

STATE OF CONNECTICUT
STATE ELECTIONS ENFORCEMENT COMMISSION

In the Matter of a Complaint by
John S. Mazurek, Wolcott

File No. 2008-075

**AGREEMENT CONTAINING CONSENT ORDER
AND PAYMENT OF A CIVIL PENALTY FOR A
VIOLATION OF CONNECTICUT GENERAL STATUTES § 9-404b.**

This agreement, by and between John C. Nimmons of the Town of Cromwell, County of Middlesex, State of Connecticut, hereinafter referred to as the 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(c) of the General Statutes of Connecticut. In accordance herewith, the parties agree that:

1. Complainant is the incumbent Democratic state representative for the 80th House District, John "Corky" Mazurek. Complainant was a candidate for the same office in 2008 when petitioning candidate, Karen Houghtaling challenged his endorsement by collecting sufficient signatures to force a primary.
2. Complainant alleged that petition pages circulated by Karen Houghtaling circulators contained problematic signatures and challenged the Circulators' Statement of Authenticity of Signatures that states that "*Each person whose name appears on this petition signatures page signed the same in person in my presence. I either know each such signer or such signer satisfactorily identified himself or herself to me.*"
3. The Houghtaling campaign circulated 26 petition pages containing 311 signatures of which 73 were rejected by the Registrars of Voters due to duplication of signatures, lack of party affiliation and/or unregistered voters. That left candidate Houghtaling with a total of 226 valid signatures. Candidate Houghtaling required 197 signatures for her name to appear on the ballot for the August 12, 2008 State Representative Democratic primary. The complainant alleged that 12 signatures on seven (7) primary petition pages were false.
4. Respondent Nimmons circulated a primary petition page on behalf of Karen Houghtaling for the office of State Representative in the 80th District (comprising the towns of Southington and Wolcott) for the August 12, 2008 primary, including the purported signatures of Ms. Helen Hinkle and Mr. Chester Hinkle of 240 Manor Road in Plantsville, a township within the town of Southington.
5. At the outset, Complainant alleged violations of §9-453 et. seq., nominating petition statutes. However, the complained of petitions were primary petitions governed by Connecticut General Statutes §9-404b.

6. General Statutes § 9-404b, provides in pertinent part:

(d) Each circulator of a primary petition page shall be an enrolled party member of a municipality in this state. Each petition page shall contain a statement signed by the registrar of the municipality in which the circulator is an enrolled party member attesting that the circulator is an enrolled party member in the municipality. Unless such a statement by the registrar of voters appears on each page so submitted, the Secretary shall reject the page. ***Each separate page of the petition shall contain a statement as to the authenticity of the signatures on the page and the number of such signatures, and shall be signed under the penalties of false statement by the person who circulated the page,*** setting forth the circulator's address and the town in which the circulator is an enrolled party member and ***attesting that each person whose name appears on the page signed the petition in person in the presence of the circulator,*** that the circulator either knows each such signer or that the signer satisfactorily identified himself or herself to the circulator and that the ***spaces for candidates supported, offices sought and the political party involved were filled in prior to the obtaining of the signatures.*** Each separate page of the petition shall also be acknowledged before an appropriate person as provided in section 1-29. The ***Secretary shall reject any page*** of a petition filed with the Secretary which does not contain such a statement by the circulator as to the authenticity of the signatures on the page, ***or upon which the statement of the circulator is incomplete in any respect,*** or which does not contain the certification required under this section by the registrar of the town in which the circulator is an enrolled party member. Any individual proposed as a candidate in any primary petition may serve as a circulator of the pages of the petition, provided the individual's service as circulator does not violate any provision of this section.

7. Mr. and Ms. Hinkle flatly deny signing the petition in question and signed a statement under oath to this effect. In fact, Ms. Hinkle states she was asked to sign a petition and refused. She did not identify the Respondent as the person who asked her to sign.
8. In addition, a comparison of the signatures identified as Chester and Helen Hinkle's on the primary petition page and those of the writing samples provided by the Hinkles, as well as their voter registration cards, reveal two distinct writing styles and appear to confirm that two separate individuals signed Mr. and Ms. Hinkle's names onto the petition.
9. Respondent initially informed a Commission investigator that he did not personally witness each signature. Respondent later claimed that though "*I have no specific recall of collecting the signatures of Chester and Helen Hinkle, I conscientiously sought to ensure that all signatures on all petitions that I circulated were accurate, and I believe that all signatures are genuine.*"

10. General Statutes § 9-404b requires that a circulator obtaining petition signatures, must attest that each individual who signs a petition signed before them, and that each signatory was either known to the circulator or satisfactorily identified him or herself to the circulator.
11. It is found that Helen and Chester Hinkle did not sign the petition in question circulated by the Respondent. Accordingly, it is concluded that the Respondent's statement that he personally witnessed each person sign the petition in his presence and that each person was known to him or satisfactorily identified themselves to him is not accurate and constitutes a violation of General Statutes § 9-404b.
12. The petition page where the Hinkles' names appeared contained 7 valid signatures as certified by the Registrars of Voters on June 10, 2008. Disqualification of that petition page would have left candidate Houghtaling with 219 valid signatures and 22 more than the required 197 signatures required for her name to appear on the ballot. Other contested signatures were identified and confirmed by the challenged signatories. Accordingly, the evidence does not suggest the primary should not have occurred.
13. Respondent asserts that he was not familiar with the rules regarding circulating petition pages and the requirement of General Statutes § 9-404b pertaining to witnessing and authenticating signatures, despite the notice contained on the petition instructions and the petitions themselves.
14. Respondent does not admit to having violated the law but acknowledges the evidence against him and enters into this agreement to avoid the cost of contesting the same.
15. The 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 Section 9-7b-56 of the Regulations of Connecticut State Agencies.
16. 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.
17. The Respondent waives:
 - a. Any further procedural steps;
 - b. The requirement that the Commission's decision contain a state findings of fact and conclusions of law, separately stated; and
 - c. All rights to seek judicial review or otherwise to challenge or contest the validity of the agreement or Order entered into pursuant to this agreement.

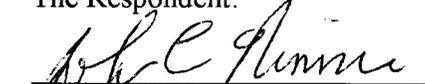
18. Upon the Respondent's compliance with the Order hereinafter stated, the Commission shall not initiate any further proceedings against him pertaining to this matter.

ORDER

IT IS HEREBY ORDERED that the Respondent shall pay a civil penalty in the amount of five hundred dollars (\$500.00) to the State Elections Enforcement Commission by July 20, 2010 and shall henceforth strictly comply with Connecticut General Statutes §9-404b.

For the State Elections Enforcement Commission

The Respondent:


John C. Nimmons
17 Avon Dale Road, Unit 17
Cromwell, Connecticut

BY:


Joan M. Andrews, Esq.
Director of Legal Affairs and Enforcement and
Authorized Representative of the State
Elections Enforcement Commission
20 Trinity St., Suite 101
Hartford, Connecticut

Dated: 7-14-2010

Dated: 7-15-2010

Adopted this ST 21 day of July, 2010 at Hartford, Connecticut by vote of the Commission.


Stephen F. Cashman, Chairman
By Order of the Commission