or approved at subsequent meetings. Echoing the allegations made in Ms. Torrez's complaint regarding the July 21<sup>st</sup> meeting, Ms. Peterson also alleged that the Vice Chair conducted the meeting and that people were passed over when trying to vote, among others. There are other allegations in correspondence submitted to the DSCC from Ms. Peterson that she did not raise at the hearing and that the Panel dismissed.

## **DISCUSSION**

### Vargas Discussion

In support of Article IV, Section 4, Attorney Ludgin persuasively argues that the purpose behind the rule is to encourage party unity and enable the upper ticket to help the lower ticket. He also argues that the issue before the Panel is one of enforcement of a town committee rule. Attorney Ludgin contends that a straightforward reading of Article IV, Section 4 requires Mayor Segarra to surrender his Democratic endorsement unless he recants the Republican nomination.

On behalf of the HTC, Attorney Page directly countered that it is up to the town committee to decide whether to enforce Article IV, Section 4 and it has not chosen to do so. He

pointed out that the HTC met on October 20, 2011 and decided to not enforce this rule since the issue emerged post-primary. Also informing the town committee's deliberations, according to Attorney Page, are that the rule had traditionally not been enforced and that the HTC Rules are in many instances outdated and need of revision. Furthermore, he argued that the Vargas Complaint seeks what would be a technical disqualification and its only effect would be unhelpful to the other Democratic candidates.

While concurring with much of Attorney Page's argument, Attorney Kennelly, citing a series of provisions under Title 9 of the Connecticut General Statutes, forcefully argued that Conn. Gen. Stat. §9-390 bars the DSCC from revoking Mayor Segarra's Democratic nomination. According to Attorney Kennelly, Mayor Segarra won the Democratic primary and, at that moment, became the Democratic nominee. Prior to September 13<sup>th</sup>, Mayor Segarra held the Democratic Party's endorsement. That endorsement was bestowed upon him by the HTC. Attorney Kennelly implicitly concedes that at least the HTC could revoke an endorsement, if it so choose. Attorney Kennelly did not concede that the State Party could revoke it.

The Panel finds in favor of the Respondents on the following two grounds. First, Article IV, Section IV of the HTC Rules applies only to a candidate's "endorsement" and not to a candidate's party nomination. A plain reading of the rule makes this clear: "no person may receive the endorsement or nomination of any political party for which he has received Town Committee endorsement." (emphasis added). While Attorney Ludgin is correct that this rule applies if a candidate receives either another political party's "endorsement or nomination", it applies only to the Democratic endorsement. Once he won the primary, Mayor Segarra's endorsement was replaced by the party nomination. Article IV, Section 4, as written, can have no effect on the nomination.

Second, the various statutes cited by Attorney Kennelly lead only to the conclusion that the town committee cannot override a decision by the party members to nominate a candidate. In addition to those provisions of Connecticut law, Conn. Gen. Stat. §9-453t provides, in relevant part, that “[n]othing in this section shall be construed to prohibit any candidate from appearing on the ballot as the nominee of two or more major or minor parties for the same office.” A fair reading of this provision is that it precludes a political party from prohibiting a nominee from appearing on the ballot more than once for the same office.

Both points in favor of the Respondents rest on the distinction between an endorsement and a nomination. The party leadership, either through town committee meetings or conventions, grants endorsements to candidates. The party membership grants nominations to candidates. Two simple examples make this clear. Under the first example, if the party membership votes for Endorsed Candidate A over Candidates B and C in a primary, then Endorsed Candidate A is the nominee of the party. The second example makes the distinction between endorsement and nomination clearer. If the party membership votes for Candidate B over Endorsed Candidate A and Candidate C in a primary, Endorsed Candidate A’s endorsement vanishes.<sup>2</sup>

Once a candidate wins the primary, he or she receives the nomination. The only means to revoke, disqualify or otherwise terminate that nomination is set forth in state law. The Panel is deeply respectful of the will of the majority of Democratic voters who exercised their right to select their nominee in the primary election and are reluctant to take any action that may nullify this result.

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<sup>2</sup> Similarly, where Endorsed Candidate A is not challenged in a primary, he or she becomes the nominee and is no longer the endorsed candidate.

### Torrez Discussion

The focus of Ms. Torrez's complaint is Hartford's July 21<sup>st</sup> meeting to nominate candidates for municipal office. While some of Ms. Torrez allegations reveal frustration (e.g. the Treasurer nomination had five rounds of voting, that there were numerous breaks throughout the night) and disappointment from not being on the winning side, others raise a legitimate concern. For example, Ms. Torrez alleges that she was prohibited from changing her vote during a fourth round of voting for City Council.

More than specific claims of violations or improper procedure, what appears to be at the crux of Ms. Torrez's complaint is her belief that there is favoritism, an unclear process and disorderly conduct in the HTC. Of course, politics is not fair. Favoritism can be just another way to say to the victors go the spoils. That said, it is vitally important that the process itself be fair. Accordingly, the Panel recommends that the State Party Chair convene a meeting with the HTC leadership to review Ms. Torrez's concerns and discuss a plan to address them.

### Peterson Discussion

Amidst the swirl of allegations from Ms. Peterson, there is the same underlying concern about the HTC's process as expressed by Ms. Torrez. Of course, the fact that the Chair has the Vice Chair run meetings is not inappropriate but issues relating to notice and minutes are legitimate concerns on her behalf. The Panel recommends that the State Chair in preparation for her meeting with HTC leadership also take under advisement those issues relating to process raised by Ms. Peterson.

For the reasons stated above and by a unanimous vote of the Panel, this decision is final. We appreciate the patience of all parties regarding the delay in issuing this decision, a delay caused by the severe weekend storm.