

## **FORMER REPUBLICAN OFFICIAL FILES FEDERAL CIVIL RIGHTS ACTION AGAINST BROOKFIELD REGISTRAR AND REPUBLICAN TOWN CHAIR**

### **FOR IMMEDIATE RELEASE**

*Danbury, CT* – A former Brookfield Republican elected official, Jane Miller, has filed suit in Federal Court under the United States Civil Rights Act against the Brookfield Republican Registrar of Voters and Republican Town Committee Chairman for conspiring to, and taking actions that deprived her of her Constitutional rights to vote and freely associate. The suit was filed on behalf of Mrs. Miller by Attorney Susan Bysiewicz, former Secretary of the State of Connecticut and partner at the firm of Pastore & Dailey LLC.

The actions taken by the Republican Registrar, Thomas Dunkerton, and the Republican Town Chairman, Matthew Grimes, are actually inscribed in two obscure statutes buried in the annals of the Connecticut General Statutes (section 9-60 and 9-61) that read as if they were written by Senator McCarthy. These two arcane statutes allow any town's Democratic or Republican Registrar of Voters to team up with his Party's Town Committee Chairman to summons any resident of the same town, who is registered as a member of the same political party, who they believe has not "towed the party line," to a hearing – *that does not have to be public* – and make this resident prove to them that they are not a loyalist of another party in disguise.

That is exactly what Dunkerton and Grimes did to Mrs. Miller; all because Mrs. Miller, after not receiving the Republican nomination for Board of Education, even though she was the incumbent at the time, switched her voter registration back to unaffiliated to run for a vacant slot for the Board of Finance. Therefore, on April 9, 2015, in front of an audience of 75 Brookfield residents, most of who, the Danbury Times reported, were supportive of Mrs. Miller and laughed at some of the accusations being brought against her by Dunkerton and Chairman Grimes. ([link here](#)). A few weeks later, Mrs. Miller received a "decision" from Dunkerton and Grimes that said they found "reasonable proof" that this former Republican Town Official, was not loyal to the Republican Party, and a "Notice of Change in Voter Registration" letter which showed that Mr. Dunkerton had forcibly changed Mrs. Miller's voter registration, without her consent, from Republican to Unaffiliated, depriving Mrs. Miller of her Constitutional rights to vote and freely associate with the party of her choice.

"I just could not believe it," said Mrs. Miller. "I would never think my rights could be taken away from me so arbitrarily. Mr. Dunkerton and Chairman Grimes acted as the Judge and the Jury. I felt so powerless." In fact, just six months later two Brookfield men, who were former members of the Republican Party, had both changed their party affiliation to "Unaffiliated" to run for office under the Democratic slate in Brookfield, submitted their application to be re-affiliated with Republican Party. Unlike Mrs. Miller, Mr. Dunkerton and Chairman Grimes did not enact section 9-60 and 9-61, did drag the two men in front of hearing and make them prove their allegiance to the Republican Party. Mr. Dunkerton simply re-affiliated both men to the Republican Party automatically.

"In the twelve years that I served as Secretary of State, I never came across a registrar of voters using this statute, especially in such a clearly discriminatory and vindictive fashion. This is not what voters elect these officials to do," said Former Secretary of State Susan Bysiewicz, a partner at Pastore & Dailey, LLC, who is representing Mrs. Miller in the Federal District Court case. "No citizen of Connecticut should have their Constitutional rights arbitrarily stripped from them in such an arbitrary and discriminatory fashion."

*Please contact Attorney Susan Bysiewicz at (203) 658-8454 or [sbysiewicz@psdlaw.net](mailto:sbysiewicz@psdlaw.net) for any questions. ###*

## **Factsheet: Miller v. Dunkerton et al.**

### **The Story – Disclaimer: The Full Complaint can be Found Attached**

Brookfield Republican Registrar of Voters and Republican Town Committee Chairman's unequal use of obscure state statute strips former Town Official of her Constitutional Rights and denies her equal protection under the law.

### **Parties Involved in the Story**

- 1) **Jane Miller** – Longtime resident of Brookfield and former Republican Member of the Brookfield Board of Education. Since 2003, Jane has never enrolled in any other political party or organization other than the Republican Party from 2009 through 2013. Prior to 2003, Jane was registered “Unaffiliated.”
- 2) **Larry Miller** – Husband of Jane Miller and lifelong Republican who an active member of the Brookfield Republican Town Committee up until 2011.
- 3) **Thomas Dunkerton** – The current Brookfield Republican Registrar of Voters.
- 4) **Matthew Grimes** – The current Brookfield Republican Town Committee Chairman.

### **Connecticut General Statutes §§ 9-60 and 9-61**

The United States Supreme Court has long held that the Constitution guarantee's every citizens right to affiliate with the political party of their choice and the right to vote in *both* primary and general elections. In the spirit of this these fundamental rights, more than half of the United States Federal Appellate Circuits have struck down state statutes that prohibit changing party affiliation for 6 months or longer as unconstitutional. In fact our neighbor to our East, Rhode Island, was one of the states, which had such a statute stricken.

Yet, buried in the annals of the Connecticut General Statutes are two statutes that allows any town's Democratic or Republican Registrar of Voters to team up with his Party's Town Committee Chairman to summons any resident of the same town, who is registered as a member of the same political party, who they believe has not “towed the party line,” to a hearing – *that does not have to be public* – and make this resident prove to them that they are not a loyalist of another party in disguise. A statute that would make Senator McCarthy proud no doubt!

Unfortunately, in early 2015, Mrs. Jane Miller of Brookfield, CT, a former Republican Member of the Brookfield Board of Education, found herself on the Thomas Dunkerton and Matthew Grimes' Blacklist, and defending her constitutional rights in a hearing that would cause James Madison to roll over in his grave.

### **Timeline of Events**

- **2003:** Mrs. Jane Miller, whose husband, Larry, is a lifelong Republican, decides to join her first political party and officially affiliates with the Republican Party on voter registration.<sup>1</sup>
- **2004 – 2011:** Jane actively campaigns with her husband (who is an active member of the Brookfield Republican Party at the time) for Republican nominees endorsed by the Brookfield Republican Party, posting signs, visibly showing support at local debates and events, passing out literature, and making phone calls.
- **2004 – 2011:** Jane and Larry regularly donate to the campaigns of Brookfield Republican Party nominees.
- **2009:** Jane is nominated by the Brookfield Republican Party as the Republican nominee for a seat on the Brookfield Board of Education.
- **2009 – 2013:** Jane is elected and serves a four-year term as a Republican Member of the Brookfield Board of Education.
- **July 23, 2013:** At the 2013 Brookfield Republican Caucus, Jane seeks to be re-nominated as the Brookfield Republican Party's incumbent Member of the Brookfield Board of Education. However,

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<sup>1</sup> Before 2003, Jane was registered to vote but was not affiliated with any political party (otherwise known as “unaffiliated”).

without any explanation or notice, the Brookfield Republican Party announces that it has decided not to re-nominate Jane, and instead nominates a male candidate.

- **August 2013:** Hearing about this public repudiation, the Brookfield Democratic Town Committee asks Jane to run under the vacant slot for the Brookfield Board of Finance as an unaffiliated voter. Wanting to continue to serve her town, but not wanting to be a member of any other party, Jane agrees to run as an unaffiliated voter under the vacant Democratic slot for the Board of Finance.
- **August 2013:** In order to run under this vacant slot, Jane switches her voter registration status back to unaffiliated, effective July 24, 2013.
- **November 5, 2013:** Jane is not elected to the Board of Finance.
- **December 3, 2013:** Having lost, Jane immediately submits a re-registration form to the Brookfield Republican Registrar of Voters, Thomas Dunkerton, to change her party affiliation back to Republican.
- **December 2013:** Mr. Dunkerton accepts Jane's form and initials it, changing Jane's party affiliation back to Republican, effective December 4, 2013.
- **The January 2015 Brookfield Republican Town Committee Meeting:**
  - Unbeknownst to Jane, Chairman Grimes calls to a vote whether he and Mr. Dunkerton should summons Jane to a hearing under §§ 9-60 and 9-61 and forcibly dis-affiliate her from the Republican Party, taking away her Constitutional rights to vote and associate against her will.
  - As mentioned in a post on the Brookfield Patch website by Dr. Appleby, an active Republican Town Committee member who was in attendance at said meeting, "everyone in attendance was unanimously against dis-affiliating Mrs. Miller."
  - In this same post, Dr. Appleby said that there was a hand vote of who was in favor, and no member in attendance voted in favor of dis-affiliation.
- **March 19, 2015:** Although the membership at the January 2015 voted against it, Jane receives a § 9-60 citation from Mr. Dunkerton to appear in front of him and Chairman Grimes for a hearing to prove that she is, in fact, a loyal Republican, and not a member of another party in disguise.
  - Mr. Dunkerton and Chairman Grimes originally planned on having a non-public hearing, but later capitulated and opened the hearing to the public.
- **April 9, 2015:** Jane appears in front of Mr. Dunkerton and Chairman Grimes at the hearing, which drew 75 people in attendance - the Danbury News Times covered it saying, "most of those attending seemed to support [Jane]...laughing at some of the accusations against [her]." ([link here](#))
  - Witness at this hearing, describe it as "a theater of the absurd," and liken it to the Stalin Regime.
  - A Town Resident, Mark Ferry, re-registers as a Republican that day in order to attend the hearing to publicly say that Chairman Grimes is actually the one "causing dissension within the party...he's going to kick us all out."
- **April 20, 2015:** Mr. Dunkerton and Chairman Grimes issue an unsigned and undated decision saying that they found "reasonable proof" that Jane was not loyal to the Republican Party, and that Mr. Dunkerton and Chairman Grimes have decided to dis-affiliate her from the Republican Party.
- **April 24, 2015:** Jane receives a "Notice of Change in Voter Registration" letter from Mr. Dunkerton which shows that Mr. Dunkerton has forcibly changed Jane's voter registration from Republican to Unaffiliated, *against Jane's will!*
  - Because of this, Jane cannot freely exercise her Constitutional rights to vote and freely associate with the party of her choice!
- **May 26, 2015:** Jane engages the assistance of counsel and attends a pre-trial conference hearing at the Danbury Superior Court. At this hearing, Jane asks Mr. Dunkerton to reinstate her to the Republican rolls and restore her Constitutional rights. Mr. Dunkerton refuses.
- **July 27, 2015:** Jane goes before a Danbury Superior Court Judge to have her case heard to restore her Constitutional rights.
  - Mr. Dunkerton and Chairman Grimes engage the services of an attorney to oppose Jane and prevent her from having her Constitutional rights restored.
  - Mr. Dunkerton and Chairman Grimes have recently submitted a bill of \$ 21,000 to the town of Brookfield to pay for the attorney's fees for this hearing.

- **August 18, 2015:** Unfortunately, the Danbury Superior Court rules that Mr. Dunkerton and Chairman Grimes followed the obscure statutes – §§ 9-60 and 9-61 – and therefore, it could not rule in Jane’s favor.
- **December 2015:** Two Brookfield, who were former members of the Republican Party, who had both changed their party affiliation to “Unaffiliated” to run for office under the Democratic slate in Brookfield, seek to be re-affiliated with Republican Party.
- **December 2015:** Although they had done exactly what Jane did in August 2013, these two men are quickly re-affiliated with the Brookfield Republican Party by Mr. Dunkerton.
  - Mr. Dunkerton and Chairman Grimes do not issue a citation to these two men.
  - Mr. Dunkerton and Chairman Grimes do not force these two men to a hearing in order to have them prove that they are loyal to the Republican Party.
- **February 1, 2016:** Jane engages the services of the former Secretary of State Susan Bysiewicz’s law firm, and on February 3, 2016, Jane files the attached Complaint in Federal District Court, **bringing 5 causes of action against Mr. Dunkerton and Chairman Grimes.**

### **Federal Claims**

Attached to this document is the Complaint filed by former Secretary of State Susan Bysiewicz on behalf of Jane Miller, claiming the following 5 causes of action under the Civil Rights Act (42 U.S.C. § 1983) and Conspiracy to Interfere with Civil Rights (42 U.S.C. § 1985):

1. **Violation of Plaintiff’s Right to Freedom of Association – 42 U.S.C. § 1983**
2. **Violation of Plaintiff’s Fundamental Right to Vote – 42 U.S.C. § 1983**
3. **Violation of Plaintiff’s Due Process Rights – 42 U.S.C. § 1983**
4. **Violation of Plaintiff’s Equal Protection Rights – 42 U.S.C. § 1983**
5. **Conspiracy to Violate Civil Rights– 42 U.S.C. § 1985**

UNITED STATES DISTRICT COURT  
DISTRICT OF CONNECTICUT

JANE MILLER

Plaintiff,

vs.

THOMAS DUNKERTON, in his official capacity as the Republican Registrar of Voters for the Town of Brookfield, Connecticut; MATTHEW GRIMES, in his official capacity as the Chairman of the Brookfield Republican Town Committee for the Town of Brookfield, Connecticut; GEORGE WALKER, in his official capacity as a member of the Brookfield Republican Town Committee; MARTIN FLYNN; in his official capacity as a member of the Brookfield Republican Town Committee

Defendants.

CIVIL ACTION NO.

FEBRUARY 3, 2016

**COMPLAINT FOR DECLARATORY AND INJUNCTIVE RELIEF AND  
COMPENSATORY DAMAGES**

Plaintiff, by her counsel, seeking declaratory and injunctive relief as well as compensatory damages against defendants, state the following:

**INTRODUCTION**

1. Ms. Miller brings this action to challenge the constitutionality of a Connecticut statute which has been used by the Defendants to deprive her of her ability to participate in the fundamental civil process of our republic—the election of our leaders.

2. This basic right to cast a vote and participate in the election of our representatives and leaders is protected by federal and state statute, and the constitutions of both the State of Connecticut and the United States of America.

3. As a direct result of the actions of the defendants, Ms. Miller has already been denied her right to participate in two municipal caucus' in July 2015 and January 2016.

4. The timing of the Defendants' actions are particularly egregious, as Defendants seek to deny Ms. Miller the opportunity to participate in a local primary which will be held on March 1, 2016 as well as the 2016 Republican presidential primary election-a core democratic process that will have profound consequences for the United States and its citizens for many years to come.

5. Nevertheless, the statutes in question, C.G.S. § 9-60 *et seq.*, have been cited by the Defendants as giving them authority to arbitrarily, and without due process, determine that the Ms. Miller may not affiliate with the party of her choice, thereby denying her the ability to participate in the upcoming 2016 Republican presidential primary election. Defendants actions are specifically targeted against Ms. Miller, so as to deny her equal protection under the law.

6. These statutes, and the Defendants' wrongful and arbitrary use of them, with malice and forethought, to deprive the Plaintiff of her ability to participate in this fundamental, and most important of our American civil processes, should be immediately addressed before the upcoming Republican presidential primary election on April 26, 2016. For these reasons, the Court's intervention is necessary.

### **NATURE OF THE ACTION**

7. This action challenges the constitutionality of Connecticut General Statutes §§ 9-60 through 9-63, both on their face and as applied to Ms. Miller, on the grounds that the enforcement of these statutes deprives Ms. Miller of her fundamental constitutional rights to vote, to freedom of association, and to due process of the law under the First and Fourteenth Amendments of the United States Constitution, in violation of 42 U.S.C. §1983.

8. Equally, and significantly, this action challenges the unfair and arbitrary application of these statutes to Ms. Miller, as Defendants have applied them differently to other male individuals who were allowed to affiliate with the Republican Party after taking substantially the same actions as Plaintiff. Clearly, Ms. Miller is being treated differently than others, particularly because she is a woman.

9. In addition, the Defendants conspired to deprive Ms. Miller of her Constitutional rights in violation of 42 U.S.C. § 1985.

### **JURISDICTION AND VENUE**

10. This is a civil action for declaratory and injunctive relief under 42 U.S.C. §§ 1983 1985 and the First and Fourteenth Amendments to the United States Constitution.

11. The jurisdiction of this Court is based on 28 U.S.C. §§ 1331 and 1343.

12. Venue is proper in this court under 28 U.S.C. § 1391(b), as all parties reside in the Town of Brookfield, Connecticut and all relevant events occurred within the Town of Brookfield, Connecticut.

### **THE PARTIES**

13. Jane Miller (“Plaintiff” or “Ms. Miller”) is a resident of Brookfield, Connecticut.

14. Thomas Dunkerton (“Dunkerton”) is a resident of Brookfield, Connecticut and is the Republican Registrar of Voters for the Town of Brookfield, Connecticut.

15. Matthew Grimes (“Chairman Grimes”) is a resident of the Town of Brookfield, Connecticut, is a member of a law firm with offices in the Town of Brookfield, and is the Chairman of the Brookfield Republican Town Committee.

16. George Walker (“Walker”) is a resident of the Town of Brookfield, Connecticut and is a current member and former Vice-Chairman of the Brookfield Republican Town Committee.

17. Martin Flynn (“Flynn” or, collectively with the other defendants “Defendants”) is a resident of the Town of Brookfield, Connecticut and is a current member and former Chairman of the Brookfield Republican Town Committee.

### **PROCEDURAL HISTORY**

18. A similar action was previously brought in Connecticut State court (the “State Action”), although different causes of actions, most notably the violation of Ms. Miller’s Equal Protection rights was not alleged, as this cause of action is based on actions taken by Defendants after the State Action was filed.

19. Because Defendants’ actions, which clearly discriminate against Ms. Miller based on her gender, occurred after the State Action, and because the State Action is currently pending before the Connecticut Supreme Court on appeal, it is necessary to now bring this action before this Court.



## FACTS

20. Ms. Miller is a longtime resident of the Town of Brookfield, Connecticut and first registered as a Republican with the Brookfield Republican registrar of voters in 2003.

21. Ms. Miller actively campaigned for Republican nominees endorsed by the Brookfield Republican Party from 2004 through 2011 by, among other activities, posting signs and visibly showing support at debates and other local events, passing out literature, making phone calls, and wearing buttons.

22. Ms. Miller and her husband also donated money on several occasions to the campaigns of Brookfield Republican Party nominees from 2004 through 2011.

23. In 2009, Ms. Miller was nominated by the Brookfield Republican Party as the Republican nominee for a seat on the Brookfield Board of Education.

24. Ms. Miller was elected to the Brookfield Board of Education as a Republican in 2009 and served the full four-year term as a member of such Board.

25. In 2013, Ms. Miller sought the Republican nomination from the Brookfield Republican Party for an additional term on the Board of Education in Brookfield.

26. Notwithstanding the fact that Ms. Miller was the Republican incumbent for the position, the Brookfield Republican Party chose not to endorse her without giving any reason or explanation and instead chose to endorse another, male candidate.

27. In fact, the Brookfield Republican Town Committee only nominated one woman to run for elected position at the July 2013 caucus.

27. The Brookfield Republican Party announced its decision not to endorse Ms. Miller on July 23, 2013 at the 2013 Brookfield Republican Caucus, which Plaintiff attended. Notably, this caucus was held at the same time as the Brookfield Democratic Caucus, which Ms. Miller did not attend.

28. Because the RTC would not support her candidacy, the Brookfield Democratic Town Committee asked Ms. Miller to run for the Brookfield Board of Finance as an unaffiliated voter on the Democratic slate, recognizing her desire to serve her community as a public official.

29. The Brookfield Democratic Party did not endorse Ms. Miller at the Brookfield Democratic Caucus. However, they did nominate her to fill a ballot vacancy on the Board of Finance (a different position in town government than the position she held on the Board of Education).

30. The Brookfield Democratic Party subsequently endorsed Ms. Miller as a candidate for the Board of Finance.

31. Following the public rejection by her own party at the 2013 Brookfield Republican Caucus, Ms. Miller changed her party affiliation to “Unaffiliated” effective July 24, 2013 in order to run for the vacant position on the Board of Finance.

32. Ms. Miller was not elected to the Board of Finance.

33. Importantly, Ms. Miller deliberately did not change her party affiliation to another political party in the State of Connecticut, and only became “Unaffiliated” as it was impossible for her to run as a member of a political party which had not nominated her.

34. At all relevant times, including the short time that she was registered as “Unaffiliated,” Ms. Miller supported the principles and values of the Republican Party.

35. Shortly after the November 2013 election, Ms. Miller submitted a re-registration form to Defendant Dunkerton's office to change her party affiliation back to Republican from "Unaffiliated."

36. Dunkerton accepted Ms. Miller's form and initialed it. This action had the effect of re-affiliating Ms. Miller with the Republican Party as of December 4, 2013.

37. Thus, Ms. Miller has never affiliated with any political party other than the Republican Party, and was only "Unaffiliated" for approximately six months out of the twelve years prior to April 23, 2015.

38. Unbeknownst to Ms. Miller, at the January 2015 meeting for the Brookfield Republican Party, the members in attendance discussed the potential action of forcibly dis-affiliating her from the Republican Party via C.G.S. §§ 9-60 and 9-61.

39. Upon information and belief, during said discussion, the members of the Brookfield Republican Party who were in attendance at the January 2015 meeting were unanimously *against* dis-affiliating Ms. Miller from the Republican Party.

40. Upon information and belief, after said discussion, the members of the Brookfield Republican Party who were in attendance at the January 2015 meeting voted by raising their hands on whether or not to dis-affiliate Ms. Miller from the Republican Party, and no member voted in favor of the dis-affiliation.

41. Upon information and belief, the Defendants, at or in conjunction with this January 2015 meeting, met for the specific purpose of determining out how best to forcibly dis-affiliate Ms. Miller and thereby violate her constitutional rights.

42. After this unanimous vote, on March 19, 2015, approximately eighteen (18) months after Defendant Dunkerton accepted Ms. Miller's re-registration form in which she elected to affiliate with the Republican Party, Defendants issued her a citation for a closed hearing scheduled for March 26, 2015 pursuant to Conn. Gen. Stat. § 9-60.

43. Defendants rescheduled said hearing to April 9, 2015 at the Brookfield Town Hall.

44. During each step of this hearing, Ms. Miller's constitutional due process rights under the Fourteenth Amendment were violated.

45. The hearing held of April 9, 2015 was little more than a show-trial. It was arranged and presided over by the very individuals who accused Plaintiff of un-Republican activities. The effect of this unconstitutional procedure was that defendants Dunkerton and Grimes were essentially the prosecutor, judge, jury, and executioner. Not surprisingly, these defendants, with the aid and complicity of their co-conspirators defendants Walker and Flynn, stripped Ms. Miller of her Constitutional rights without due process of the law.

46. On or about April 20, 2015, Defendants issued an unsigned and undated decision ("the Decision") as to the issue of whether Ms. Miller should be removed from the Brookfield Republican Party List.

47. The Decision stated that Defendants purportedly found "reasonable proof" of two out of the three acts for which Defendant cited Plaintiff, specifically: (1) Ms. Miller was "a candidate for office under the designation of another party;" and (2) Ms. Miller "actively affiliated" with the Democratic Party.

48. Defendants did not find “reasonable proof” of the third act for which Ms. Miller was cited, “knowingly being a candidate at any primary or caucus of another party.”

49. After Ms. Miller was forcibly dis-affiliated from the Republican Party, and well after the State Action was filed, two male, former members of the Brookfield Republican Party sought to be re-affiliated with the Republican Party.

50. Like Ms. Miller, they too had changed their political affiliation to “Unaffiliated” and had run for town office as Democratic Party candidates.

51. However, in December 2015 these two men were quickly reentered upon the rolls of the Republican Party.

52. Incredibly, the Defendants did not even convene a hearing under C.G.S. §§ 9-60 *et al.* to discuss the actions of these two men, let alone forcibly dis-affiliate them from the Republican Party.

53. Upon information and belief, these two men are still registered as Republicans and will vote in the March 2016 Town primary, and also in the 2016 Republican party presidential primary election.

54. Clearly, if the statutes were applied in a non-discriminatory fashion, the same charges that were brought against Ms. Miller should also have been brought against these two men, and they would also have been forcibly dis-affiliated.

55. The Brookfield Republican Town Committee’s makeup is also indicative of an organization that treats women differently: Of the twenty-five members of the Committee, only five are women. Of these five women, only one is an elected official and serves on the town planning commission. Of the 5 members of the Committee, none hold a position as an officer.

56. The gender makeup of the Brookfield Republican Town Committee is in stark contrast with other town political committees.

57. From April 2003 to April 2015, Ms. Miller has never been enrolled in any other political party or organization other than the Republican Party.

58. From April 2003 to April 2015, Ms. Miller has never actively affiliated with a party other than the Republican Party.

59. From April 2003 to April 2015, Ms. Miller has never attended any primary or caucus of a party other than the Republican Party.

60. From April 2003 to April 2015, Ms. Miller has never espoused any principles which were not congruent with those espoused by the Republican Party.

61. On April 23, 2015, in accordance with the Decision of Defendants, and pursuant to Conn. Gen. Stat. § 9-61, Ms. Miller's name was removed from the Republican Enrollment list against her wishes.

62. Upon information and belief, the Defendants, motivated by their animus towards the Democratic Party, and/or towards Ms. Miller as a woman, conspired to dis-affiliate her from the Republican Party by selectively enforcing §§ 9-60 *et seq.*

63. Due to this removal, Ms. Miller is prohibited from being able to exercise her constitutional right to freedom of association and the right to vote under the First Amendment.

64. By applying the statute only to Ms. Miller and not to the two male individuals who ran for office on the Democratic ticket, Defendants have violated the Equal Protection rights of Ms. Miller under the Fourteenth Amendment of the United States Constitution.

65. By denying Ms. Miller's right to vote, right to Equal Protection under the law, and right to freedom of association, Defendants violated the First Amendment of the United States Constitution as applied to the state of Connecticut by the Fourteenth Amendment and 42 U.S.C. § 1983.

66. As a result of Defendants' actions, Ms. Miller has suffered compensatory damages above and beyond the violation of her Constitutional rights. These damages include, but are not limited to, pain and suffering, emotional distress, loss of dignity, loss of reputation, and damage to Ms. Miller's business.

#### **IRREPARABLE INJURY**

67. If the Defendants' forcible dis-affiliation is allowed to stand and the Court does not act swiftly to protect the Plaintiff's Constitutional rights, including her Equal Protection rights, the Plaintiff will not be permitted to cast her vote in the upcoming town and Republican presidential primary election, which will be held on April 26, 2016. Once this election is held and the Plaintiff is not permitted to participate, she will be irreparably harmed, and no later action by this Court will be able to address said harm. In addition, the Court should exercise its power to issue injunctive relief to prevent the Defendants from using C.G.S. §§ 9-60 *et seq.* to unconstitutionally strip other individuals, and particularly women, of their constitutional rights.

#### **FIRST COUNT**

##### **(Violation of Plaintiff's Right to Freedom of Association – 42 U.S.C. § 1983)**

68. Plaintiff repeats and realleges each and every allegation in the foregoing paragraphs with the same force and effect as if fully set forth herein.

69. By forcibly dis-affiliating Plaintiff from the Republican Party, Defendants, acting under the color of state law, knowingly and intentionally deprived Plaintiff of her fundamental right to freedom of association under the First Amendment to the Constitution of the United States, in violation of 42 U.S.C. § 1983.

70. Pursuant to 42 U.S.C. §§ 1983 and 1988, Plaintiff is entitled to compensatory damages in an amount to be determined by the Court, but believed to exceed \$1,000,000, and the reasonable costs of her legal actions to date, including her reasonable attorneys' fees.

**SECOND COUNT**  
**(Violation of Plaintiff's Fundamental Right to Vote – 42 U.S.C. § 1983)**

71. Plaintiff repeats and realleges each and every allegation in the foregoing paragraphs with the same force and effect as if fully set forth herein.

72. By forcibly dis-affiliating Plaintiff from the Republican Party, and thereby preventing her from voting in the upcoming Republican Presidential primary election, Defendants, acting under the color of state law, knowingly and intentionally deprived Plaintiff of her fundamental right to vote under the First Amendment to the United States Constitution as applied to the state of Connecticut by the Fourteenth Amendment, in violation of 42. U.S.C. § 1983.

73. Pursuant to 42 U.S.C. §§ 1983 and 1988, Plaintiff is entitled to compensatory damages in an amount to be determined by the Court, but believed to exceed \$1,000,000, and the reasonable costs of her legal actions to date, including her reasonable attorneys' fees.



**THIRD COUNT**  
**(Violation of Plaintiff's Due Process Rights – 42 U.S.C. § 1983)**

74. Plaintiff repeats and realleges each and every allegation in the foregoing paragraphs with the same force and effect as if fully set forth herein.

75. Defendants, acting under the color of state law, acted pursuant to Connecticut General Statutes that are both vague and overbroad on their face and as applied.

76. The Defendants use of the unconstitutional statutes to forcibly dis-affiliate the Plaintiff from the Republican Party, and their use of the flawed and unconstitutional processes provided therein, deprived Plaintiff of her fundamental due process rights guaranteed under the Fourteenth Amendment to the Constitution of the United States, in violation of 42 U.S.C. § 1983.

77. Pursuant to 42 U.S.C. §§ 1983 and 1988, Plaintiff is entitled to compensatory damages in an amount to be determined by the Court, but believed to exceed \$1,000,000, and the reasonable costs of her legal actions to date, including her reasonable attorneys' fees.

**FOURTH COUNT**  
**(Violation of Plaintiff's Equal Protection Rights – 42 U.S.C. § 1983)**

78. Plaintiff repeats and realleges each and every allegation in the foregoing paragraphs with the same force and effect as if fully set forth herein.

79. By forcibly dis-affiliating Plaintiff from the Republican Party arbitrarily, and allowing other individuals who have voluntarily dis-affiliated themselves to rejoin the Republican Party without instituting statutory proceedings against them, Defendants, acting under the color of state law, knowingly and intentionally deprived Plaintiff of her fundamental right to Equal Protection under the Fourteenth Amendment to the United States Constitution, in violation of 42. U.S.C. § 1983.

80. As a woman, Plaintiff is a member of a protected class.

81. Because the individuals allowed to rejoin the Republican Party are male, this violation of Equal Protection under the Fourteenth Amendment to the United States Constitution should be subject to heightened scrutiny.

82. Pursuant to 42 U.S.C. §§ 1983 and 1988, Plaintiff is entitled to damages in an amount to be determined by the Court, but believed to exceed \$1,000,000, and the reasonable costs of her legal actions to date, including her reasonable attorneys' fees.

**FIFTH COUNT**  
**(Conspiracy to Violate Civil Rights– 42 U.S.C. § 1985)**

83. Plaintiff repeats and realleges each and every allegation in the foregoing paragraphs with the same force and effect as if fully set forth herein.

84. Motivated by their class-based animus, Defendant Grimes and Defendant Dunkerton, willfully, knowingly and with callous indifference entered into an agreement and conspired to act under the color of state law for the purpose of depriving Plaintiff of her fundamental rights to vote and freely associate, and to equal protection of the law, which are protected under the United States Constitution and §1983.

85. Defendant Grimes and Defendant Dunkerton entered into an agreement and conspired to violate Plaintiff's rights protected under the United States Constitution and §1983, and furthered their conspiracy by the actions recited herein.

86. The actions of Defendant Grimes and Defendant Dunkerton deprived and continue to deprive the Plaintiff of her rights protected under the United States Constitution and § 1983.

87. As a result and proximate cause of the conspiracy perpetrated by Defendant Grimes and Defendant Dunkerton, and furthered by said Defendants' actions, Plaintiff has in the past and will continue in the future to suffer direct and consequential damages, including but not limited to, the loss of Plaintiff's rights recited herein.

88. Pursuant to 42 U.S.C. §§ 1983 and 1988, Plaintiff is entitled to compensatory damages in an amount to be determined by the Court, but believed to exceed \$1,000,000, and the reasonable costs of her legal actions to date, including her reasonable attorneys' fees.

**WHEREFORE**, the Plaintiff prays for a judgment and order:

A. Declaring that the actions of Defendants, acting under the color of state law – specifically Conn. Gen. Stat. §§ 9-60 through 9-63 – deprived Plaintiff of her fundamental rights to vote and to freedom of association, as well as her due process rights under the First and Fourteenth Amendments to the Constitution of the United States in violation of 42 U.S.C. § 1983;

B. Granting equitable relief by compelling the Republican Registrar of Voters for the Town of Brookfield Connecticut to restore Plaintiff's name to the Republican enrollment list thereby restoring Plaintiff's fundamental rights to vote and to freedom of association under the First and Fourteenth Amendment to the Constitution of the United States;

C. Awarding Plaintiff her costs and disbursements associated with the filing and maintenance of her legal actions to date, including an award of reasonable attorneys' fees pursuant to 42 U.S.C. § 1988;

- D. Awarding compensatory damages in an amount to be determined by the Court, but believed to exceed \$1,000,000;
- E. Awarding punitive damages to the extent permitted under the law; and
- F. Granting such other and further relief as this Court shall deem just and proper.

Respectfully submitted,

By: /s/Joseph M Pastore III

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