STATE OF CONNECTICUT
STATE ELECTIONS ENFORCEMENT COMMISSION

State Elections Enforcement Commission Referral, Robert D. Gorgoglione — File No. 2008-139CNF

FINDINGS AND CONCLUSIONS

On October 16, 2008, Nancy Staniewicz Elections Officer in the State Elections Enforcement Commission (hereinafter the Commission) Campaign Finance and Audit Unit referred this matter to State Elections Enforcement Commission Law Enforcement Unit pursuant to General Statutes § 9-623.

After an investigation of the matter, the Commission makes the following findings and conclusions:

1. The Concerned Citizens Party (hereinafter CCP) submitted a list of CCP endorsed candidates for state office in connection with the November 4, 2008 election to the Secretary of the State's Office on September 3, 2008.

2. The name of the candidate on the list for the 49th Assembly District was Dennis Gorgoglione of 16 Memorial Drive in Willimantic, Connecticut.

3. The Chairman of the CCP indicated that Dennis Gorgoglione was the CCP candidate for State Representative in the 49th Assembly District.

4. The Secretary of the State's Office sent a *ED-635c – Verification of Name – Minor Party* to the Windham Town Clerk on September 4, 2008 to verify the name of the CCP candidate nominated for the office of State Representative of the 49th Assembly District, Dennis Gorgoglione.

5. The Windham Town Clerk completed the *ED-635c – Verification of Name – Minor Party* and indicated that two similar names appeared on the registry record at 16 Memorial Drive in Willimantic. Robert D. Gorgoglione (d/o/b 12/21/43) was registered to vote at the 16 Memorial Drive address in Willimantic. Robert Dennis Gorgolione II (d/o/b 10/01/79) was also registered to vote at 16 Memorial Drive in Willimantic.

6. Subsequently, after the *ED-635c – Verification of Name – Minor Party* was returned to the Secretary of the State's Office, Robert D. Gorgoglione's name was placed on the ballot as the CCP candidate for State Representative in the 49th Assembly District.

7. Robert Dennis Gorgoglione II indicated that he was the candidate for State Representative in the 49th Assembly District. He also indicated that he goes by the name of Dennis.

8. General Statutes § 9-601 provides in pertinent part:

   As used in this chapter and sections 9-700 to 9-716, inclusive:

   (11) "**Candidate**" **means an individual who seeks nomination for election or election to public office whether or not such individual is elected**, and for the purposes of this chapter and sections 9-700 to 9-716, inclusive, **an individual shall be deemed to seek nomination for election or election if such individual has** (A) **been endorsed by a party or become eligible for a position on the ballot at an election** or primary, ...[Emphasis added.]

9. Robert D. Gorgoglione was not a candidate as that term is defined by General Statutes § 9-601(11).

10. Robert D. Gorgoglione did not seek nomination for election or election to public office; and he was not endorsed by a party nor did he become eligible for a position on the ballot at the November 4, 2008 election. Nevertheless his name appeared on the ballot.

11. There is currently no explanation from SOTS that accounts for how one of the two individuals whose names appeared on the ED-635c – Verification of Name – Minor Party (Robert D. Gorgoglione and Robert Dennis Gorgoglione II) was selected for ballot placement. The individual, whose name was placed on the ballot Robert D. Gorgoglione, does not appear to correspond with the individual endorsed by the CCP, Robert Dennis Gorgoglione II.

12. Robert D. Gorgoglione was not the CCP candidate for State Representative in the 49th Assembly District, but Robert D. Gorgoglione appeared on the ballot. Robert Dennis Gorgoglione II was the CCP candidate for State Representative in the 49th Assembly District, but his name did not appear on the November 4, 2008 ballot. Thus, the wrong individual appears to have been placed on the ballot.

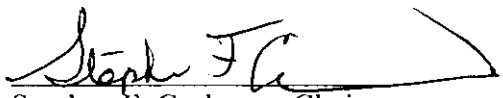
13. Accordingly, the Commission will not proceed against Robert D. Gorgoglione for alleged violations of General Statutes §§ 9-604 and 9-623 because he was not a candidate as that term is defined in General Statutes § 9-601(11).

ORDER

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

That the matter be dismissed.

Adopted this 6th day of May 2009 at Hartford, Connecticut



Stephen F. Cashman, Chairman
By Order of the Commission