

**RECEIVED  
STATE ELECTIONS**

**JUN 09 2011**

**ENFORCEMENT COMMISSION**

STATE OF CONNECTICUT  
STATE ELECTIONS ENFORCEMENT COMMISSION

In the Matter of a Referral by  
The Secretary of the State

File No. 2011-035

AGREEMENT CONTAINING CONSENT ORDER

This Agreement, by and between Respondent Sharon Miller, of the Town of East Hartford, County of Hartford, State of 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 Section 4-177 (c) of the General Statutes of Connecticut. In accordance herewith, the parties agree that:

1. The Secretary of the State referred this matter pursuant to Connecticut General Statutes § 9-7b and alleged that the Respondent Sharon Miller, town clerk for the City of East Hartford, violated General Statutes § 9-453n by failing to timely file nominating petition pages with the Secretary of the State within two weeks after such pages were so submitted to her by the Secretary.
2. General Statutes § 9-453i prescribes the duties of persons submitting nominating petitions, and reads in full:
  - (a) Each page of a nominating petition proposing a candidate for an office to be filled at a regular election shall be submitted to the appropriate town clerk or to the Secretary of the State not later than four o'clock p.m. on the ninetieth day preceding the day of the regular election.
  - (b) Each page of a nominating petition proposing a candidate for an office to be filled at a special election, except petitions filed under section 9-216, shall be submitted to the appropriate town clerk or to the Secretary of the State not later than four o'clock p.m. on the seventieth day prior to such election, unless (1) such special election is held in conjunction with a regular election and (2) the writ of such special election is issued at least fourteen days before the final day for the filing of primary petitions for municipal offices to be filled at such regular election pursuant to section 9-405, in which case the deadline for submitting such nominating petition pages shall be the same as the deadline for such submission in connection with such regular election as provided in subsection (a) of this section.
  - (c) Each page of a nominating petition proposing a candidate at an election shall be so submitted either (1) to the town clerk of the town in which the signers reside, or (2) to the Secretary of the State, in which case the

Secretary of the State shall submit the petition pages to the appropriate town clerk for the purpose of certifying the signatures on such pages.

(d) On such last day for submitting such nominating petition pages, in each town in which an election is to be held, the office of the town clerk shall open not later than one o'clock p.m. and remain open until at least four o'clock p.m., and the town clerk or his assistant town clerk shall be present therein. (Emphasis added.)

3. General Statutes § 9-453k prescribes the duties of elections officials receiving nominating petitions, and reads in full:

(a) The town clerk or Secretary of the State shall not accept any page of a nominating petition unless the circulator thereof has signed before him or an appropriate person as provided in section 1-29, the statement as to the residency in this state and eligibility of the circulator and authenticity of the signatures thereon required by section 9-453j.

(b) The town clerk or Secretary of the State or an appropriate person as provided in section 1-29 shall certify on each such page that the circulator thereof signed such statement in his presence and that either he knows the circulator or that the circulator satisfactorily identified himself to the individual certifying.

(c) The town clerk or Secretary of the State shall forthwith give to each circulator submitting a page or pages of a nominating petition a receipt indicating the number of such pages so submitted and the date upon which such pages were submitted.

(d) Such town clerk shall certify on each such page the date upon which it was submitted to the town clerk by the circulator or the Secretary of the State and the number of names of electors on such petition page, which names were on the registry list last-completed or are names of persons admitted as electors since the completion of such list. In the checking of signatures on such nominating petition pages, the town clerk shall reject any name if such name is not the name of an elector as specified above. Such rejection shall be indicated by placing a mark in a manner prescribed by the Secretary of the State before the name so rejected. The town clerk shall not reject any name for which the street address on the petition is different from the street address on the registry list, if (1) such person is eligible to vote for the candidate

or candidates named in the petition, and (2) the person's date of birth, as shown on the petition page, is the same as the date of birth on the person's registration record. Such clerk may place a check mark before each name appearing on such registry list or each name of a person admitted as an elector since the completion of such list, but shall place no other mark on such page except as provided in this section.

4. The Town Clerk may delegate the duty of checking signatures to the Registrar of Voters pursuant to General Statutes § 9-453l, which reads:

Any town clerk may delegate his duty to check the names of signers with names of electors on the registry list pursuant to section 9-453k to the registrars of voters in his town, if the registrars consent, and the registrars shall complete the required certifications with respect thereto on the petition, provided the registrars shall execute a receipt for such pages upon receipt thereof stating the number of pages and provided such checking of names by the registrars shall take place in the office of the town clerk or in the office of the registrars of voters if they have an office. After making the required certifications, the registrars shall deliver the petition pages to the town clerk.

5. Pursuant to General Statutes § 9-453n, all petitions must be returned by the town clerk within two weeks of receipt:

Any town clerk receiving any page of a nominating petition under sections 9-453a to 9-453s, inclusive, or section 9-216 shall complete such certifications as specified herein and shall file each such nominating petition page with the Secretary of the State within two weeks after it was so submitted to him. Any such town clerk who fails to so file such petition pages with the Secretary of the State by the time required shall pay a late filing fee of fifty dollars. (Emphasis added.)

6. Here, the Secretary offered 115 petition pages that she alleges were remitted to her office more than two weeks after being received by the Respondent. These nominating petitions were submitted by 3 different campaigns, within the deadlines set forth in General Statutes § 9-453i, above, as follows:

14 pages for State offices for the "Independent" party  
5 pages for Brian Hill for U.S. Senate  
23 pages for Christopher J. Hutchinson for U.S. Congress  
73 pages for State offices for the "Working Families" party

7. According to the Town Clerk's certification on each petition page, she received these petitions from the Secretary of the State's Office ("SOTS") on 5 different dates. Below is a listing of the receipt dates, along with the date on which they should have been returned to the SOTS per General Statutes § 9-453n:

23 pages on 7/13/10 (7/27/10)

10 pages on 7/21/10 (8/4/10)

5 pages on 7/23/10 (8/6/10)

13 pages on 7/29/10 (8/12/10)

64 pages on 8/11/10 (8/25/10)

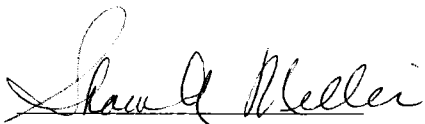
8. According to the Secretary, all of the above petitions were received back from the Respondent Town Clerk on 9/24/10. Each of the petition pages bears an SOTS date stamp with this date.
9. The Respondent asserts that she exercised her ability to delegate the duty of checking the petitions per General Statutes § 9-453l. However, she admits that neither General Statutes § 9-453l nor 9-453n allows her to delegate her responsibility of remitting petition pages within the statutory timeframe. She admits that it was her duty and that she failed to timely perform it, as alleged in the referral.
10. Accordingly, the Commission concludes that the evidence is sufficient to show that the Respondent Town Clerk violated General Statutes § 9-453n 5 times, once for each batch of petitions that the Respondent failed to timely submit to the Secretary of the State.
11. In her referral, the Secretary noted that ultimately the candidates in question were successful even without the signatures contained in these petitions. However, the Secretary also asserted that the Respondent's failure in this case could have had repercussions for ballot access and ballot preparation across the entire state, as the petition pages concerned statewide offices. The Commission agrees. This was a grave error and the Respondent was fortunate that such error did not result in the disenfranchisement of any voter and/or candidate in this instance.

**ORDER**

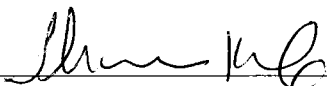
IT IS HEREBY ORDERED that Respondent Sharon Miller shall pay filing fees of \$250 and will henceforth strictly comply with the requirements of Connecticut General Statutes § 9-453n.

**The Respondent:**

**For the State of Connecticut:**



Sharon Miller  
740 Main Street  
East Hartford, CT

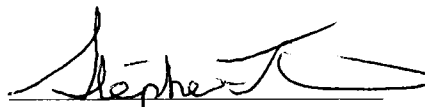
BY: 

Shannon C. Kief, Esq.  
Legal Program Director  
& Authorized Representative of the  
State Elections Enforcement Commission  
20 Trinity St., Suite 101  
Hartford, CT

Dated: 6/7/11

Dated: 6/9/11

Adopted this 22<sup>nd</sup> day of June of 2011 at Hartford, Connecticut



Stephen F. Cashman, Chairman  
By Order of the Commission