

**STATE OF CONNECTICUT**  
**STATE ELECTIONS ENFORCEMENT COMMISSION**

In the Matter of a Complaint by  
Karen Post, Coventry

File No. 2012-074

**AGREEMENT CONTAINING CONSENT ORDER**

This agreement, by and between, Inge Pope, Town of Coventry, County of Tolland, State of Connecticut, 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(c) of the General Statutes of Connecticut. Complainant alleged that the Respondent, as Coventry Republican Registrar of Voters, refused to issue primary petition forms for complainant's attempts to petition on to the ballot for Republican Registrar of Voters at the August 14, 2012 primary. In accordance herewith, the parties agree that:

1. At all times referred to hereinafter, the Respondent was Republican Registrar of Voters for the Town of Coventry. The filing deadline for primary petition forms to qualify for the August 14, 2012 primary in Coventry was June 12, 2012.
2. Pursuant to §9-409, General Statutes, Registrars of Voters are required to provide primary petition forms to those individuals who request and meet certain minimum requirements.
3. On Friday May 25, 2012 complainant visited Respondent at her office seeking primary petition forms so that she could gather sufficient signatures to qualify for a primary under General Statutes §9-453a, et al. Respondent explained to complainant at that time that she did not know whether it was appropriate for her as Republican Registrar of voters to issue primary petition forms to complainant as her potential opponent for office at the August 14, 2012 primary.
4. General Statutes §9-409 provides in pertinent part:

Petition forms for candidacies for nomination to municipal office or for election as members of town committees ***shall be available from the registrar beginning on the day following the making of the party's endorsement of a candidate or candidates for such office or position, or beginning on the day following the final day for the making of such endorsement under the provisions of section 9-391, whichever comes first.*** Any person who requests a petition form shall give his name and address and the name, address and office or position sought of each candidate for whom

the petition is being obtained, and shall file a statement signed by each such candidate that he consents to be a candidate for such office or position. In the case of the municipal offices of state senator and state representative, each such candidate shall include on the statement of consent his name as he authorizes it to appear on the ballot. ***Upon receiving such information and statement, the registrar shall type or print on a petition form the name and address of each such candidate, the office sought and the political party holding the primary.*** The registrar shall give to any person requesting such form one or more petition pages, suitable for duplication, as the registrar deems necessary. ...  
[Emphasis added.]

5. Upon investigation, the Commission finds that Respondent denied complainant her request for primary petition forms on May 25, 2012. There is a dispute as to the reasons provided by Respondent at the time, but there is no dispute that the Respondent did not provide primary petition forms to Complainant on May 25, 2012 as required by General Statutes § 9-409, or that complainant met certain minimum eligibility requirements at the time of the request.
6. Upon investigation it was determined that Respondent was uncertain as to whether she as Republican Registrar should issue and process primary petition forms for her potential opponent. Further, the Commission finds that Respondent attempted on May 25, 2012 to confer with the Office of the Secretary of the state prior to issuing the aforementioned forms. Respondent's attempts were unsuccessful at the time of the aforementioned request for petition forms.
7. The Commission finds that the Respondent was ultimately advised by the Office of the Secretary of the State to issue the forms, and that caution would suggest that she allow her Deputy Registrar to certify such petitions upon return by complainant. Furthermore, the Commission finds that Respondent issued complainant the primary petition forms on Wednesday May 30, 2012, which owing to the Memorial Day holiday, was the next business day that the office had scheduled hours following May 25, 2012.
8. Respondent and complainant disagree as to the timing and tenor of the explanation provided by Respondent as to why she could not issue the primary petition forms upon request when originally requested, or whether Respondent conveyed to her that she wanted to ensure the propriety of such action with the Office of the Secretary of the State before issuing such forms on May 25, 2012. Because Respondent and complainant were the only two to witness these exchanges, the Commission declines to make a finding based on available information of the specific nature of the oral exchanges between the two on as detailed herein.

9. The Commission finds that complainant was issued the primary petition forms on May 30, 2012 and did in fact qualify for the August 14, 2012 primary. While complainant alleges that Respondent originally denied her primary petition forms on May 25, 2012 with the intention and purpose of delaying her ability to gather signatures prior to the June 12, 2012 deadline for submitting primary forms, the Commission finds insufficient evidence to support the allegation.
10. Nevertheless, the Commission concludes that the plain language of General Statutes § 9-409, which requires primary petition forms “*shall be available from the registrar,*” creates an affirmative duty to make such petition pages available *upon request* of an individual, which plainly did not occur under these circumstances.
11. Finally, the Commission strongly urges Respondent to review the relevant sections pertaining to the issuance of primary petition forms, and in particularly General Statutes § 9-409, and deems Respondent on notice of such requirements upon issuance and receipt of this order.
12. Under these specific circumstances, where complainant was ultimately issued the primary petition forms, was able to meet the June 12, 2012 deadline for submitting such forms, and was able to qualify for the August 14, 2012 to run against Respondent as the incumbent Republican Registrar of Voters, and because of the lack of evidence that Respondent acted other than in good faith in attempting to clear up her confusion regarding issuing the primary petition forms in question, the Commission declines to seek a civil penalty under these limited circumstances.
13. 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.
14. 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.
15. Respondent waives:
  - a) Any further procedural steps;
  - b) The requirement that the Commission’s decision contains a statement of findings of fact and conclusions of law, separately stated;
  - c) All rights to seek judicial review or otherwise to challenge or contest the validity of the Order entered into pursuant to this agreement.
16. Upon the Respondent’s compliance with the Order hereinafter stated the Commission shall not initiate any further proceedings against Respondent pertaining to this matter.

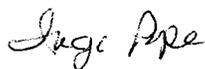
**ORDER**

IT IS HEREBY ORDERED THAT Respondent is *reprimanded* for her violation of General Statutes § 9-409.

IT IS HEREBY FURTHER ORDERED THAT Respondent shall henceforth strictly comply with the requirements of General Statutes §9-409, by making available primary petition forms *upon request*, when and where the statutory requisites for the issuance of such forms otherwise have been satisfied.

**The Respondent:**

**For the State Elections Enforcement Commission**



\_\_\_\_\_  
Inge Pope, Registrar of Voters  
Town of Coventry  
683 Brigham Tavern Road  
Coventry, Connecticut

BY: 

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Michael J. Brandi, Esq.  
Executive Director and General Counsel and  
Authorized Representative of the  
State Elections Enforcement Commission  
20 Trinity Street, Hartford, Connecticut

Dated: 11/9/13

Dated: 1/11/13

Adopted this 16<sup>th</sup> day of January of 2012 at Hartford, Connecticut, by vote of the Commission.

  
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~~Stephen Cashman~~ Anthony J. Castagno, Chairperson  
By Order of the Commission