

DEC 2 2008

ENFORCEMENT
COMMISSION

STATE OF CONNECTICUT

STATE ELECTIONS ENFORCEMENT COMMISSION

In the Matter of a Complaint by
Charles A. Marino, West Haven

File No. 2008-078

AGREEMENT CONTAINING CONSENT ORDER
AND PAYMENT OF A CIVIL PENALTY FOR A
VIOLATION OF CONNECTICUT GENERAL STATUTES § 9-410(c).

This agreement, by and between Dorinda Borer of the City of West Haven, County of New Haven, State of Connecticut, hereinafter referred to as the 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 is the Democratic Registrar in the City of West Haven. Complainant alleged that Dorinda Borer circulated a primary petition on behalf of Michelle Hufcut for the office of Democratic Registrar of Voters for the August 12, 2008 primary, and falsely certified the signature of Ms. Mary Amorin, of 174 Center Street, a senior housing complex administered by the City of West Haven.
2. The City of West Haven's Democratic Registrar of Voters certified 864 signatures on primary petitions submitted for Ms. Hufcut, which was above the needed 833 signatures to qualify for the primary. The 14 signatures on the petition page in dispute were not included in the qualifying total and were not certified by the Registrar's office. Ms. Hufcut was certified as a candidate and won the August 12, 2008 primary.
3. General Statutes § 9-410, 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. ... 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. ... [Emphasis added.]

4. A comparison of the signature identified as Ms. Amarin's on the primary petition page and that of the writing sample provided by Ms. Amarin reveals two distinct writing styles and appears to confirm that two separate individuals signed Ms. Amarin's name to these documents. Ms. Amarin denies signing the petition in question.
5. Respondent claims that she believed that a resident of 174 Center Street originally identified herself as Ms. Amarin, and therefore she completed the printed name and address on the petition for Ms. Amarin based on the information on the voter registry list that she was using while circulating petitions. The individual who actually signed the petition, whose signature was identified by Respondent as Ms. Amarin's, was not identified in the course of this investigation.
6. Respondent acknowledges, after receiving this complaint and speaking to Ms. Amarin herself, that Ms. Amarin was not the individual who executed the petition signature under Ms. Amarin's name.
7. General Statutes § 9-410(c) requires that a circulator obtaining petition signatures, must attest that each individual who signs a petition signed before them, and that each signatory was either known to the circulator or satisfactorily identified him or herself to the circulator.

8. Accordingly, it is concluded that the Respondent's statement that she personally witnessed each person sign the petition in her presence and that each person was known to her or satisfactorily identified themselves to her is not accurate and constitutes a violation of General Statutes § 9-410(c).
9. Respondent claims to have known the rules regarding circulating petition pages and the requirement of General Statutes § 9-410(c) pertaining to witnessing and authenticating signatures. According to Respondent, however, she had spent days asking "seniors" for signatures with the petition in one hand and a voter list in another, and must have confused the individual when she wrote the information down, and unknowingly allowed her to sign for Ms. Amarin. The Commission finds that Respondent's error in identifying an individual as Ms. Amarin was unintentional and inadvertent.
10. 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.
11. 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.
12. The Respondent waives:
 - a. Any further procedural steps;
 - b. The requirement that the Commission's decision contain a state 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.
13. Upon the Respondent's compliance with the Order hereinafter stated, the Commission shall not initiate any further proceedings against her pertaining to this matter.

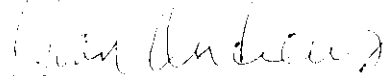
ORDER

IT IS HEREBY ORDERED that the Respondent shall henceforth strictly comply with Connecticut General Statutes §9-410(c), and is assessed a civil penalty in the amount of two hundred dollars (\$200.00), which shall be remitted to the Commission on or before November 18, 2008.

For the State of Connecticut

Dated: 12/18/08

BY:



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

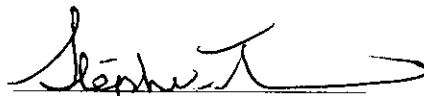
Dated: 11/24/8

The Respondent



Dorinda Borer
821 Main Street
West Haven, Connecticut

Adopted this 17th day of December, 2008 at Hartford, Connecticut



Stephen F. Cashman, Chairman
By Order of the Commission