

SUPREME COURT PENDING CASES

The following appeal is assigned for argument in the Supreme Court on October 19, 2018.

INDEPENDENT PARTY OF CT - STATE CENTRAL et al. v. DENISE MERRILL, SECRETARY OF STATE et al., SC 20160/20165

Judicial District of Hartford

Elections; Political Parties; Whether Trial Court Properly Determined that 2006 Bylaws Were Not Operative Bylaws for Minor Political Party That Gained Statewide Status in 2008; Whether Trial Court Properly Ordered Secretary of State to Accept Only Endorsements and Nominations Made Under 2010 Bylaws. The plaintiffs in this action are the Independent Party of CT-State Central, the Danbury faction of the Independent Party of Connecticut, and its officers. The Danbury faction has been engaged in a long-standing dispute with the party's Waterbury faction. In 2006, the Danbury faction filed bylaws to govern its operations with the Secretary of State. At the time, the Independent Party consisted of local parties throughout the state rather than one statewide party because, in order for a minor political party to gain official statewide status, it must obtain one percent of the vote in a statewide election. The Independent Party gained statewide minor party status after its presidential candidate obtained one percent of the vote in the 2008 general election. In 2010, the Waterbury faction held a meeting to ratify bylaws for the Independent Party as a statewide party. The proposed bylaws were unanimously approved and submitted to the Secretary of State. The Independent Party conducted its business and nominated its candidates in accordance with the 2010 bylaws for several years with no objection. In 2016, however, the Danbury faction and the Waterbury faction nominated different candidates for the Independent Party's endorsement. The Secretary of State informed both factions that she would not place either of their nominees on the ballot unless one nominee withdrew. The plaintiffs subsequently brought an action against the defendants Michael Telesca and Rocco Frank, Jr., who are officers of the statewide party elected under the 2010 bylaws. The plaintiffs sought declaratory and injunctive relief to establish their control of the statewide party and argued that the 2006 bylaws were the operative party bylaws under General Statutes § 9-374, which governs the filing of minor political party rules. The defendants filed a counterclaim that sought similar relief as to the authority of the 2010 bylaws. The trial court found in favor of the defendants, concluding that the 2006 bylaws could not be the operative party bylaws under

§ 9-374 where the Independent Party did not gain official statewide status until 2008 and that the plaintiffs adopted the 2010 bylaws by waiver. Among the trial court's orders was that the Secretary of State "must accept only the nominations and endorsements of the Independent Party/Independent Party of Connecticut, made pursuant to the 2010 bylaws." SC 20165 is the plaintiffs' appeal from the judgment. The plaintiffs claim that the trial court erred in concluding that the 2010 bylaws are the operative party bylaws. SC 20160 is a writ of error brought from the trial court's judgment by candidates for state representative who received unopposed endorsements from the Danbury faction. They claim that the trial court erred in ordering the Secretary of State to accept only endorsements and nominations made under the 2010 bylaws and argue that the order prevents them from being placed on the ballot for the 2018 general election on the Independent Party line. They request that the Secretary of State be ordered to accept the Danbury faction's endorsements and to print ballots for the 2018 general election listing them on the Independent Party line.

The summary appearing here is not intended to represent a comprehensive statement of the facts of the case, nor an exhaustive inventory of issues raised on appeal. This summary is prepared by the Staff Attorneys' Office for the convenience of the bar. It in no way indicates the Supreme Court's view of the factual or legal aspects of the appeal.

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