

Having considered the motion to dismiss for lack of subject matter jurisdiction, the court notes that *United States v. Classic*, 313 U.S. 299 (1941), relied upon by the plaintiffs, establishes the constitutional significance of primary elections for congressional seats. It does not, however, speak to the remedies available under state law with respect to disputes that arise during that process, including with respect to absentee ballot procedures that are governed by state constitutional and statutory law.

The court first concludes that an original jurisdiction proceeding in the Supreme Court under General Statutes § 9-323 is not a proper vehicle to challenge a ruling of an election official with respect to a primary, including one for a federal congressional office. Under our election contest statutory scheme, § 9-323 is limited to challenges for federal office with respect to general elections. Instead, the plaintiffs' challenge should have been brought in Superior Court under General Statutes § 9-329a, which encompasses challenges to primaries for "district office" pursuant to General Statutes § 9-423; a federal congressional primary is indeed one for a "district office." Moreover, to the extent that the plaintiffs' complaint fundamentally is rooted in a challenge to the constitutionality of Executive Order No. 7QQ under Article Sixth, § 7 of the Connecticut Constitution, this court's decisions in *Wrotnowski v. Bysiewicz*, 289 Conn. 522 (2008), and *Scheyd v. Bezrucik*, 205 Conn. 495 (1987), establish that a challenge to the underlying state law is not a "ruling of an elections official" for purposes of our elections contest statutes.

For the foregoing reasons, the defendant's motion to dismiss is granted. No action is necessary on the plaintiffs' motion for order. A more detailed opinion is forthcoming.