

SUPREME COURT OF CONNECTICUT

Gonzalez v. Surgeon, 284 Conn. 573

937 A.2d 24 (2007) · No. No. 17969 · Decided September 19, 2007

SUMMARY

The Connecticut Supreme Court considered whether General Statutes § 9-410(c), which limits the candidates for whom a person may circulate primary-election petitions, was unconstitutionally vague and unlawfully restricted freedom of speech and association. The court held that the statute was sufficiently clear and imposed only a limited burden on core political speech, and it affirmed the trial court’s judgment for the defendants.

CASE DETAILS

COURT	Supreme Court of Connecticut
WRITING FOR THE COURT	Rogers, C.J.; Katz, J.; Vertefeuille, J.; Schaller, J.; Sullivan, J.
JURISDICTION	Connecticut
DECIDED	September 19, 2007
DOCKET	No. 17969
DISPOSITION	affirmed
PROCEDURAL POSTURE	Appeal from trial court judgment for defendants on all counts.
STANDARD OF REVIEW	For vagueness, the court applied the standard from State v. Indrisano, considering fair notice and enforcement guidelines, with a more stringent test for statutes implicating First Amendment rights. For the First Amendment claim, the court applied the Anderson/Burdick balancing test, using relaxed scrutiny for slight burdens and strict scrutiny for severe burdens.
PRECEDENTIAL VALUE	Published
PARTIES	Minnie Gonzalez v. Shirley Surgeon and Daniel Carey

TOPICS

- election law
- ballot access
- first amendment
- free speech
- void for vagueness

PRACTICE AREAS

- Election Law
- Constitutional Law

QUESTIONS PRESENTED

1. Whether § 9-410(c) is void for vagueness under the due process clause of the Fifth Amendment because it does not clearly specify which petitions must be rejected when a circulator works for multiple candidates or whether it applies to placeholder candidates.
2. Whether § 9-410(c) violates the First Amendment rights of free speech and association by restricting circulators to one candidate or slate for the same office.

HOLDINGS

1. Section 9-410(c) is not unconstitutionally vague because its meaning is clear from the statute's context, purpose, and legislative history, even under the more stringent vagueness test applied to statutes implicating First Amendment rights.
2. Section 9-410(c) does not violate the First Amendment because it imposes only a slight burden on core political speech and furthers important state interests.

KEY QUOTATIONS

“The purpose of the vagueness doctrine is twofold. The doctrine requires statutes to provide fair notice of the conduct to which they pertain and to establish minimum guidelines to govern law enforcement.”

“The United States Supreme Court has identified two different, although overlapping, kinds of rights that the [f]irst [a]mendment grants: the right of individuals to associate for the advancement of political beliefs, and the right of qualified voters, regardless of their political persuasion, to cast their votes effectively.”

“If our realistic assessment yields the conclusion that the electoral scheme lightly or even moderately burdens [f]irst [a]mendment rights, we apply a relaxed standard of review, according to which the restrictions generally are valid so long as they further an important state interest.”

“The statute applies only to circulators who switch parties during an election season. . . . [I]t does not diminish the pool of people available to circulate petitions. . . . It does not increase the number of signatures anyone needs to get on the ballot or the number of circulator-hours necessary to appear.”

FACTUAL BACKGROUND

Gonzalez sought to appear on the Democratic primary ballot for mayor of Hartford. She and volunteers circulated petitions to obtain the required 5% of enrolled Democratic electors' signatures. Several volunteers also circulated petitions for a challenge slate that included a placeholder mayoral candidate, Clark, who intended to withdraw after qualifying. The registrar rejected petitions from those circulators under § 9-410(c), which prohibits circulating petitions for more than the maximum number of candidates for the same office. As a result, Gonzalez did not qualify for the ballot.

PROCEDURAL HISTORY

Plaintiffs brought action under General Statutes § 9-329a(a) challenging the registrar's rejection of primary petition signatures. The trial court rendered judgment for the defendants on all counts. Gonzalez appealed to the

Appellate Court, and the Supreme Court transferred the appeal to itself. The court also issued a companion opinion addressing statutory interpretation claims.

DISPOSITION

affirmed

CASES CITED

- State v. Indrisano, 228 Conn. 795, 640 A.2d 986 (1994)
- State v. Wilchinski, 242 Conn. 211, 700 A.2d 1 (1997)
- State v. Courchesne, 262 Conn. 537, 816 A.2d 562 (2003)
- State v. Lang, 23 Conn. App. 272, 580 A.2d 71 (1990)
- Anderson v. Celebrezze, 460 U.S. 780 (1983)
- Burdick v. Takushi, 504 U.S. 428 (1992)
- Lerman v. Board of Elections, 232 F.3d 135 (2d Cir. 2000)
- Bullock v. Carter, 405 U.S. 134 (1972)
- Lopez Torres v. New York State Board of Elections, 462 F.3d 161 (2d Cir. 2006)
- Meyer v. Grant, 486 U.S. 414 (1988)
- Buckley v. American Constitutional Law Foundation, Inc., 525 U.S. 182 (1999)
- Citizens for John W. Moore Party v. Board of Election Commissioners, 794 F.2d 1254 (7th Cir. 1986)
- Heffron v. International Society for Krishna Consciousness, Inc., 452 U.S. 640 (1981)
- Clark v. Community for Creative Non-Violence, 468 U.S. 288 (1984)
- Storer v. Brown, 415 U.S. 724 (1974)
- Fort Trumbull Conservancy, LLC v. New London, 282 Conn. 791, 925 A.2d 292 (2007)
- State v. Higgins, 265 Conn. 35, 826 A.2d 1126 (2003)
- Campbell v. Bysiewicz, 242 F. Supp. 2d 164 (D. Conn. 2003)
- Gonzalez v. Surgeon, 284 Conn. 554, 937 A.2d 13 (2007)