

STATE OF CONNECTICUT  
STATE ELECTIONS ENFORCEMENT COMMISSION

In the Matter of a Complaint by  
Edward Avila, Canterbury

File No. 2007-161

FINDINGS AND CONCLUSIONS

Complainant brings this complaint pursuant to Connecticut General Statutes § 9-7b and challenges the authenticity of several signatures on petitions to initiate an action for a vote by electors in the Town of Canterbury. Said petitions were circulated in early February of 2007. The Complainant alleges that the circulators of those petitions have violated Connecticut General Statutes § 7-9 as "some names on the petitions . . . appeared to be forged."

After an investigation of the complaint, the following Findings and Conclusions are made:

1. The Respondent, Donna Green, circulated a petition (the "Petition") on or about February 10, 2007, requesting that a proposal entitled "Establishment of an optional tax relief program for certain homeowners age sixty-five or over permanently and totally disabled" be brought to referendum.
2. The complainant challenged the authenticity of two signatures on that Petition; those of Fred and Linda Green.
3. The Petition contained the following statement (the "Statement") which was followed by the Respondent's signature: "**Each person whose name appears on this petition page signed the same in person in my presence and is known to me or has been satisfactorily identified to me.** None of the signatures on this page were obtained earlier than six months prior to the date the page is filed. I HEREBY STATE UNDER THE PENALTIES OF FALSE STATEMENT THAT THE FOREGOING STATEMENTS ARE TRUE." (Emphasis added.)
4. Connecticut General Statutes § 7-9, explicitly provides the following in pertinent part:

Whenever under the provisions of the general statutes or any special act, any action for a vote by the electors or voters of a municipality is to be initiated by the petition of such electors or voters, in addition to such other requirements as such statute or special act may impose, such petition shall be on a form prescribed or approved by the clerk of such municipality, and **each page of such petition shall contain a statement**, signed under penalties of false statement, **by the person who circulated the same, setting forth such circulator's name and address, and stating that each person whose name appears on said page 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 himself to the circulator** and that all the

signatures on said page were obtained not earlier than six months prior to the filing of said petition. Any page of a petition which does not contain such a statement by the circulator shall be invalid. . . . [Emphasis added.]

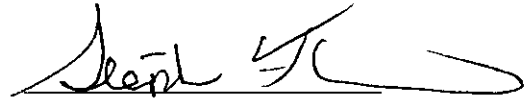
5. With respect to the signatures of Fred and Linda Green, it is found that they each identified themselves to the Respondent and signed their own name to the Petition in the Respondent's presence.
6. It is therefore concluded that Respondent's Statement concerning Fred and Linda Green was true.
7. It is therefore concluded that the Respondent did not violate Connecticut General Statutes § 7-9.

#### ORDER

The following Order is recommended on the basis of the aforementioned findings:

The complaint is hereby dismissed.

Adopted this 9<sup>th</sup> day of May, 2007 at Hartford, Connecticut.



Stephen F. Cashman, Chairman  
By Order of the Commission

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FINDINGS AND CONCLUSIONS

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After an investigation of the complaint, the following Findings and Conclusions are made:

1. The Respondent, Kimberly Kelly, circulated a petition (the "Petition") on or about February 10, 2007, requesting that a proposal entitled "Establishment of an optional tax relief program for certain homeowners age sixty-five or over permanently and totally disabled" be brought to referendum.
2. The complainant challenged the authenticity of two signatures on the Petition; those of Edward and Phyllis Grab.
3. The Petition contained the following statement (the "Statement") which was followed by the Respondent's signature: "**Each person whose name appears on this petition page signed the same in person in my presence and is known to me or has been satisfactorily identified to me.** None of the signatures on this page were obtained earlier than six months prior to the date the page is filed. I HEREBY STATE UNDER THE PENALTIES OF FALSE STATEMENT THAT THE FOREGOING STATEMENTS ARE TRUE." (Emphasis added.)
4. Connecticut General Statutes § 7-9, explicitly provides the following in pertinent part:

Whenever under the provisions of the general statutes or any special act, any action for a vote by the electors or voters of a municipality is to be initiated by the petition of such electors or voters, in addition to such other requirements as such statute or special act may impose, such petition shall be on a form prescribed or approved by the clerk of such municipality, and **each page of such petition shall contain a statement**, signed under penalties of false statement, **by the person who circulated the same, setting forth such circulator's name and address, and stating that each person whose name appears on said page 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 himself to the circulator** and that all the

signatures on said page were obtained not earlier than six months prior to the filing of said petition. Any page of a petition which does not contain such a statement by the circulator shall be invalid. . . . [Emphasis added.]

5. With respect to the signature of Edward Grab, it is found that he satisfactorily identified herself to the Respondent and signed his own name to the Petition in the Respondent's presence.
6. It is therefore concluded that Respondent's Statement concerning Edward Grab's signature was true. As such, she did not the violate General Statutes § 7-9.
7. With respect to the signature of Phyllis Grab, it is found that she satisfactorily identified herself to the Respondent, printed her own name to the Petition and signed the petition in the Respondent's presence.
8. The Commission further finds, however, that on the line for her signature, Phyllis Grab mistakenly signed her husband's name to the petition instead of her own because she was distracted while signing. She did not sign the petition for her husband, Edward Grab. At the time she signed the Petition, Phyllis Grab was 73 years old.
9. The Respondent watched Phyllis Grab sign a name to the petition but, prior to submitting the Petition to the Town Clerk, the Respondent did not realize that Mrs. Grab mistakenly signed the name "Edward Grab" rather than "Phyllis Grab" in her signature block.
10. It is therefore concluded that with respect to Phyllis Grab's signature, the Respondent did not violate General Statutes § 7-9 because Mrs. Grab actually signed the Petition in the Respondent's presence and Respondent was not aware that Mrs. Grab mistakenly signed a different name to that Petition until after making the Statement.

#### ORDER

The following Order is recommended on the basis of the aforementioned findings:

The complaint is hereby dismissed.

Adopted this 9<sup>th</sup> day of May, 2007 at Hartford, Connecticut.



Stephen F. Cashman, Chairman  
By Order of the Commission