

DEMOCRATIC STATE CENTRAL COMMITTEE

HARTFORD TOWN COMMITTEE DISPUTE RESOLUTION

March 28, 2010

STATEMENT OF FACTS

The Hartford Town Committee (“HTC”) held a meeting to elect its officers for 2010 – 2011. Following its custom, a temporary chair, Ramon Arroyo, was elected to preside during the election of the chair. After nominations, the election came down to two people: Sean Arena (the current chair) and Jean Holloway. After all delegates voted, the tally was tied at 33-33. Mr. Arroyo, disregarding the advice of the meeting’s parliamentarian, John Gale, but following instead a procedure which is common in some towns throughout the state, ruled that he, as a chair, could vote a second time in order to break a tie.

In a letter dated March, 12, 2010, Mr. Arena filed a complaint with State Central, requesting a Dispute Resolution Hearing pursuant to Article V of the State Party Rules. Mr. Arena as the Complainant argued that the HTC Rules ought to govern in this instance and those rules do not allow the chair to vote twice to break a tie. According to Mr. Arena, the custom in Hartford is to have a temporary chair preside with the understanding that the temporary chair will only vote to break a tie.

The Dispute Resolution Hearing was held at State Central on Thursday, March 25th. The panel consisted of: Emma Pierce (6th District), Sharon Palmer (20th District) and Tom McDonough (16th District).

DISCUSSION

Mr. Arena's case essentially rested on the argument that the HTC Rules are silent on the question of how to address a tie in the election of the town committee chair and, therefore, it is necessary to rely on Robert's Rules of Order. Mr. Arena, through his counsel, offered the testimony of HTC Secretary Kathy Evans and Mr. Gale, the parliamentarian. Mr. Gale, a seasoned parliamentarian, determined that Robert's Rules of Order prohibits a chair to vote twice in the event of a tie. (See Robert's Rules of Order, Edition 10, §45, Voting Procedures).

The Respondent to the Dispute, represented by Attorneys Tom Page and John Kennelly, did not dispute the Complainant's contention that the HTC Rules are silent on the question of whether the presiding chair at a meeting can vote twice to break a tie or that Robert's Rules prohibits the double voting. Instead, the Respondent's counsel asserted that it is appropriate to refer to the State Party Rules in this instance. They further argued that Article VIII of the State Party Rules preempts local rules on particular questions where the local rules are silent.

Article VIII of the State Party Rules is entitled "Rules Governing the Democratic Party in Towns Not Having Local Party Rules." In its preamble, Article VIII states that the "following rules shall govern the activities of the democratic party in each town of the state in which no rules have been adopted by the local democratic party or have not been filed in accordance with Article VIII."

In contrast to both the title of the Article and its preamble, Respondent's counsel cites Article VIII, Section 4, entitled "Election and Call of Organization Meeting" and which provides as follows:

Not more than thirty (30) days following the day fixed for the holding of a primary for the election of Town Committee members, the Chair of the Town Committee in office on the day of said primary shall call a meeting of the newly elected Town Committee for the purpose of electing such officers of the Town Committee as are prescribed in local party rules. (emphasis added).

Counsel Page and Kennelly contend that the plain language of this section reverses the apparent intent of the Article's title and its preamble. Specifically, they note that the section directs the town committee to call a meeting to elect officers as "prescribed in the local party rules." If this section were to use when local rules do not exist, why would the section expressly defer to the local party rules?

The Panel found this argument compelling and worthy of considerable examination. Even the best explanation for this section leaves some doubt. If the local rules exist but are not in effect (perhaps for failure to adopt or file), how could the State Party Rules refer to them?

Nonetheless, a careful examination of the 24 sections of Article VIII, combined with its clear title and equally clear preamble, led the Panel to conclude that Article VIII applies only where the town does not have local rules (whether in effect or at all). The Panel recommends that the State Central Committee's Rules Committee carefully review Article VIII, Section 4 to determine if a clarification or correction of the language is advisable. Other than Section 4, Article VIII sets forth an extensive set of rules by which a town committee can effectively govern itself. It is not a collection of supplementary provisions.

CONCLUSION

The Panel unanimously determined that the HTC should hold a new meeting to elect a new Chair and Vice Chair. The new meeting should be held within 10 days and conducted in accordance with the HTC Rules. The other officers elected on March 11th were properly elected.