

STATE OF CONNECTICUT
STATE ELECTIONS ENFORCEMENT COMMISSION

SEP 23 2009

In the Matter of a Complaint by
JoAnn Calligari, West Haven

File No. 2008-077

ENFORCEMENT
COMMISSION

AGREEMENT CONTAINING CONSENT ORDER AND
PAYMENT OF A CIVIL PENALTY FOR VIOLATION OF
CONNECTICUT GENERAL STATUTES § 9-410 (c)

This Agreement, by and between Todd Tompkins, of the City of West Haven, County of New Haven, State of Connecticut 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. JoAnn Calligari, who at all times relevant to the instant matter was the Republican Registrar for the City of West Haven, filed a complaint challenging the authenticity of the signature of Robert J. Guthrie on a primary petition page for Respondent Todd Tompkins for the office of Republican Registrar of Voters, which petition page was signed and purported to be circulated by Mr. Tompkins himself. Complainant also filed an addendum to the instant Complaint challenging the authenticity of multiple signatures on primary petition pages circulated on behalf of Mr. Tompkins.¹
2. The Respondent submitted petition pages in support of his candidacy for Republican Registrar of Voters, including a petition page, circulated by the Respondent himself, bearing the purported signature of Robert J. Guthrie.
3. That petition page contains the following statement:

I am the circulator of this petition page and I make this statement pursuant to the provisions of Chapter 153 of the General Statutes of Connecticut. . . . **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.** The spaces for candidates supported, offices sought and the political party involved was filled in prior to my obtaining signatures. . . .

I hereby declare under the PENALTIES OF FALSE STATEMENT, that the statements made in the foregoing Circulator's Statement of Authenticity of Signatures are true. [Emphasis added.]

4. That Statement was followed by the Respondent's signature.

¹ The allegations concerning an additional Respondent identified in the addendum to the instant Complaint are addressed separately.

5. The signature of Robert J. Guthrie is represented on the petition page signed by the Respondent, but is not Mr. Guthrie's legal signature and was in fact signed by Mr. Guthrie's wife, Joanne Guthrie, in the presence of the Respondent.

6. Connecticut General Statutes § 9-410, provides in pertinent part:

(c) Each circulator of a primary petition page shall be an enrolled party member of a municipality in this state who is entitled to vote. . . . **Each separate sheet of such petition shall contain a statement as to the authenticity of the signatures thereon . . . and shall be signed under the penalties of false statement by the person who circulated the same, setting forth such circulator's address and the town in which such circulator is an enrolled party member and attesting that each person whose name appears on such sheet signed the same in person in the presence of such circulator, that the circulator either knows each such signer or that the signer satisfactorily identified the signer to the circulator** [Emphasis added.]

7. General Statutes § 9-410 (c) requires that each individual that circulates a petition must provide an attestation under the penalties of false statement that each person who signed that petition signed in the circulator's presence, and that each signatory was either known to the circulator or satisfactorily identified him or herself to the circulator.
8. An implicit requirement of General Statutes § 9-410 (c) is that the circulator's attestation be true. Accordingly, if the circulator signed a General Statutes § 9-410 (c) petition statement that he or she knew or reasonably should have known was untrue, that circulator will be deemed to have violated General Statutes § 9-410 (c).
9. Accordingly, it is concluded that the Respondent knew or should have known that on that petition page purporting to bear the signature of Mr. Guthrie the Statement of Authenticity of Signatures that he provided that "each person whose name appears on this page signed the same in person in my presence" was false.
10. As such, the Respondent's knowingly false Statement of Authenticity of Signatures constitutes a violation of General Statutes § 9-410 (c).
11. 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.
12. 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.

13. 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 otherwise to challenge or contest the validity of the Order entered into pursuant to this Agreement.

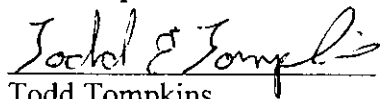
14. Upon the Respondent's compliance with the Order hereinafter stated, the Commission shall not initiate any further proceedings against him pertaining to this matter.

ORDER

IT IS HEREBY ORDERED that the Respondent shall henceforth strictly comply with the requirements of Connecticut General Statutes § 9-410 (c).

IT IS HEREBY FURTHER ORDERED THAT the Respondent shall pay a civil penalty of five hundred dollars (\$500.00) to the Commission on or before September 21, 2009.

The Respondent:



Todd Tompkins
770 Savin Ave.
West Haven, CT 06516

For the State of Connecticut:

BY: 

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

Dated: 9/18/09

Dated: 9/23/09

Adopted this 30th day of September of 20 09 at Hartford, Connecticut



Stephen F. Cashman, Chairman
By Order of the Commission