

RETURN DATE: INJUNCTION UNDER C.G.S. 52-473 & 9-329a

DOCKET NO.	:	SUPERIOR COURT
	:	
MUAD HREZI, MUNEEKA MUNIR,	:	JD OF HARTFORD
JOHN FUSSELL, & BAZILA MUNIR	:	
	:	AT HARTFORD
V.	:	
	:	
DENISE MERRILL, NED LAMONT,	:	
SUE LARSEN, & ANGELO SEVARINO,	:	
IN THEIR OFFICIAL CAPACITIES, &	:	
DEMOCRATIC STATE CENTRAL	:	
COMMITTEE	:	JUNE 13, 2022

APPLICATION FOR TEMPORARY INJUNCTION
AFTER HEARING

Plaintiffs in the above-entitled action hereby make application for a temporary injunction after hearing in accordance with their prayer for relief and respectfully request that the defendants be ordered to appear at an early date to show cause why the prayer for an injunction should not be granted.

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MUAD HREZI, MUNEEKA MUNIR, JOHN FUSSELL, & BAZILA MUNIR	:	JD OF HARTFORD
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V.	:	AT HARTFORD
	:	
DENISE MERRILL, NED LAMONT, SUE LARSEN, & ANGELO SEVARINO, IN THEIR OFFICIAL CAPACITIES, & DEMOCRATIC STATE CENTRAL COMMITTEE	:	JUNE 13, 2022

COMPLAINT FOR INJUNCTIVE RELIEF

1. This is an action seeking injunctive relief for violations of Connecticut General Statutes and the Constitutions of the State of Connecticut and the United States as applied to the campaign of Muad Hrezi, candidate for U.S. House in Connecticut’s First Congressional District.

2. Plaintiffs’ campaign seeks a primary against incumbent U.S. Representative John Larson in an August 9, 2022 Democratic Party primary and has submitted more than 4,900 petition signatures to qualify. But because of the burdens imposed by Connecticut law as applied to the plaintiffs’ campaign during the COVID-19 pandemic, the campaign will fail to qualify for a primary, unless this Court intervenes.

3. In 2020, Defendants Secretary of the State Denise Merrill and Governor Ned Lamont modified Connecticut’s ballot access laws to relieve their burdens as applied to a pandemic. In 2022, however, although the pandemic was on an uptick during the petitioning period, Defendants failed to take any action to relieve the burdens.

A. **Parties**

4. Plaintiff Muad Hrezi is a citizen of the State of Connecticut and a registered voter. Mr. Hrezi is a candidate for Connecticut’s First Congressional District for the United States

House of Representatives with significant support, but unless this Court acts, he may not qualify for a primary against the incumbent.

5. Plaintiff Muneeka Munir is a citizen of the State of Connecticut and a registered voter. Muneeka Munir wants to vote for a wider variety of candidates, but is restricted from doing so by Connecticut's ballot access laws, which place severe burdens on voters who seek to associate at the ballot box with new voices. She is a summer fellow on Mr. Hrezi's campaign, and will be prevented from voting or volunteering for the candidate of her choice, Mr. Hrezi, because of the ballot access laws, unless this Court acts.

6. Plaintiff Bazila Munir is a citizen of the State of Connecticut and a registered voter. Bazila Munir wants to vote for a wider variety of candidates, but is restricted from doing so by Connecticut's ballot access laws, which place severe burdens on voters who seek to associate at the ballot box with new voices. She is Mr. Hrezi's campaign manager, and will be prevented from voting or working for the candidate of her choice, Mr. Hrezi, because of the ballot access laws, unless this Court acts.

7. Plaintiff John Fussell is a citizen of the State of Connecticut and a registered voter. John Fussell wants to vote for a wider variety of candidates, but is restricted from doing so by Connecticut's ballot access laws, which place severe burdens on voters who seek to associate at the ballot box with new voices. He is a donor and volunteer on Mr. Hrezi's campaign, and will be prevented from voting or volunteering for the candidate of his choice, Mr. Hrezi, because of the ballot access laws, unless this Court acts.

8. Defendant Ned Lamont is the Governor of the State of Connecticut and its chief executive officer. Because he has declared a public health emergency, he has the right to modify

or suspend any Connecticut statute, Conn. Gen. Stat. Sec. 28-9. He is sued in his official capacity under 42 U.S.C. Section 1983 and the Connecticut State Constitution.

9. Defendant Denise Merrill is the Secretary of the State of Connecticut. She is Connecticut's chief election official and is responsible for causing petitions for access to the ballot to issue under Connecticut State Law. She is sued in her official capacity under 42 U.S.C. Section 1983, the Connecticut State Constitution, and Connecticut General Statutes Section 9-329a.

10. Defendant Sue Larsen is the Democratic Registrar of Voters in the Town of South Windsor. She is sued in her official capacity with regard to the election rulings in which she participated referenced in Count Three of this Complaint. She is sued under Connecticut General Statutes Section 9-329a.

11. Defendant Angelo Sevarino is the Democratic Registrar of Voters in the Town of East Windsor. He is sued in his official capacity with regard to the election rulings in which he participated referenced in Count Three of this Complaint. He is sued under Connecticut General Statutes Section 9-329a.

12. Defendant Democratic State Central Committee represents the Connecticut Democratic Party under state law. The Democratic State Central Committee has an interest in this case as relief would affect the method by which the party nominates and selects candidates.

B. **Parties**

Muad Hrezi's Campaign for U.S. House

13. Mr. Hrezi officially launched his campaign in January 2021.

14. Mr. Hrezi began attending meetings with different Democratic Town Committees (DTCs) and delegates for the convention in January and February 2021.

15. Mr. Hrezi built relationships by attending fundraisers and donating, joining their canvassing events, and offering campaign support in recruiting volunteers.

16. DTC members were generally supportive of Mr. Hrezi's campaign and the issues he raised and were interested in a potential primary of the incumbent, U.S. Representative John Larson, which had not occurred in his more than 20 years in office.

17. But when it came time for DTCs to interview candidates, the majority of DTC chairpersons would not allow Mr. Hrezi to speak to their DTCs.

18. Out of 27 DTCs, only 13 invited Mr. Hrezi to speak, even though Mr. Hrezi, through his campaign manager, had contacted each DTC multiple times.

19. Once delegates were selected for the party nominating convention, mostly by the incumbent's campaign or the incumbent himself, Mr. Hrezi made efforts to speak with delegates to the party nominating convention and persuade them to support his campaign.

20. A few delegates agreed to speak with Mr. Hrezi, and even agreed to vote for Mr. Hrezi. But after being pressured by the incumbent or their DTC chairs, they eventually called Mr. Hrezi and flipped their decision.

21. Mr. Hrezi quickly came to the conclusion that primary ballot access by attaining the 15% delegate threshold would be impossible—but continued to make his best efforts, while organizing a petition-signature-gathering campaign.

22. Mr. Hrezi attended the convention, where the bylaws set forth that each candidate was allowed to have two people speak on their behalf, with 10 minutes total allocated for both speakers combined.

23. The chair of the convention monitored Mr. Hrezi's campaign and held them to the strict 10-minute time limit.

24. The incumbent's campaign, however, was allowed to have four speakers who spoke for over 30 minutes.

25. Ultimately, despite a tremendous amount of diligent effort, organization, and expense, Mr. Hrezi was only able to garner 14 votes and the incumbent over 400.

26. After the voting was finished, several delegates approached Mr. Hrezi and told him that they tried to vote for him, but were not allowed by their DTC chair, in direct violation of the rules.

27. Because Mr. Hrezi knew that getting 15% of the delegate vote at the convention would be virtually impossible, he began organizing to gather the required amount of petition signatures early in his campaign.

28. By the time Mr. Hrezi was allowed to pull petitions from towns within the First Congressional District and begin gathering signatures, he had already recruited and hired 25 people to work on petitioning.

29. During the petition gathering window, which is 42 days, Mr. Hrezi's volunteers and workers worked 7 days a week for at least 8 hours a day.

30. Some workers worked as many as 15 hours in a single day.

31. Overall, the campaign spent at least 3,080 hours and paid at least \$20,800 to access the primary ballot.

32. The campaign made substantial efforts to make the petition signature gathering process more efficient. They purchased an electronic bike and scooter to help speed up door knocking.

33. The campaign spent all of its time petitioning, focused on gathering signatures.

34. The campaign petitioned at public parks, bus stations, people's houses, and outside of churches and other buildings.

35. The campaign worked off of a list of enrolled party members to ensure that the signatures would be valid when counted by their town registrars.

36. The campaign gathered approximately 4,900 signatures, in its attempt to meet the threshold requirement of 3,833 valid signatures of enrolled party members.

37. The campaign ran into unique difficulties because of COVID-19.

38. During the petition signature gathering window, at least three of Mr. Hrezi's petitioners were infected with COVID-19.

39. Several additional petitioners lost time petitioning as well because they were exposed to individuals who had been infected.

40. COVID-19 made petition signature gathering more difficult.

41. For instance, many Sunday services that normally would be crowded were still being held online during the petition signature gathering window.

42. Many voters were unwilling to sign petitions because of fear of using the same pen as others.

43. Many voters were unwilling to speak and consider signing a petition because of COVID-19, even when petitioners were wearing a mask.

44. Despite these difficulties, by the end of the petitioning period, Mr. Hrezi's campaign was collecting approximately 200 valid signatures per day.

Connecticut's Severe Ballot Access Restrictions

45. Connecticut General Statutes allow a candidate for the office of U.S. representative to qualify for the ballot for a political party's primary election in two ways: by

receiving at least 15% of the votes of the delegates at a convention held by that political party; or by circulating a petition and obtaining the signatures of two percent of the enrolled members of the party in the district.

46. The gathering of petition signatures is governed by Connecticut General Statutes Sections 9-404a to 9-404c, inclusive. Candidates are given until 4:00p.m. on the forty-second day after petitions are made available to collect and submit signatures from two percent of the party members in the district.

47. The difficulty of obtaining so many signatures in so short a time is compounded by other arcane elements of Connecticut's ballot access laws. As one example, no page of any petition may contain the names of enrolled political party members residing in different towns, requiring petition circulators to carry around separate packs of paper for each of the towns in multi-town districts. Conn. Gen. Stat. Sec. 9-404b(c).

48. Additionally, the circulators of the petitions gathering signatures are required to be enrolled party members. During Mr. Hrezi's signature gathering campaign, one circulator, Tania Banks, collected signatures that were rejected by the Registrars of Voters in Hartford and West Hartford. Although she had registered as a Democrat before she submitted the signatures, the Registrars ruled that the signatures she submitted were invalid because she was not registered as a Democrat when she circulated the petitions.

49. And crucially for this case, petition circulators must attest, under penalties of false statement, "that each person whose name appears on the page signed the petition *in person in the presence of the circulator, . . .*" *Id* (emphasis added).

50. Although obtaining the petition signatures is technically not the only method by which a candidate can obtain primary ballot access, the other alternative, qualifying by party nominating convention, is equally if not more burdensome than gathering the signatures.

51. Garnering the support of the delegates for party nominating convention is made more difficult by the fact that, since 2003, primaries for the office of party nominating convention delegate have been abolished.

52. Since the onset of the COVID-19 pandemic, Democratic State Central Committee rules and state statutes have allowed the chairpersons of local Democratic Town Committees to choose the delegates to party nominating conventions in their sole discretion.

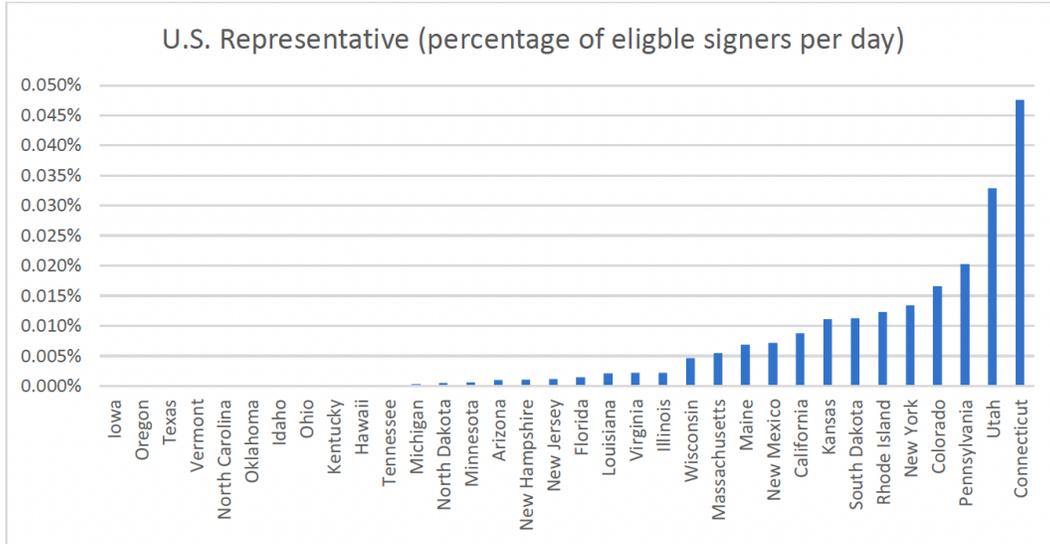
53. Connecticut's ballot access laws are among the strictest laws for primary ballot access in the nation.

54. Fewer people qualify for primary elections in Connecticut than in most other states. Connecticut's rate of primary elections is a fraction of the national average. In Connecticut, 4.2% of state and local offices had primaries. Nationwide, the rate was 20.4%.

55. No one has ever qualified for a primary against an incumbent member of the U.S. House of Representatives in Connecticut.

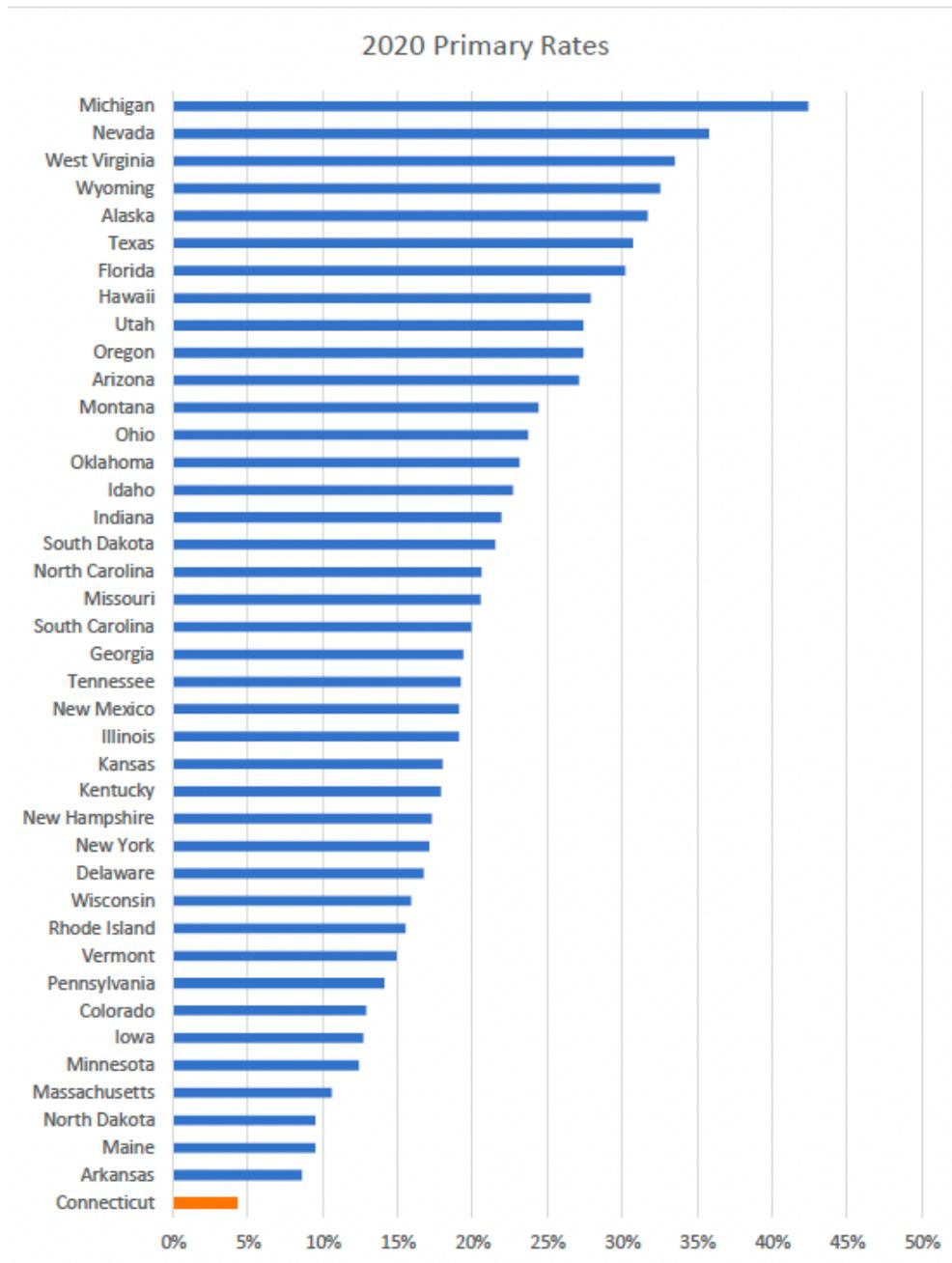
56. Connecticut is the only state in the nation that has never had a primary against an incumbent U.S. House Representative. Forty-five states have had a primary against an incumbent congress member since 2014.

57. This is because Connecticut has the most restrictive laws for access to the primary ballot of any State in the United States when it comes to the office of U.S. Representative. No state requires a candidate to get more signatures in a shorter amount of time than Connecticut (figure on next page):



58. In the 47 years during which the party nominating convention was the only method for primary ballot access in Connecticut, no person ever accessed the primary ballot against an incumbent U.S. Representative in Connecticut.

59. In 2020, Connecticut had the lowest rate of primary elections in the nation (figure on next page):



60. Connecticut’s 4.2% primary rate in 2020 was an outlier for the nation, but not an outlier for Connecticut. Connecticut had the second-lowest primary rate in the nation in 2014, the lowest primary rate in the nation in 2016, and the third-lowest primary rate in 2018.

Mr. Hrezi's Campaign Submits Signatures

61. Based on the requirements set out in the Connecticut General Statutes, Mr. Hrezi's campaign was required to submit 3,833 signatures of registered Democratic Party voters in the First Congressional District by 4:00 p.m. on the forty-second day after the petitions are made available.

62. Although the petitions were, by law, required to be made available on April 26, 2022, and Mr. Hrezi filed the proper paperwork on that day to begin collecting petition signatures, the office of Defendant Secretary of the State Merrill failed to provide the petitions for Mr. Hrezi to collect and gather signatures until April 28, 2022, at approximately 3:00 p.m., two days after the day that the petitions were required to be made available.

63. As a result of this failure of the Defendant Secretary of the State Denise Merrill, Mr. Hrezi's campaign lost two days in which his campaign could have collected additional petition signatures.

64. On June 7, 2022, the forty-second day after the petitions were required by law to be made available, Mr. Hrezi's campaign turned in most of the signatures they had gathered over the prior forty two days.

65. Mr. Hrezi's campaign submitted over 4,900 signatures from individuals in the First Congressional District, of which Mr. Hrezi's campaign estimates approximately at least 3,500 will be found to be valid signatures of members of the Democratic Party in the First Congressional District.

66. On June 7, because of delays in the office of the Registrar of Voters in the Town of Bloomfield, Mr. Hrezi's campaign was delayed, and signatures submitted to the Registrars of

Voters in the towns of East Windsor and South Windsor were not submitted until a few minutes after 4:00 p.m.

67. Mr. Hrezi's campaign had submitted 115 signatures to the town of South Windsor and 17 signatures to the town of East Windsor, of which the campaign expected that 65 and 12 would be valid signatures of enrolled Democratic Party members in the towns, respectively.

68. At Mr. Hrezi's campaign's request, a request for a ruling was submitted to the Defendant Secretary of the State Denise Merrill's office requesting a ruling on whether the towns could properly accept the signatures that were submitted a few minutes late.

69. Defendant Secretary of the State Denise Merrill's office ruled that the towns would not be allowed to accept the signatures.

70. As a result of the foregoing rulings, the burdens imposed by Connecticut law, and the COVID-19 pandemic, Mr. Hrezi's campaign submitted approximately 3,600 valid signatures of enrolled members of the Democratic Party in the First Congressional District, falling just short of the 3,833 required under Connecticut law without modification by this Court.

71. As a result of the burdens imposed by Connecticut law, the COVID-19 pandemic, and the conduct of the Defendant Secretary of the State Denise Merrill in her rulings, Mr. Hrezi's campaign, his volunteers, and his potential voters' First and Fourteenth Amendment rights under the U.S. Constitution, as well as their rights under the State Constitution, have been severely burdened and violated without justification.

72. If Mr. Hrezi's campaign fails to qualify for a primary against U.S. Representative Larson, Mr. Hrezi, his campaign, his volunteers and supporters, and potential voters will be irreparably harmed.

73. Mr. Hrezi and the other plaintiffs have no remedy at law for the irreparable harm that would be caused by the failure of Mr. Hrezi's campaign to qualify for a primary.

74. Time is of the essence because the primary, if held, would be scheduled to occur on August 9, 2022.

C. **Claims for Relief**

COUNT ONE: INJUNCTION UNDER 42 U.S.C. § 1983

1-74. The allegations above are incorporated as if included fully here.

75. Strict enforcement of Connecticut's ballot access requirements to qualify for a primary for U.S. Representative in the 2022 election, as applied to Mr. Hrezi, plaintiffs, and their campaign, would severely burden and violate plaintiffs' rights to petition, speech, and free association protected by the First and Fourteenth Amendments to the Constitution of the United States.

76. Applying strict scrutiny to the requirements, as this Court must because of the burden they impose on plaintiffs, the requirements fail to meet the test because they are not narrowly tailored or the least restrictive means to achieve the state's interests in conducting orderly, fair, and transparent elections.

77. This Court should therefore issue an injunction restraining defendants from applying the requirements in such a way that would disqualify Mr. Hrezi's campaign from access to the primary ballot, and issue an order that a primary be held for the office of U.S. Representative for the First Congressional District.

COUNT TWO: INJUNCTION UNDER ARTICLE FIRST, §§ 2, 4, 14, 20

1-74. The allegations above are incorporated as if included fully here.

75. Strict enforcement of Connecticut’s ballot access requirements to qualify for a primary for U.S. Representative in the 2022 election, as applied to Mr. Hrezi, plaintiffs, and their campaign, would severely burden and violate plaintiffs’ rights to petition, speech, and free association protected by Article First, Sections 2, 4, 14, and 20, of the Constitution of the State of Connecticut, which provides even greater protections to voters and candidates than does the U.S. Constitution.

76. Applying strict scrutiny to the requirements, as this Court must because of the burden they impose on plaintiffs, the requirements fail to meet the test because they are not narrowly tailored or the least restrictive means to achieve the state’s interests in conducting orderly, fair, and transparent elections.

77. This Court should therefore issue an injunction restraining defendants from applying the requirements in such a way that would disqualify Mr. Hrezi’s campaign from access to the primary ballot, and issue an order that a primary be held for the office of U.S. Representative for the First Congressional District.

COUNT THREE: SECTION 9-329a CLAIM

1-74. The allegations above are incorporated as if included fully here.

75. Defendant Secretary of the State Denise Merrill’s decisions to illegally (1) delay for two days in the release of petitions for nomination to Mr. Hrezi, and (2) disallow the acceptance of signatures by East Windsor and South Windsor are rulings of an election official in connection with any primary held pursuant to Connecticut General Statutes Sections 9-423, 9-425, or 9-464.

76. Plaintiffs are aggrieved by Defendant’s ruling. Absent Defendant’s erroneous rulings by omission and commission, Mr. Hrezi’s campaign would have qualified for access to

the primary ballot, notwithstanding the burdens imposed on their state and federal constitutional rights.

77. Because the ruling of Defendant is in error, and absent that error a primary would be held, this Court should order a new primary to be held for the office of U.S. Representative in the First Congressional District.

PRAYER FOR RELIEF

WHEREFORE, the Plaintiffs, request that this Court provide the following relief:

- A. That this Court proceed expeditiously to render judgment on the complaint, causing notice to be given to the Secretary of the State and the State Elections Enforcement Commission;
- B. That this Court forthwith order a hearing to be held upon this complaint, upon a day not more than five nor less than three days after the making of the order to give notice;
- C. Issue a Temporary Injunction restraining the Defendant Secretary of the State from announcing that Mr. Hrezi's campaign did not qualify for a primary for the office of U.S. Representative;
- D. Issue a Permanent Injunction requiring the Defendant Secretary of the State to accept and verify Mr. Hrezi's filings of candidacies by nominating petition and determine that he qualifies for a primary;
- E. Ordering that a primary be held for the office of U.S. Representative for the First Congressional District;
- F. Awarding attorney's fees pursuant to 42 U.S.C. § 1988, and costs; and
- G. Such other and further relief as may be necessary and appropriate.

Respectfully Submitted,

PLAINTIFFS

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CERTIFICATION OF SERVICE

Pursuant to Connecticut General Statutes Section 9-329a, I hereby certify that this complaint has been sent by first class mail to the State Elections Enforcement Commission.

This 13th day of June, 2022.

/s/
Alexander Tiva Taubes

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PROPOSED ORDER TO SHOW CAUSE

Whereas, the foregoing complaint with prayer and motion for a temporary injunction, duly verified, has been presented to the Court, and

Whereas, upon application of the plaintiff, it appears that an order should be issued directing the defendant in this action to appear before the Court to show cause why a temporary injunction should not issue.

Now, therefore, it is ordered that the defendants be summoned to appear before the Superior Court for the Judicial District of Hartford at _____ then and there to show cause why a temporary injunction should not issue against them as prayed for in the foregoing complaint and application.

Dated at Hartford, Connecticut on _____

BY THE COURT (_____, J.)

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PROPOSED ORDER GRANTING INJUNCTION

WHEREAS the Plaintiffs have made an application in the nature of injunction in this action, have no other adequate remedy at law, and will suffer irreparable harm unless this application is granted;

WHEREAS the Plaintiffs’ campaign collected more than 3,500 signatures during the required period under Connecticut law and have demonstrated substantial support, but without this Court’s intervention, their rights to freely associate will be severely burdened;

WHEREAS the Plaintiffs are likely to prevail on the merits in this matter as alleged in their Complaint;

IT IS HEREBY ORDERED that Defendant Secretary of the State Merrill accept Plaintiffs’ filings for candidacy by nominating petition for the office of U.S. Representative; and

IT IS HEREBY FURTHER ORDERED that, as a result of the acceptance of the Plaintiffs’ filings for candidacy, a primary shall be held pursuant to the Connecticut General Statutes.

IT IS SO ORDERED.

BY THE COURT (_____, J.)

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**REQUEST THAT NO BOND BE REQUIRED
FOR GOOD CAUSE SHOWN**

Plaintiffs in the above-entitled action, pursuant to Connecticut General Statutes Section 52-472, request that no bond be required in this action for injunctive relief, for good cause shown, because this case challenges the allegedly unconstitutional conduct of state officials. The requirement of a bond should be eschewed when enjoining potentially unconstitutional conduct by a governmental entity because the rights potentially impinged by a government action are of such a gravity that protection of those rights should not be contingent upon an ability to pay. *See, e.g., Doctor John’s, Inc. v. City of Sioux City, Iowa*, 305 F.Supp.2d 1022, 1043-44 (N.D. Iowa 2004) (waiving the requirement of a bond before issuance of a preliminary injunction because plaintiffs alleged constitutional rights violations).

Additionally, the vindication of constitutional rights such as freedom of speech and association is always in the public interest, adding additional support to the notion that the traditional requirement of a bond should be relaxed in favor of a sound public policy of encouraging the vindication of potentially meritorious claims of violations of constitutional rights. *See, e.g., Pacific Frontier v. Pleasant Grove City*, 414 F.3d 1221, 1237 (10th Cir. 2005);

Am. Civil Liberties Union of Georgia v. Miller, 977 F.Supp. 1228, 1235 (N.D. Ga. 1997); *Am. Civil Liberties Union of Illinois v. Alvarez*, 679 F.3d 583, 590 (7th Cir. 2012).

WHEREFORE, the requirement of a bond under Connecticut General Statutes Section 52-472 should be waived.

Respectfully Submitted,

PLAINTIFFS

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