

STATE OF CONNECTICUT  
STATE ELECTIONS ENFORCEMENT COMMISSION

Complaint of Shirley Surgeon, Hartford

File No. 2007-336

AGREEMENT CONTAINING HENCEFORTH ORDER AND CIVIL PENALTY  
FOR VIOLATIONS OF GENERAL STATUTES § 9-410(c)

This agreement, by and between Rigoberto Nieva, (hereinafter referred to as "Respondent") of the City of Hartford, County of Hartford, State of Connecticut and the authorized representative of the State Elections Enforcement Commission, is entered into in accordance with § 9-7b-54 of the Regulations of Connecticut State Agencies and § 4-177(c) of the General Statutes of Connecticut.

In accordance herewith, the parties agree that:

1. Complainant is the Democratic Registrar of Voters in Hartford and filed this complaint with the Commission on August 10, 2007. Complainant alleges that primary petitions for municipal office in connection with the September 11, 2007 Hartford Democratic primary were circulated in violation of Connecticut General Statutes § 9-410(c). Specifically, she alleges that primary petition circulators circulated primary petitions for multiple candidates for the office of Mayor of the City of Hartford.
2. The City of Hartford held a Democratic primary on September 11, 2007, for the municipal offices of Mayor and Common Council.
3. Respondent circulated primary petitions for Democratic candidate, Jonathan Clark (Mayor) and his slate of Common Council candidates to gain access to the September 11, 2007 City of Hartford Democratic primary ballot. Respondent also circulated primary petitions for Democratic candidate, State Representative Minnie Gonzalez (Mayor) to gain access to the September 11, 2007 City of Hartford Democratic primary ballot.
4. The INSTRUCTION PAGE FOR PRIMARY PETITION FOR MUNICIPAL OFFICE(S) AT-LARGE provides in pertinent part:

No person may circulate petitions for more than the maximum number of candidates to be nominated by a party for the same office. . . . Any petition page circulated in violation of these provisions of the law must be rejected by the registrar.

5. General Statutes § 9-410(c) 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 petition

page shall contain a statement signed by the registrar of the municipality in which such circulator is an enrolled party member attesting that the circulator is an enrolled party member in such municipality. Unless such a statement by the registrar appears on each page so submitted, the registrar shall reject such page. No candidate for the nomination of a party for a municipal office or the position of town committee member shall circulate any petition for another candidate or another group of candidates contained in one primary petition for the nomination of such party for the same office or position, and any petition page circulated in violation of this provision shall be rejected by the registrar. **No person shall circulate petitions for more than the maximum number of candidates to be nominated by a party for the same office or position, and any petition page circulated in violation of this provision shall be rejected by the registrar.** Each separate sheet of such petition shall contain a statement as to the authenticity of the signatures thereon and the number of such signatures, 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 and that the spaces for candidates supported, offices or positions sought and the political party involved were filled in prior to the obtaining of the signatures. Each separate sheet of such petition shall also be acknowledged before an appropriate person as provided in section 1-29. Any sheet of a petition filed with the registrar which does not contain such a statement by the circulator as to the authenticity of the signatures thereon, or upon which the statement of the circulator is incomplete in any respect, or which does not contain the certification hereinbefore required by the registrar of the town in which the circulator is an enrolled party member, shall be rejected by the registrar. Any individual proposed as a candidate in any primary petition may serve as a circulator of the pages of such petition, provided such individual's service as circulator does not violate any provision of this section. [Emphasis added.]

6. Respondent, violated General Statutes § 9-410(c) by circulating primary petitions for Jonathan Clark (Mayor) and for State Representative Minnie Gonzalez (Mayor).
7. It should be noted that in *Minnie Gonzalez v. Shirley Surgeon et al.*, 284 Conn. 554 (2007), the State Supreme Court reviewed this matter and affirmed the trial court's decision that pursuant General Statutes § 9-410(c) the registrar of voters was statutorily required to reject petitions in support of mayoral candidate's candidacy which were submitted by persons who also circulated petitions for a different mayoral candidate, even though the other candidate was a placeholder or straw candidate and that Registrar of voters must presume that all candidates who submit candidate consent forms are bona fide candidates and must treat all

petitions filed on their behalf the same, for purposes of applying statute prohibiting a person from circulating petitions for more than the maximum number of candidates to be nominated by a party for the same municipal office.

8. 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 § 9-7b-56 of the Regulations of Connecticut State Agencies.
9. It is understood and agreed that this agreement containing henceforth order and civil penalty 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.
10. 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 agreement or Order entered into pursuant to this agreement.
11. Upon the Respondent's agreement with the Order hereinafter stated, the Commission shall not initiate any further proceedings against the Respondent pertaining to this matter.

**ORDER**

IT IS HEREBY ORDERED that the Respondent shall pay a civil penalty of \$200.00 made payable to the State of Connecticut on or before August 6, 2008.

IT IS FURTHER ORDERED that the Respondent shall henceforth strictly comply with § 9-410(c), General Statutes.

For the State of Connecticut

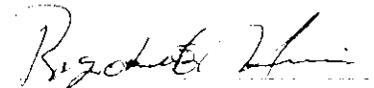
Dated: 8/5/08

BY  


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

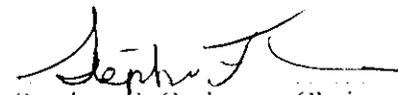
The Respondent

Dated: 8-5-2008



Rigoberto Nieva  
Hartford, CT

Adopted this 6<sup>th</sup> day of August, 2008 at Hartford, Connecticut



Stephen F. Cashman, Chair  
By Order of the Commission