DOCKET NO: FST-CV-24-5030042-S : CONNECTICUT SUPERIOR COURT

SUSAN SCHIEFFLEIN, GEORGE HRITZ, : JD OF STAMFORD/NORWALK
GAIL LAURIDSEN, MICHAEL DEVITA :
PLAINTIFF :
: AT STAMFORD
V. :
:
FRED DECARO III :
Registrar of Voters, Town of Greenwich :
DEFENDANT :
: JUNE 4, 2024

MEMORANDUM OF DECISION

I. INTRODUCTION

The plaintiffs instituted this action by summons and complaint dated March 4, 2024, with a return date of April 2, 2024. According to the complaint, the plaintiffs Susan Schiefflein and George Hritz, were candidates for membership to the Republican Town Committee in the Second District of Greenwich, Connecticut. The plaintiffs, Gail Lauridsen, and Michael Devita were candidates for memberships to the Republican Town Committee for the Eighth District of Greenwich, Connecticut. The defendant, Fred DeCaro, III, is the Registrar of Voters for the Town of Greenwich, Connecticut. All four of the plaintiffs were endorsed for seats on the Town Committee for their respective districts by a majority vote of the caucus of the Republican Town Committee in Greenwich, on January 9, 2024. The complaint further alleges that sometime prior to January 31, 2024, certain residents of the Town of Greenwich circulated petitions for the scheduling of a primary election to be held, contesting the party endorsed nominees for seats on the Greenwich Republican Town Committee in District Two and District Eight. The petitions requested the holding of a primary and contained "two group of new candidates to the

Republican Town Committee-one group of candidates in District Two and another group of candidates in District Eight."

In District Two, one of the persons who circulated the petition for the primary, was Jill Tighe-Kelly (Kelly), who was also a candidate for a seat on the Republican Town Committee in District Two. The names of the candidates for the seats on the Republican Town Committee in District Two as shown on the petitions for the primary circulated by Kelly included Kelly, G.Scott Diddel (Diddel), Nicholas Barile, and Jill Barile. In District Eight, several persons circulated the petitions for a primary, three of whom were Michael Erensen (Erensen), Janet Freheit (Freheit), and Caren St. Phillip (St. Phillip). Erensen, Freheit, and St. Phillip were candidates for seats on the Republican Town Committee in District Eight.

The gravaman of the complaint is that each of the petitions circulated contained the names of multiple candidates including the candidate who acted as circulator. Petitions for District Two were circulated by Kelly, and petitions for District Eight were circulated by Erensen, Freheit, and St. Phillip, and that the circulation of such petitions by the candidates for the Republican Town Committee was in violation of Connecticut General Statutes § 9-410(c), which specifies in part;

> "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."

The complaint alleges that the circulation of the petition by Kelly, who was a candidate in District Two, that contained her name and other names, was a violation of § 9-410(c), and the circulation of the petitions in District Eight by Erenson, Freheit, and St. Phillip were similarly in violations of that provision of § 9-410(c). The complaint alleges that because the petitions

seeking a primary were precluded and in violation of § 9-410(c) the defendant had a mandatory duty as Registrar of Voters to reject those pages. The plaintiff seek relief in the nature of a writ of mandamus to be ordered by this court, to compel the defendant to perform his mandatory ministerial duty to reject all pages of the petitions for primary circulated improperly in District Two and improperly in District Eight, in the plaintiff's view, as required by law. The primary was scheduled for March 5, 2024, the day after the complaint was filed in Superior Court.

The plaintiffs seek an order of this court, in the nature of a mandamus, compelling the defendant to immediately reject the improperly circulated petition pages in District Two and District Eight, and a finding that the March 5, 2024, primary in District Two and District Eight were invalid as a direct result of the defendant's violation of his statutorily mandated ministerial duty to reject the improperly circulated petition pages.

The court conducted a status conference March 11, 2024, and ordered the plaintiffs to serve Kelly, Diddel, Nicholas Barile, and Jill Barile with a copy of the complaint, and a copy of the court order which also stated that "any person so served may file with the court a motion to be made a party to this case not later than March 22, 2024." Service was made, but none of the additionally served parties sought to be made a party to this case. After conference with the parties on March 11, 2024, the court ordered the defendant to file an answer to the complaint no later than March 22, 2024, and that the parties file pre-trial memorandum of law no later than April 17, 2024. The court further ordered the parties to endeavor to reach a stipulation of fact or partial stipulation of fact no later than April 17, 2024. A stipulation of facts was filed on April 11, 2024, the pleadings were closed by April 12, 2024. Memoranda of law, after a requested continuance, were filed by April 23, 2024. Trial of the case was originally scheduled by the court on May 7, 2024, however, in preparation for the trial, and in

review of the applicable statutes the court noted that C.G.S. § 9-329a not only set forth schedules for the hearing on the complaints but required the judge to cause notice of the hearing to be given to the Secretary of State and the State Elections Enforcement Commission. This court continued the trial until May 21, 2024, and required the plaintiff to provide such notice to the Secretary of State, and State Elections Enforcement Commission. The trial was held on May 21, 2014, and post-trial briefs were filed on May 24, 2024.

II. FACTS

The parties filed a proposed stipulation of facts, and the court makes the following findings based upon the proposed stipulation of facts (Docket #115), the exhibits introduced and admitted as full exhibits by the court, and the testimony of the one witness, the defendant, Fred DeCaro, III. The plaintiffs, Schiefflein, and Hritz, were residents of the Town of Greenwich, and candidates for the membership of the Greenwich Republican Town Committee, in District Two of Greenwich. The plaintiffs Lauridsen and DeVita were residents of the Town of Greenwich, and candidates for membership for the Greenwich Republican Town Committee in District Eight of Greenwich. On January 9, 2024, each of the four plaintiffs, were nominated by a majority vote of the caucus to be members of the Greenwich Republican Town Committee from District Two and District Eight respectively. On or before January 31, 2024, certain residents of the Town of Greenwich, circulated petitions for the scheduling of a primary election to be held contesting the caucus elected members of the Greenwich Republican Committee from District Two and District Eight. The candidates listed on the circulated petitions contesting the caucus elected members for District Two, were Kelly, Diddel, Nicholas Barile, and Jill Barile. The candidates listed on the circulated petitions contesting caucus elected members for District Eight, were Dina Urso, Janet Freiheit, Michael Freiheit, Michael Erensen, Caren Vizzo St.

Phillip, and Lisa Becker Edmondson. One of the candidates contesting the caucus elected members on the Greenwich Republican Committee by petition in District Two, Jill Kelly, was also a circulator of petitions for a primary in District Two. Three of the candidates contesting the caucus elected members for District Eight, St. Phillip, Freiheit, and Erensen, were also circulators of the petitions for the primary in District Eight. The petitions in question were submitted to the Greenwich Registrar of Voters prior to the January 31, 2024, deadline. On February 1, and or February 2, 2024, the defendant Republican Registrar of Voters, Fred DeCaro, III certified the petitions and transmitted them to the Greenwich Town Clerk on February 2, 2024. DeCaro also sent copies of the petitions to the Chairperson of the Greenwich Republican Town Committee. On February 26, 2024, Schiefflein, and others contacted the defendant and requested that he reject the petition pages circulated by Kelly in District Two, and St.Phillip, Freheit, and Aaronson in District Eight, because they believed the petitions were circulated in violation of General Statutes 9-410(c). DeCaro responded that he was not aware of any authority granted to a Registrar or Town Clerk to stop a primary.

On March 5, 2024, the primary contesting the caucus nominated members of the Greenwich Republican Town Committee, in District Two and District Eight was held. The petitioning candidates listed on the primary ballot for District Two, won seats on the Greenwich Republican Town Committee in that primary election. The plaintiff, Schiefflein, and Hritz, who were the January 9, 2024, caucus nominated members of the Greenwich Republican Town Committee in District Two, lost membership on the Greenwich Republican Town Committee in the March 5, 2024, election. Plaintiffs, Lauridsen and DeVita, who were the January 9, 2024, caucus nominated members of the Greenwich Republican Town Committee in District Eight, won membership on the Greenwich Republican Town Committee in the March 5, 2024, primary

election. Canvasses were held because of the closeness of the votes, but the re-canvass moderator determined that the original canvas was correctly made. On March 4, 2024, the plaintiffs filed the above captioned matter by way of summons and verified complaint. On March 27, 2024, the Greenwich Republican Town Committee met, and the winners of the March 5, 2024, primaries, were among those seated. At the March 27, 2024, Greenwich Republican Town Committee meeting, the Greenwich Republican Town Committee selected its officers for the next two years as well Greenwich delegates for certain nominating conventions.

The court additionally finds all of the facts listed in the proposed stipulation of facts, even if they have not included in this summary.

III. JURISIDICTIONAL ISSUES

Before addressing the merits of the plaintiffs' complaint the court, needs to address two jurisdictional issues raised by the defendant.

A. *Are the claims of the plaintiffs DeVita and Lauridsen moot, depriving this court of jurisdiction to hear their claims.*

The plaintiffs, DeVita and Lauridsen, were nominated by the caucus on January 9, 2024, to serve as Greenwich Republican Town Committee members from District Eight. They were plaintiffs in the complaint filed on March 4, 2024, the day before the primary election, however, they were also the successful candidates in the primary election. Accordingly, if this court agrees with the claims made by DeVita and Lauridsen that the petitions for the primary for District Eight should be rejected, they will retain their seats by virtue of their nomination on January 9, 2024. If this court rejects their claims that the petitions for District Eight should have been rejected, they will still retain their seats on the Greenwich Republican Town Committee, by virtue of receiving more votes than their opponents in the March 5, 2024, primary election. So

regardless of the court's decision on the merits of the claim, DeVita and Lauridsen will maintain their seats on the Greenwich Republican Town Committee. The defendant argues that such renders the claims of DeVita and Lauridsen moot, and their claim should be dismissed. The plaintiffs argue that their claims are not moot, as they have been adversely affected, in that they have expended funds to campaign, and moreover, they will have to participate in their role as Greenwich Republican Town Committee members with the successful candidates in District Two, who they don't believe are properly seated.

> The mootness doctrine is founded on the same policy interests as the doctrine of standing, namely, to insure the vigorous presentation of arguments concerning the matter at issue.... [T]he standing doctrine is designed to ensure the courts and parties are not vexed by suits brought to vindicate non-judicable interests and that judicial decisions which may affect the rights of others are forged in hot controversy, with each view fairly and vigorously represented.... Indeed, we note that courts are called upon to determine existing controversies, and thus may not be used as a vehicle to obtain advisory judicial opinion on points of law....
>
> "[A]n, actual controversy must exist not only at the time the appeal is taken, but also throughout the pendency of the appeal.... When, during the pendency of an appeal, events have occurred that preclude an appellate court from granting any practical relief through its disposition on the merits, the case has become moot.... "

Putnam v. Kennedy, 279 Conn. 162, 168-169 (2006). (Internal quotations and citations omitted.)

"Since mootness implicates subject matter jurisdiction... it can be raised at any stage of the proceedings." *Domestic Violence Services of Greater New Haven Inc, v. Freedom of Information Commission,* 240 Conn. 1, 6. (1997). (Citations omitted; internal quotations marks omitted.)

"If a party is found to lack standing, the court is without subject matter jurisdiction to determine the cause." *Fort Trumbull Conservancy, LLC v. New London,* 2 Conn. 791, 802 (2007). (Internal quotations marks omitted.)

In the current case, plaintiffs, Lauridsen and DeVita no longer present a judiciable controversy. Regardless of whether the defendant, properly certified the petitions they will retain their seats on the Greenwich Republican Town Committee, either by virtue of their nomination at the Greenwich Republican Town Committee caucus on January 9, 2024, or by virtue of their election at the primary on March 5, 2024. While they may have had standing to challenge DeCaro's acceptance of the petitions on March 4, 2024, upon their election on March 5, 2024, any judiciable controversy evaporated. To have standing, a party must make "a colorable claim of *direct* injury, he has suffered or is likely to suffer in an individual or representative capacity." *Lazar v. Ganim,* 334 Conn. 73, 84-86 (2019). (Emphasis added.) In order to demonstrate classical aggrievement, "a party must demonstrate (a) specific, personal, and legal interests in the subject matter of the [controversy], as opposed to a general interest that all member of the community share.... , (b) the party must also show that the [alleged conduct] has specially and injuriously affected that specific personal and or legal interest.... " id. (Citations omitted; internal quotations marks omitted.)

The plaintiffs DeVita and Lauridsen no longer have the specific legal and personal interest required to maintain a judiciable controversy. They will maintain their seats, regardless of the merits of the claim and regardless of this court's ruling on the merits of the claim involving the acceptance of the contested petitions. Their argument, that they shouldn't have to serve with the subsequently elected candidates in District Two, is not a claim in which they have a specific, legal and personal interest. They maintain their seats and like all other members of the Town Committee, will serve with candidates, who have been elected by the caucus or at a primary, as the case may be. Nor do the allegations of the complaint and prayer for relief

provide them with any basis for monetary damages.

For all these reasons, the court will dismiss the claims of DeVita and Lauridsen.

B. *The defendants claim that the plaintiffs did not comply with the provisions of Connecticut General Statutes § 9-329a.*

At the outset, the court notes the fundamental differences in the parties' point of view, as to the nature of this action. The defendant argues that the plaintiff can only bring this action pursuant to Connecticut General Statutes § 9-329a. The plaintiff on the other hand argues that this action is not brought pursuant to § 9-329a, but, pursuant to their rights to seek a an order of mandamus to require a public official to comply with his ministerial obligation. Specifically, in this case, the action is brought to require the defendant to reject the petitions, which the plaintiffs claim was circulated in violation of Connecticut General Statutes § 9-410(c). In this limited regard, the court agrees with the defendant. In the case of *Dean v. Jepson,* 51 Conn. L.Rptr. 111 (2010), 2010 WL 4723433 (November 3, 2010) *(Aurigemma, J.),* the court was faced with a similar question. In *Dean,* the plaintiff suggested that they could bring an action, consistent with the general rules allowing for declaratory judgment, and based upon equitable principles. The court determined however, that one could not seek a declaratory judgment, unless there was an underlying cause of action, recognized by the courts. In other words, there must be an underlying statutory cause of action to support the initiation of the mandamus action. C.G.S. Section 9-329a authorizes a statutory cause of action for a violation of the substantive provisions of C.G.S. section 9-410(c). In *Dean,* the court found no statutory authority that authorized the plaintiff therein to bring her declaratory judgment action prior to the election. The *Dean* court cited 29 C.J.S. § 254 (2005) with approval, which states "At common law, there

existed no right to contest in the courts, the title to the nomination of a political party for office, and none now exists unless specifically provided for by statute." Similarly, 26 Am. Jur. 2nd 202, election § 398 (2004), also cited by the *Dean* court, with approval, states, "courts do not have inherent authority to hear election cases.... Election contests are creatures of statute and the power or jurisdiction of a trial court to consider such contests exists only to the extent authorized by statute." Thus, the plaintiffs, cannot bring this election case, unless the election case is brought pursuant to a statute." The only statute applicable to the contest of these primary elections § 9-329(a). §9-329(a) states:

> "Any (1) elector or candidate aggrieved by a ruling of an election official in connection with any primary pursuant to (A) § 9-423, § 9-425, or § 9-464... may bring his complaint to any Judge at the Superior Court for appropriate action."

Section 9-425 referenced in § 9-329(a) is the statute which governs primaries for town committees which is the election that is being contested by this complaint. Thus, this complaint can only be brought pursuant to § 9-329(a) regardless of whether the plaintiffs recognize the same.

The defendant argues that § 9-329(a), requires that the plaintiff (1) notify the court by referring to § 9-329(a) in the complaint that the action is being brought pursuant to that statute and (2) must file a certification attached to the complaint, indicating that a copy of the complaint has been sent by first class mail or delivered to the States Elections Enforcement Commission. There is no question that the plaintiffs did not reference Connecticut General Statutes § 9-329(a) in their complaint; nor is there any question that the plaintiffs did not send by first class mail or deliver to the State Elections Enforcement Commission a copy of the complaint.

However, the inquiry does not end there. The defendant argues that the failure to reference the statute, and the failure to send a copy of the complaint to the State Elections

Enforcement Commission is a failure of the plaintiffs to comply with the statutory requirements and renders this court without jurisdiction. They seek dismissal of this case as a result. First, the court observes that there is no statutory requirement, that the plaintiff reference the statute in its complaint, and, while it would have been helpful to the court, and would have earlier alerted the court to its obligations resulting in less delays in this action, the failure cannot be considered a failure that would deprive this court of jurisdiction. Moreover, the court must consider the issue of whether the requirement to send a copy of the complaint to the State Elections Enforcement Commission is directory or mandatory. If the requirement is directory, the failure to comply with the requirement, would not deprive this court of jurisdiction.

> Our prior cases have looked into a number of factors in determining whether such requirements are mandatory or directory. These include: (1) whether the statute expressly invalidates actions that fail to comply with its requirements or, in the alternative, whether the statute by its terms imposes a different penalty; (2) whether the requirement is stated in the affirmative terms, unaccompanied by negative language; (3) whether the requirement at issue relates to a matter of substance or one of convenience; (4) whether the legislative history, the circumstances surrounding the statutes enactment, and amendment, and the full legislative scheme events and intent to impose a mandatory requirement; (5) whether holding the requirement to be mandatory would result in an unjust windfall for the party seeking to enforce the duty or, in the alternative, whether holding it to be directory would deprive that party of any legal recourse; (6) whether compliance is reasonably within the control of the party that bears the obligation, or whether the opposing party can stymie such compliance.

Electrical Contractors, Inc. v. Insurance Company of State, 314 Conn. 749, 758-759 (2014). (Internal citations omitted.)

The court recognizes that in determining whether a requirement is directory or mandatory there is a "strong presumption in favor of jurisdiction" *Williams v. Commission on Human Rights and Opportunities,* 257 Conn. 258, 269 (2001). (Internal quotations and citations omitted.) Recognizing these factors, the court, must conclude that the requirement to send a copy of the complaint to the State Elections Enforcement Commission is directory, and the plaintiff's failure

to so comply does not deprive this court of jurisdiction. The court concludes, consistent with the factors set forth in the *Electrical Contractors* case, that (1) the statute does not expressly invalidate actions that fail to comply with the requirements; (2) the requirement is unaccompanied by negative language; (3) the requirement at issue a matter of convenience, rather than a matter of substance. It is important for the State Elections Enforcement Commission to know that challenges to elections, are being made but, such notice does not go to the merits of the claim; (4) Nothing in the legislative history offered by either party, indicates that the requirements go to the jurisdiction of the court; (5) If the court were to hold that the requirement was mandatory and dismiss the action then, the non-party (Kelly, in this case), who, if the plaintiffs, claims are correct, wrongly circulated petitions and won the primary election that resulted from those allegedly wrongfully circulated petitions would reap an unjust windfall. Of course, compliance with the statute was entirely within the control of the plaintiffs. Considering the strong presumption in favor of jurisdiction, and the importance as a matter of public policy of adjudicating bona fide and meritorious claims concerning elections malfeasance, the court holds that the requirement to send a copy of the complaint State Elections Enforcement Commission is directory. The court additionally observes that Connecticut General Statute § 9-329(a), also provides other provisions, and obligations upon the court to notify both Secretary of State, and the State Elections Enforcement Commission of hearings providing additional assurance that the appropriate state agencies have notice of the contested election claim.

For all these reasons the court holds that the obligation is directory, and that the failure of the plaintiff to comply with the obligations, does not deprive the court of jurisdiction to hear the merits of this claim.

IV. THE CLAIMS OF THE PLAINTIFFS SCHIEFFLEIN AND HRITZ

The findings of the court consistent with the proposed stipulation of facts and the exhibits and evidence presented established that the plaintiffs Schiefflein and Hritz were elected by majority vote at the January 9, 2024, Greenwich Republican Town Committee Caucus to be members of the Greenwich Republican Town Committee from District Two. On or before January 31, 2024, Kelly circulated petitions for the scheduling of a primary election to be held contesting the caucus elected members for the Greenwich Republican Town Committee District Two. The candidates on those circulated petitions were Kelly, Diddel, Nicholas Barile, and Jill Barile. The petitions circulated by Jill Kelly were submitted to the Greenwich Registrar of Voters on or before January 31, 2024, 4:00 p.m. deadline. The defendant who was the Republican Registrar of Voters certified the petitions and transmitted them to the Greenwich Town Clerk on February 2, 2024. On February 26, 2024, the plaintiff Schiefflein contacted the defendant and requested that he reject the petitions circulated by Kelly because they believed the petitions were in violation of The Connecticut General Statute 9-410(c). The defendant responded that he was not aware of any authority granted to himself as registrar or to the town clerk to stop a primary. On March 5, 2024, the primary was held and the plaintiffs Schiefflein and Hritz who had previously been caucus endorsed for the positions of Greenwich Republican Town Committee District Two lost their seats because they got less votes at the primary than other candidates including Kelly, Diddel, Nicholas Barile, and Jill Barile.

The heart of the plaintiff's claim is that when Kelly circulated the petitions for a group of candidates that included herself and others, she did so in violation of certain provisions of C.G.S Section 9-410(c). The plaintiffs argues that because, in their view, the circulation of the partitions by Jill Kelly was a clear violation of the provisions of 9-410(c) that the defendant

registrar of voters was duty bound to reject such petitions. In this regard, the plaintiffs rely on a particular sentence in 9-410(c) which states:

> 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. (Emphasis added.)

The plaintiffs' claim is that when Kelly circulated petitions that contained her names and other names, she was circulating petitions in violation of this provision and that the defendant was duty bound to reject the petitions. Such rejection would have led to an insufficient number of petitions to require a primary, and the plaintiffs would have retained their seats on the Greenwich Republican Town Committee, District Two.

The defendants assert that the circulation of the petitions by Kelly was not a violation of 9-410(c) and that Kelly is permitted to circulate petitions for a group of candidates, provided that she is a member of that group.

Fundamentality, the issue before the court comes down to one of statutory construction. Of course, the court must consider the language of section 9-410(c) in accordance with the first principle of statutory construction set forth in Connecticut Statute Section 1-2z which states:

> "The meaning of a statute shall, in the first instance, be ascertained from the text of the statute itself and its relationship to other statutes. If, after examining such texts and considering such relationship, the meaning of such text is plain and unambiguous, and does not yield absurd or unworkable results, extra textual evidence of the meaning of the statute shall not be considered."

Consistent with this statute and the long history of case law, the court must first consider text of the statute itself and its relationship to other statutes. *Gonzalez v. O and G Industries, Inc,*. 322 Conn. 291 (2016); *In re Cole,* 347 Conn. 284 (2023). Moreover, words in a statute should be given their natural and usual meaning. *State v. Delavose* 185 Conn. 517 (1981).

Reading the statute as a whole and giving the words their usual and normal meaning while applying fundamental principles of statutory construction, the court must disagree with the plaintiffs. The last sentence of 9-410(c) states "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." That sentence makes it clear that in general an individual proposed as a candidate may circulate a primary petition. However, the final clause which provides the condition that the candidate can only serve as a circulator if it does not violate any provision of this section harkens back to the sentences previously quoted and relied upon by the plaintiffs. That sentence prohibits two things. It prohibits a candidate for the nomination of a party for the position of town committee member to circulate any petition for "*another candidate*". In that regard "*another candidate*" is singular; the plain meaning of that provision would prohibit, in this case, Kelly from circulating a petition for a single candidate who is not herself. The parties do not disagree on that prohibition. The sentence also prohibits a candidate, such as Kelly from circulating any petition for "*another group of candidates*."

The plaintiffs claim that when Jill Kelly circulated the petition that contained her name and the names of others, she was circulating a petition for *another group of candidates* which was prohibited. It is a fundamental tenant of statutory construction that "[n]o word in a statute should be treated as superfluous, void or insignificant unless there are impelling reasons, not here discernable, why this principle cannot be followed." *Hartford Principals' and Supervisors' Association v., Shedd,* 202 Conn. 492, 506 (1987) (Internal quotations and citations omitted.) See also *LaCroix v. Board of Education*, 2 Conn. App. 36 (1984). The plaintiff's interpretation of this statute would render the word "*another*" in the phrase "*another group of candidates*"

meaningless. If the legislature intended to prohibit a candidate from circulating a petition for multiple candidates, one of which included herself, there would be no reason for the word "*another.*" They could have simply said, no candidate for the nomination of a party for municipal office or the position of town committee shall circulate any petition for another candidate, or a group of candidates. Such language would have prohibited Kelly from circulating petitions for a group of candidates of which she was a member. However, the legislature particularly inserted the word "*another*" into that phrase. By inserting the word "*another*" the statue limits the prohibition not to all groups of candidates but to *another* group of candidates. The rules of statutory construction require the court to conclude that the word "another" is not meaningless in modifying the phase "group of candidates". Moreover, looking at the language of sections 9-410(a) and (b), it is clear, that the primary process contemplates primary petitions that include multiple names. For example, section 9-410(a) states in part "..." 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." Section 9-410(b) states in pertinent part "each such sheet shall indicate the candidate or candidates supported ...." Other statutes governing Connecticut elections also contemplate groups of candidates and slates of candidates. See e.g C.G.S. section 9-437. Reading the phase "another group of candidates" in the context of statutes which contemplate primary petitions that have multiple names on them, leads the court to the inevitable conclusion that "another" group of candidates means a group of candidates that does not contain the name of the candidate who is also acting as circulator. This is consistent with the natural and usual meaning of the word "another" which includes the definitions such as "one other than oneself; "one that is different, separate or in contrast to the first or present one. Miriam-Webster, Inc., *Webster's Third New International Dictionary*, Unabridged (2021). Other

common definitions include "distinctly different from the first and "a different one". Houghton Mifflin Company, *The American Heritage Dictionary*, Second College Addition (1991)

This court holds that the plain meaning of the statue as written allows a candidate to circulate petitions unless it violates provisions of 9-410(c). The circulating of petitions by a candidate whose name is included but is not the sole name on the petition is not the circulation of a petition for "another group of candidates." To hold otherwise would render the word "another" meaningless in the statute and be inconsistent with the common meaning of the word "another". Therefore, the circulation of petitions by Kelly was not in violation of the C.G.S. section 9-410(c), and the defendant was correct to accept the petitions and not reject to them.

The court believes that the text of the statute using the Standards Rules of Statutory Construction including the rule that no word or phrase is to be considered superfluous and that the statute must be read in conjunction with other statutes relating to the same subject matter, so there is no need to consider the legislative history or other extra-textual evidence. Because of the determination of the court as to the meaning of the statue, it is unnecessary for the court to consider the defendants special defenses other than those relating to jurisdiction which the court has already discussed.

V. CONCLUSION

For all these reasons, the claims of the plaintiff's Devita and Lauridsen are dismissed. Judgment will enter in favor of the defendant and against the plaintiffs Schiefflein and Hritz on both the first count and the second count.

DECISION ENTERED IN ACCORDANCE WITH THE FOREGOING ON 6/4/24
JDNSENT 6/4/24

Robert L. Genuario
Judge Trial Referee