

STATE OF CONNECTICUT
STATE ELECTIONS ENFORCEMENT COMMISSION RECEIVED
STATE ELECTIONS

In the Matter of a Complaint by
Donna Donovan, Glastonbury

File No. 2000-2260 5 2001

ENFORCEMENT
COMMISSION

**AGREEMENT CONTAINING CONSENT ORDER
TO PAY A CIVIL PENALTY
FOR VIOLATIONS OF SECTION 9-453j, GENERAL STATUTES.**

This agreement, by and between, Cheryl Gulbrandsen, of 96 Weed Street, Town of New Canaan, County of Fairfield, (hereinafter referred to as Respondent) and the authorized representative of the State Elections Enforcement Commission is entered into in accordance with Section 9-7b-54 of the Regulations of Connecticut State Agencies and Section 4-177(d) of the General Statutes of Connecticut. In accordance herewith, the parties agree that:

1. In late July, Respondent was part of a group of individuals in Connecticut working on a nominating petition drive on behalf of Presidential candidate Patrick Buchanan for the Freedom Party and herself as candidate for Vice President in connection with the November 7, 2000 election.
2. The Office of the Secretary of the State supplied her with petitions forms and instructions for obtaining signatures. Those instructions indicate that the circulator must be present to witness the signature of each person whose name appears on the petition. Respondent did not carefully read the instructions she was given.
3. Instead, Respondent relied upon instructions and directions from the national campaign of Patrick Buchanan. The campaign enlisted the assistance of a group of college students who were paid to go to Connecticut and obtain petition signatures to qualify Mr. Buchanan for the ballot as a Presidential candidate of the Freedom Party.
4. Respondent did not witness the vast majority of the signatures on petitions she certified as circulator and admitted that she signed hundreds of petitions pages with signatures that she had not gathered or witnessed. She claims that she questioned an attorney with the national campaign concerning whether she could sign as circulator despite not having witnessed the petition signers and was told she could do that.

5. Connecticut General Statutes §9-453j, provides in pertinent part:

At the time a petition page is submitted ...to the Secretary of the State, such page shall contain a statement signed by the town clerk of the town in which the circulator is an elector attesting that the circulator is an elector in the town and setting forth his residence address therein and that he is entitled to vote at the election for the office for which such candidacy is being filed. Each page of a nominating petition submitted to the ...Secretary of the State ...shall contain a statement as

to the person who circulated the same, setting forth such circulator's address and the town in which such circulator is an elector and stating that each person whose name appears on such page signed the same in person in the presence of such circulator and that either the circulator knows each such signer or that the signer satisfactorily identified himself to the circulator.


6. The Commission's investigation indicates that Respondent failed to witness each of the seven hundred and one signatures on the three hundred and fifty-one petition pages she signed and submitted as circulator. Respondent admits that she violated §9-453j, General Statutes, and truly regrets her actions.
7. Respondent admits that her conduct was contrary to the circulation procedures set forth in §9-453j of the General Statutes. It is Respondent's position, however, that Sections 9-453j and 9-453i, both of which require circulators to be registered Connecticut voters, raises constitutional concerns under the First Amendment of the United States Constitution but Respondent submits to this agreement merely to avoid further litigation.
8. Respondent agrees that she will not serve as a circulator of any petition for three years from the adoption of this agreement by the Commission.
9. Respondent admits all jurisdictional facts and agrees that this agreement and Order shall have the same force and effect as a final decision and Order entered after a full hearing and shall become final when adopted by the Commission. The Respondent shall receive a copy hereof as provided in § 9-7b-56 of the Regulations of Connecticut State Agencies.
10. It is understood and agreed that this agreement will be submitted to the Commission at its next meeting and, if it is not accepted by the Commission, it is withdrawn by the Respondent and may not be used as an admission in any subsequent hearing, if the same becomes necessary.
11. The Respondent waives:
 - (a) any further procedural steps;
 - (b) the requirement that the Commission's decision contain a statement of findings of fact and conclusions of law, separately stated; and
 - (c) all rights to seek judicial review or to otherwise challenge or contest the validity of the Order entered into pursuant to this agreement.
12. Upon the Respondent's agreement to comply with the Order hereinafter stated, the Commission shall not initiate any further proceedings against her pertaining to this matter, unless required to enforce the Agreement.
13. In the event Respondent fails to make a periodic payment required by this Order, the entire balance shall then become due and owed to the Commission.

ORDER

IT IS HEREBY ORDERED that the Respondent shall pay to the Commission a civil penalty of \$6,000 of which \$2,500 is remitted due to financial hardship. The Respondent shall pay \$500 on or before June 14, 2001 and the remainder to be paid in twelve monthly payments of \$250 each on or before the 15th of each successive month, beginning July 15, until paid in full.

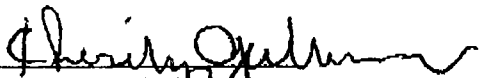
For the State of Connecticut

Dated: 6/6/01

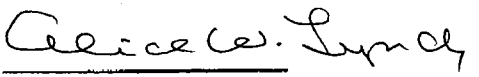
BY: 
Jeffrey B. Garfield, Esq.
Executive Director &
General Counsel and
Authorized Representative
Of the State Elections
Enforcement Commission
18-20 Trinity Street
Hartford, Connecticut

For the Respondent

Dated 6/5/2001

BY: 
Cheryl Gulbrandsen
96 Weed Street
New Canaan, Connecticut

Adopted this 6th day of June, 2001 at Hartford, Connecticut


Alice W. Lynch
Chairmen
By Order of the Commission