

**STATE OF CONNECTICUT**  
**STATE ELECTIONS ENFORCEMENT COMMISSION**

In the Matter of a Complaint by Georgiana Holloway  
City of Hartford

File No. 2010-048

**AGREEMENT CONTAINING A CONSENT ORDER**

The parties, Garey Coleman, of the City of Hartford, State of Connecticut, hereinafter referred to as the Respondent, and the undersigned authorized representative of the State Elections Enforcement Commission enter into this agreement as authorized by Connecticut General Statutes § 4-177 (c) and Regulations of Connecticut State Agencies § 9-7b-54. In accordance with those provisions, the parties agree that:

1. Complainant Georgiana Holloway filed this complaint in April 2010 following the Town Committee Primary in Hartford. The complaint alleged that the Democratic Registrar of Voters Olga Vasquez and her deputy, Garey Coleman, had improperly certified ballot petition pages that were incomplete when submitted to the registrar's office.
2. The petition pages were in support of a slate of candidates for Hartford Democratic Town Committee, for which Vasquez was a candidate on the petitioning slate.
3. In a separate legal action, a Connecticut Superior Court determined that 19 petition pages had been improperly certified by Vasquez's office and ruled that the 5<sup>th</sup> District Town Committee slate of candidates, in support of which the petition signatures had been gathered, was not qualified for the ballot. *See Kirkley-Bey et al. v. Vasquez et al.*, Superior Court, judicial district of Hartford at Hartford, Docket No. CV 10-6007952-S (March 1, 2010). The court concluded by a preponderance of the evidence that 19 pages of the ballot petition had been improperly certified by the registrar's office and ordered that the slate be removed from the ballot. *See Kirkley-Bey et al. v. Vasquez et al.*, supra, Superior Court, Docket No. CV 10-6007952-S.
4. General Statutes § 9-410 lists several certifications that must be included on a ballot petition, including the statement that the circulator is an enrolled party member in the municipality where that circulator has gathered petition signatures. *See* General Statutes § 9-410 (c). General Statutes § 9-412 directs a registrar who received a petition page that lacked a statement required under § 9-410, including the circulator's statement certifying party enrollment, to reject that page. *See* General Statutes § 9-412.
5. In this matter, the problem with the petition pages centered on Part C of the petition form. That section asks petition circulators to verify their status as an elector and enrolled party member in the party for which they are circulating the petition. The instructions for Part C

direct the circulator to complete this part of the form *before* submitting it to the registrar. Following the circulator's portion of Part C, the registrar must complete a portion of the form in which the registrar attests that the circulator is a member of the party. *See Kirkley-Bey v. Vasquez*, supra, Superior Court, Docket No. CV 10-6007952-S.

6. In this matter, Part C of the petition pages at issue was not completed by the circulator before those pages were submitted to the registrar's office. The Secretary of the State's office has advised registrars that when Part C is completely blank, registrars should reject the petition pages. *See Kirkley-Bey v. Vasquez*, supra, Superior Court, Docket No. CV 10-6007952-S. The Commission and Connecticut courts have agreed that rejection of such flawed petition pages is mandatory. *See, e.g., In the Matter of a Complaint by Herbert Kusako, Jr., Waterbury*, File No. 92- 163; *Harkness v. Scarpa* (CV 97 59599S, J.D. of Ansonia/Milford, Sept. 5, 1997, Corradino, J.) (stating "it was difficult to see how much more explicit the legislature could be.")
7. In this case, staff in the registrar's office, namely Coleman, completed Part C on the pages where that portion had been omitted by the circulator, then went on to certify the signatures on the pages and qualify the slate for the ballot based on those improperly certified signatures. *See Kirkley-Bey v. Vasquez*, supra, Superior Court, Docket No. CV 10-6007952-S.
8. Coleman serves as the Democratic Deputy Registrar of Voters for the City of Hartford. In his official capacity, he was obligated to review petition pages that were submitted to the office seeking ballot status for slates in the March 2010 Town Committee primary. Coleman added missing certifications to the petition pages and then accepted the documents, in his official capacity as Democratic Deputy Registrar of Voters.
9. The Commission has taken violations of §§ 9-410 (c) and 9-412 very seriously. In 2002, the Democratic Registrar of Voters in West Haven was forced to resign from office and pay a \$7,500 civil penalty for his violations of those provisions. *See Complaint of Tracy Morrissey, Town of West Haven*, File Nos. 2002-106, 2002-131 and 2002-132 (State Elections Enforcement Comm'n, 2002). In that case, however, the registrar had an extensive history of election law violations and agreed to resign from office in exchange for a reduced civil penalty. The same history of violations does not exist in this case.
10. Its enabling statute allows the Commission to impose a civil penalty of as much as \$2,000 for each violation of General Statutes §§ 9-410 and 9-412. Under that rubric, the maximum penalty that the Commission could impose on Coleman in his role as Democratic Deputy Registrar of Voters for accepting the 19 incomplete ballot petition pages would be \$38,000.

11. The Commission's regulations direct the Commission to consider mitigating or aggravating circumstances when imposing a civil penalty. As enumerated in § 9-7b-48 of the Regulations of Connecticut State Agencies:

In its determination of the amount of the civil penalty to be imposed, the Commission shall consider, among other mitigating or aggravating circumstances:

- (1) the gravity of the act or omission;
- (2) the amount necessary to insure immediate and continued compliance;
- (3) the previous history of similar acts or omissions; and
- (4) whether the person has shown good faith in attempting to comply with the applicable provisions of the General Statutes.

Regs., Conn. State Agencies, § 9-7b-48.

12. Respondent admits all jurisdictional facts and agree that this Agreement and Order shall have the same force and effect as a final decision and order entered into after a full hearing and shall become final when adopted by the Commission.

13. 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.

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

15. It is understood and agreed by the parties to this Agreement that the Commission will consider this Agreement at its next meeting and, if the Commission rejects it, the Agreement will be withdrawn and may not be used as an admission by the Respondent in any subsequent hearing, if one becomes necessary.

**ORDER**

IT IS HEREBY ORDERED THAT Respondent pay a civil penalty of \$1,500.00 and further agree henceforth to comply strictly with the requirements of General Statutes §§ 9-410 and 9-412. The civil penalty shall be paid to the Commission in monthly installments of no less than \$150.00, due no later than the 1<sup>st</sup> day of each month, starting on or before January 1, 2014, and ending on or before October 1, 2014. Payments shall be forwarded to State Elections Enforcement Commission and made payable to the "Connecticut State Treasurer." The Respondent understands and agrees that the failure to meet the terms of this payment agreement shall result in referral to the Attorney General for enforcement action, and that should a judgment be secured against the Respondent, the Respondent will be responsible for paying the outstanding balance due under the payment agreement, as well as court costs, attorneys' fees, and interest calculated from the date of the delinquency.

The Respondent

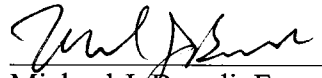
For the State of Connecticut

By:



Gary Coleman, Democratic Deputy ROV  
550 Main St., Ground Flr, Room #2  
Hartford, CT 06103

By:



Michael J. Brandi, Esq.  
Executive Director and General Counsel  
and Authorized Representative of the  
State Elections Enforcement Commission  
20 Trinity St., Suite 101  
Hartford, CT 06106

Dated:

12/4/2013

Dated:

12/18/13

Adopted this 18<sup>th</sup> day of Dec, 2013 at Hartford, Connecticut by vote of the Commission.



Anthony J. Castagno, Chairman  
By Order of the Commission

**RECEIVED  
STATE ELECTIONS**

**DEC 09 2013**

**ENFORCEMENT COMMISSION**