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Judge Orders Former Rep. Vickie Nardello's Name Be Put On State Senate Primary Ballot After Paperwork Error

by Nicholas Rondione July 16, 2018

Then-assistant majority leader Tom Reynolds and Deputy Majority Whip Vickie Nardello in a 2009 photo in the state House of Representatives. (John Woike / Hartford Courant)

In a key political victory, a Superior Court judge has ordered that former state Rep. Vickie Nardello must be placed on the Aug. 14 primary ballot for state Senate after a tussle with the secretary of the state's office.

Nardello filed a lawsuit, saying she had been improperly blocked from the ballot following a paperwork error. The judge agreed.

Nardello won the votes of 42 percent of the delegates at a local Democratic convention — far beyond the 15 percent minimum that is necessary to qualify for a primary.

But then a major problem arose when Nardello incorrectly filled out an important form that was never corrected by a June 4 deadline. As a result, Secretary of the State Denise Merrill's office rejected Nardello as an eligible candidate. Nardello had failed to write "16" in the "Senatorial District" space to indicate the district covering her hometown of Prospect, along with Southington, Wolcott and parts of Cheshire and Waterbury.

"To allow the greatest scope for public participation in the electoral process, to allow candidates to get on the ballot, and to allow the voters a choice, the court enters a permanent injunction" ordering Merrill to place Nardello on the ballot, Judge Salvatore Agati wrote in a 21-page decision.

Nardello will now face party-endorsed candidate Dagmara Scalise in the primary, which is less than five weeks away.

The issue got complicated when Nardello was told by a state official that she did not need to act further because the situation would be rectified, which it was not.

"Ms. Nardello relied on the response she received from the Secretary of the State's office that the matter would be corrected," Judge Agati wrote. "It is Ms. Nardello's burden to prove that she exercised due diligence. The court finds that she has sustained that burden."

Assistant Attorney General Maura Murphy Osborne said at a recent court hearing that Merrill was not inclined to resist if a judge saw fit to overrule her office and place Nardello on the ballot.

Merrill's office said it had lacked the legal authority to reverse its decision to reject Nardello on the grounds that she submitted inadequate and untimely paperwork. But Merrill said a judge had the power to do it — and, Osborne told the judge: "I think I can represent with a certain degree of confidence that the secretary is not going to be appealing a ruling of this court."

A Merrill spokesman said Wednesday that there would be no court appeal, and that the office is working to help ensure that cases can be resolved without going to court in the future.

A one-time co-chairwoman of the legislature's energy committee, Nardello lost in a stunning upset in 2012. Now she's making a comeback in the race for Senate.

Nardello served nine terms in the House before now-Rep. Lesley Zupkus, a Republican, defeated her in both 2012 and 2014 when Nardello tried to regain her former seat.

Republicans have endorsed Rep. Rob Sampson, a pro-Second Amendment conservative from Wolcott, as their candidate in the 16th Senate District this year. The seat is open because state Sen. [Joe Markley](#) of Southington is running in the primary for lieutenant governor.