

STATE OF CONNECTICUT  
STATE ELECTIONS ENFORCEMENT COMMISSION

In the Matter of a Complaint by  
Janice Zackeo, New Fairfield

File No. 2007-387

AGREEMENT CONTAINING HENCEFORTH ORDER  
FOR VIOLATIONS OF  
CONNECTICUT GENERAL STATUTES § 9-140(k)

This agreement, by and between Martin Andrews, (hereinafter referred to as "Respondent") of the Town of New Fairfield, County of Fairfield, 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 New Fairfield Town Clerk and she alleged that the Respondent, a resident of New Fairfield, failed to file his absentee ballot application distribution list for 5 or more absentee ballot applications with her office prior to Election Day, November 6, 2007. Complainant also alleges that Mr. Andrews failed to return unused absentee ballot applications that he received to distribute.
2. Prior to the November 6, 2007 municipal election, the Respondent came to the Complainant's office, and registered and requested ten absentee ballot applications numbered 17 through 26 for the November 6, 2007 municipal election. Respondent came to the Complainant's office a few days later and requested and received an additional twenty absentee ballot applications numbered 47 through 66. Prior to the election, Respondent returned his absentee ballot application distribution list for the absentee ballot applications numbered 47 through 66. Complainant told the Respondent that he needed to return his absentee ballot application distribution list for the absentee ballot applications numbered 17 through 26 prior to the election being held on November 6, 2007.
3. The Respondent did not return his absentee ballot application distribution list for the absentee ballot applications numbered 17 through 26 to the Complainant prior to the election being held on November 6, 2007.
4. General Statutes § 9-140 provides in pertinent part:

. . .(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.

**(2) Any person who distributes absentee ballot applications shall maintain a list of the names and addresses of prospective absentee ballot applicants who receive such applications, and shall file such list with the town clerk prior to the date of the primary, election or referendum for which the applications were so distributed.** Any person who distributes absentee ballot applications and receives an executed application shall forthwith file the application with the town clerk.

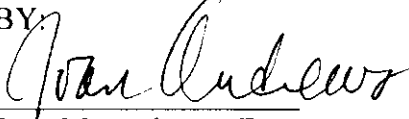
5. The Respondent failed to file his absentee ballot application distribution list for the absentee ballot applications numbered 17 through 26 prior to the election being held on November 6, 2007, a violations of General Statutes § 9-140(k)(2).
6. The Respondent eventually filed his absentee ballot application distribution list for the absentee ballot applications numbered 17 through 26 with the Complainant on January 3, 2008 after the complaint was filed in this matter.
7. 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.
8. It is understood and agreed that this henceforth order will be submitted to the Commission at its next meeting and, if it is not accepted by the Commission, it is withdrawn by the Respondents and may not be used as an admission in any subsequent hearing, if the same becomes necessary.
9. 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.
10. Upon the Respondents' agreement with the Order hereinafter stated, the Commission shall not initiate any further proceedings against him pertaining to this matter.

**ORDER**

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


For the State of Connecticut

Dated: 3/11/08

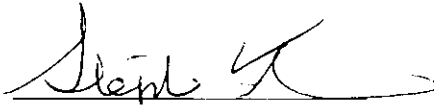
BY:   
Joan M. Andrews, Esq.  
Director of Legal Affairs  
and Enforcement and  
Authorized Representative  
of the State Elections  
Enforcement Commission  
20 Trinity Street, Suite 101  
Hartford, Connecticut

The Respondent

Dated: February 25, 2008

  
Martin Andrews  
New Fairfield, CT

Adopted this 12<sup>th</sup> day of ~~February~~ <sup>March</sup>, 2008 at Hartford, Connecticut

  
Stephen F. Cashman, Chair  
By Order of the Commission