

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

In the Matter of a Complaint by Tom Frenaye,  
Suffield

File No. 2014-038

**AGREEMENT CONTAINING CONSENT ORDER**

This Agreement, by and between Tami Zawistowski, of the Town of East Granby, County of Hartford, State of Connecticut (hereinafter "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 alleged that Respondent, while candidate for State Representative for the 61st General Assembly District, distributed more than five absentee ballot applications without registering with Suffield and East Granby Town Clerks in violation of General Statutes §9-140 (k) (1).
2. Further, Complainant alleged that Mark K. Hancock also violated §9-140 (k) (1) by registering and receiving more than 5 absentee ballot applications from the Town Clerks of Suffield and East Granby and then "...allowing [Respondent] to deliver them on his behalf."
3. By way of background, Respondent was a candidate at the April 11, 2014 special election, and was elected to the General Assembly from the 61<sup>st</sup> District. Further, Respondent was re-elected to the district that includes East Granby, Suffield and Windsor on the November 4, 2014 election. Respondent has no prior history with the Commission. Mr. Hancock was employed by the Respondent's campaign and reported to Campaign Manager Mary Ann R. Turner.
4. General Statutes § 9-140, provides in pertinent part:
  - (a) Application for an absentee ballot shall be made to the clerk of the municipality in which the applicant is eligible to vote or has applied for such eligibility. . . . ***The municipal clerk shall maintain a log of all absentee ballot applications provided under this subsection, including the name and address of each person to whom applications are provided and the number of applications provided to each such person. Each absentee ballot application provided by the municipal clerk shall be consecutively numbered and be stamped or marked with the name of the municipality issuing the application.***

...

(k) (1) *A person shall register with the town clerk before distributing five or more absentee ballot applications for an election*, primary or referendum, not including applications distributed to such person's immediate family. Such requirement shall not apply to a person who is the designee of an applicant.  
[Emphasis added.]

5. After investigation, it was determined that the absentee ballot application list maintained for the April 17, 2014 General Assembly District 61 special election by the East Granby Town Clerk's office pursuant to General Statutes § 9-140 indicated that Mr. Hancock was issued 743 applications numbered 1141-1883 on March 7, 2014. Further, the absentee ballot application list maintained for the special election by the Suffield Town Clerk's office indicated that Mr. Hancock was issued 1842 applications numbered 1000-2842 on March 7, 2014. The number and ranges of the respective applications issued by East Granby and Suffield is not disputed by Respondent Hancock.
6. Mr. Hancock turned the aforementioned absentee ballot applications over to Ms. Turner who handled the mailings of the Zawistowski campaign which included the applications. Respondent Zawistowski disseminated a campaign mailer with absentee ballot applications under her signature that was obtained from the East Granby and Suffield Town Clerks and produced by her agent and campaign manager Ms. Turner.
7. The Commission has had prior occasions to treat alleged violations of General Statutes § 9-140 (k) (1).<sup>1</sup> More specifically, in *Complaint by Scott Veley*, Berlin, 2011-011, Complainant's allegations, as in this instance, included the following: "Respondent failed to register this distribution of absentee ballot applications with the town clerks of the members' respective towns, in violation of General Statutes §9-140 (k) (1)."

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<sup>1</sup> In *Complaint by David Helming*, Sharon, File No. 2009-154, the Respondent, printed and distributed 67 AB applications from the SOTS website and sent them to voters without the warnings, in violation of both General Statutes §§ 9-140 (k) (1) and (l). The matter was concluded with a Consent Agreement and a Henceforth Order, and no civil penalty. Further, in *Complaint by Christopher Healy*, Wethersfield, 2010-127, the Respondents properly checked out 273 AB applications, but put the incorrect address of Bridgeport Democratic Town Committee headquarters (the address given was a nearby vacant lot) in the log. The Commission found that Respondents violated General Statutes § 9-140 (k) (1). The matter in *Healy* was concluded with a Consent Agreement and a Henceforth Order, and no civil penalty, because according to the Commission the Respondents did put their correct names and telephone numbers and there was no other evidence suggesting that the Respondents sought to conceal their identity.

8. In *Veley* the Commission found that the Respondent, as President of the Connecticut Education Association (CEA), sent a letter with an enclosed absentee ballot application to approximately 3, 626 CEA members. Further, the aforementioned applications were provided by Respondent's agent and Political Coordinator for the CEA. Finally, the letter in *Veley* was written and distributed, under the signature of Respondent as CEA President, by his agent and Political Coordinator an employee of the CEA.
9. Allegation One  
*Respondent distributed more than five absentee ballot applications without registering with Suffield and East Granby Town Clerks in violation of General Statutes §9-140 (k) (1).*
10. Upon investigation, the Commission finds that Respondent distributed a mailing with absentee ballot applications under her signature that was obtained by her agent Mr. Hancock and produced by her agent and campaign manager Ms. Turner.
11. The Commission finds that Respondent did *not* register with either the East Granby or Suffield town clerks' offices to distribute absentee ballot applications prior to the April 27, 2014 special election in the 61<sup>st</sup> General Assembly District. Further, the Commission finds, consistent with *Veley*, that because Respondent ultimately distributed absentee ballot applications in her name she was subject to the requirement of General Statutes § 9-140 (k) (1) regardless of whether such applications were originally obtained by Mr. Hancock or that the relevant campaign mailer was produced by Ms. Turner.
12. The Commission concludes, as detailed in paragraphs 10 and 11 above, that Respondent failed to register to distribute absentee ballot applications with the town clerks of East Granby and Suffield prior to the April 27, 2014 special election in the 61<sup>st</sup> General Assembly District as required by General Statutes § 9-140 (k) (1) and therefore violated that section in each instance.
13. Allegation Two  
*Mr. Hancock violated §9-140 (k) (1) by registering and receiving more than 5 absentee ballot applications from the Town Clerks of Suffield and East Granby and then "...allowing [Respondent Zawistowski] to deliver them on his behalf."*
14. Upon investigation, the Commission finds, as detailed in paragraph 5 above, that Mr. Hancock registered and received absentee ballot applications for the April 27, 2013 special election from the East Granby and Suffield town clerks as required by General Statutes § 9-140 (k) (1).

15. The Commission concludes that, consistent with its prior cases, an individual who complies with the registry requirements of § 9-140 (k) (1) is *not* precluded from subsequently giving them to another for distribution to the public. Specifically, the Commission concludes that § 9-140 (k) (1) does *not* prohibit the distribution of absentee ballot applications to agents or to principals by individuals who have properly followed the registry requirements of that section.
16. The Commission finds after investigation that Complainant's allegations pertaining to Mr. Hancock were not supported by the facts or law under these specific circumstances. The Commission therefore dismisses the allegation that Mr. Hancock violated General Statutes § 9-140 (k) (1), by registering and receiving absentee ballot applications for the April 27, 2013 special election from the East Granby and Suffield Town Clerks and then allowing Respondent to distribute such applications.
17. 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.
18. It is understood and agreed that this Agreement will be submitted to the Commission for consideration at its next meeting and, if the Commission does not accept it, it is withdrawn and may not be used as an admission by either party in any subsequent hearing, if the same becomes necessary.

**ORDER**

IT IS HEREBY ORDERED that Respondent shall henceforth strictly comply with the requirements of General Statutes § 9-140 (k).

The Respondent:

For the State of Connecticut:



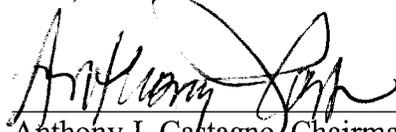
Tami Zawistowski  
11 Seymour Road  
East Granby, Connecticut

BY:   
Michael J. Branch, Esq.  
Executive Director and General Counsel  
& Authorized Representative of the  
State Elections Enforcement Commission  
20 Trinity St., Suite 101  
Hartford, Connecticut

Dated: 2/4/15

Dated: 2/17/15

Adopted this 17<sup>th</sup> day of March of 2015 at Hartford, Connecticut

  
Anthony J. Castagno, Chairman  
By Order of the Commission