

STATE OF CONNECTICUT
STATE ELECTIONS ENFORCEMENT COMMISSION

Complaints of Luis Caban, Nancy Stephenson,
and, Solomon Hall, Hartford, Connecticut

File Nos. 2007-341 & 2007-343

AGREEMENT CONTAINING CONSENT ORDER CONCERNING A
VIOLATION OF CONNECTICUT GENERAL STATUTES §§ 9-410 AND 9-412

This Agreement, by and between Shirley Surgeon of Hartford, 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 Connecticut General Statutes § 4-177(c). In accordance herewith, the parties agree that:

1. The Complainants, residents of the City of Hartford, challenge the authenticity of several signatures on primary petitions for municipal office of Mayor of the City of Hartford. The name of the candidate on said petitions is Art J. Feltman.
2. Christopher A. Ryan appears to have circulated a minimum of four petition pages on behalf of Art. J. Feltman. One of those petitions contained the following Circulator's Statement of Authenticity of Signatures (hereinafter the "Circulator's 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. My address is 67 Brownell, in the town of Hartford. I am an enrolled member of the political party designated on this petition in said town. 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. **The number of signatures on this petition page is ____.**

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.)

3. That petition page was submitted to and accepted by the Respondent, the Democratic Registrar of Voters for the City of Hartford, even though the number of signatures was not provided.
4. General Statutes § 9-410 provides in relevant part as follows:

(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 the number of such signatures Any sheet of a petition filed with the registrar . . . upon which the statement of the circulator is incomplete in any respect . . . shall be rejected by the registrar. . . .** (Emphasis added.)

5. As noted, the circulator's statement was incomplete as it did not contain the number of signatures on the petition page. The Respondent therefore violated General Statutes § 9-410 (c) by failing to reject that page.
6. While the Respondent acknowledges that General Statutes § 9-410 (c) required her to reject a petition sheet which contained an incomplete Circulator's Statement, she maintains that the Office of the Secretary of the State previously has advised Registrars not to reject a petition sheet if the circulator's statement is substantially complete. She further asserts that it was her "judgment based on prior advice from the Secretary, that the Circulator Statement of Authenticity was substantially complete. Therefore, [she] did not reject this petition sheet." The Respondent has not provided any written evidence from the Office of the Secretary of State to support her assertion.
7. The Respondent's claim is not a defense to her admitted violation of General Statutes § 9-410 (c). Compare Harkness v. Scarpa, Superior Court, Milford, Docket No. CV97-59599S, Corradino, J., 1997 (concluding that language of § 9-410 is mandatory and thus, registrars have no discretion but to reject a petition with an incomplete circulator's statement). The requirement that Registrar's reject a petition sheet with an incomplete Circulator's Statements helps to ensure that the signatures on the petition page are authentic and were not added after that Statement was completed. As such, that requirement must be satisfied with respect to each petition sheet.
8. In addition, another primary petition was circulated on behalf of Art Feltman and submitted to Respondent Surgeon. On that petition, Lisa Stapleton appears to have signed the Circulator's Statement of Authenticity of Signatures. However, Art J. Feltman was listed as the circulator on that same petition; not Lisa Stapleton.
9. The Respondent only certified that Art J. Feltman, who was named as the circulator of the petition, was an enrolled member of the Democratic party of Hartford. The Respondent did not, however, certify that Lisa Stapleton was an enrolled member of the Democratic party of Hartford. Nevertheless, the Respondent accepted that petition.

10. General Statutes § 9-410 (c) further provides as follows:

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. . . . Any sheet of a petition filed with the registrar . . . 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. . . .** (Emphasis added.)

11. General Statutes § 9-412 further provides in pertinent part that:

The registrar shall reject any page of a petition which does not contain the certifications provided in section 9-410

12. The Commission concludes that the Respondent also should have rejected that petition due to the fact that the signatory of the Circulator's Statement, Lisa Stapleton, was not certified as being an enrolled member of the Democratic party of Hartford as required by General Statutes § 9-410 (c). The Respondent, therefore, violated § 9-410 (c) as well as § 9-412.

13. The Respondent maintains that her mistakes with respect to two petitions were made in good faith and were due to the fact that she had to review of an overwhelming amount of petitions (approximately 1250) in a limited amount of time given the new optical scan voting process. The Commission has not uncovered any evidence to the contrary.

14. 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.

15. 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.

16. 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.

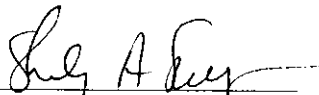
17. Upon the Respondent's agreement to comply with the Order hereinafter stated, the Commission shall not initiate any further proceedings against her pertaining to this matter.

ORDER

IT IS ORDERED that the Respondent shall henceforth strictly comply with General Statutes §§ 9-410(c) and 9-412.


For the Respondent:

Date: 11/13/08

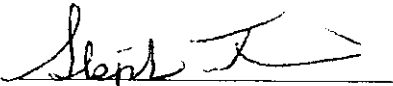
BY: 
Shirley Surgeon
Democratic Registrar of Voters
City of Hartford
550 Main Street
Ground Floor, Rm. 2
Hartford, CT 06103

For the State of Connecticut:

Date: 11/13/08

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

Adopted this 19th day of November, 2008 at Hartford, Connecticut by vote of the Commission.


Stephen F. Cashman, Chair
By Order of the Commission