

STATE OF CONNECTICUT
STATE ELECTIONS ENFORCEMENT COMMISSION

In the Matter of a Complaint by Louise G. Graver,
Guilford

File No. 2013-108

AGREEMENT CONTAINING CONSENT ORDER

This agreement, by and between Tedman Zuse (hereinafter "Respondent"), of the Town of Guilford, County of New Haven, 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, Town of Guilford Democratic Registrar of Voters, alleged that Respondent appeared in her office on August 4, 2013 with thirteen pages of primary petitions containing 253 signatures which included the names of individuals who did not sign the petition pages. Respondent was attempting to petition on to the ballot as a candidate for First Selectman at the September 13, 2013 Guilford Democratic primary.
2. Specifically, Complainant alleged that there were potentially fraudulent signatures on a petition page for the September 13th primary because she did not recognize the handwriting of her husband's printed name and signature appearing on a petition page that also had the incorrect birth date for him. The petition page containing the aforementioned signature and incorrect birthdate was circulated by Mr. Nelson Rowe of Guilford.
3. Additionally, and regarding the petition page that is subject of this complaint, Complainant alleged that five other printed names and signatures that were sequentially prior to that of her husband appeared to be in the same handwriting. Subsequently, Complainant contacted the relevant individuals named on the petition page and confirmed that the five individuals and her husband whose purported "signatures" had raised her suspicions denied signing any petition page in support of the candidacy of Respondent.
4. Respondent has no prior case history with the Commission. Any settlement pertaining to this complaint and Mr. Rowe is treated under a separate agreement and order.
5. General Statutes § 9-410, provides in pertinent part:
 - (a) *The petition form for candidacies for nomination to municipal office* or for election as members of town committees shall be prescribed by the Secretary of the State and provided by the registrar of the municipality in which the candidacy is to be

filed or duplicate petition pages shall be produced in accordance with section 9-409, and signatures shall be obtained only on such forms or such duplicate petition pages. ***Such form shall include, at the top of the form and in bold print, the following:***

WARNING

IT IS A CRIME TO SIGN THIS PETITION
IN THE NAME OF ANOTHER PERSON
WITHOUT LEGAL AUTHORITY TO DO SO
AND YOU MAY NOT SIGN THIS PETITION
IF YOU ARE NOT AN ELECTOR.

The form shall include thereon a statement of instructions to persons using the form and shall indicate the date and time by which it shall be filed and the person with whom it shall be filed. ***The form*** shall provide spaces for the names and addresses of the candidates, the offices to which nomination is sought or the positions to which election is sought and the political party holding the primary, and ***shall provide lines for the signatures, street addresses, dates of birth and the printing of the names of enrolled party members supporting the person or persons on behalf of whose candidacy the petition is used. ...***

...

(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. ... ***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. ...

[Emphasis added.]

6. General Statutes § 9-7b, provides in pertinent part:
 - (a) The State Elections Enforcement Commission shall have the following duties and powers: ...
 - ...
 - (2) To levy a civil penalty not to exceed (A) two thousand dollars per offense against any person the Commission finds to be in violation of any provision of section ... 9-410 ...
7. After investigation it was determined that Respondent on two prior occasions in 2009 and 2011 a petitioning candidate and had experience with the petitioning process to appear on a ballot as a candidate by gathering petition signatures of qualified electors. Additionally, the Commission notes that the proper uses and proscriptions regarding gathering signatures and circulating such nominating petitions are included on petition pages in this instance and pursuant to General Statutes § 9-410.
8. Upon investigation, Respondent acknowledged that Mr. Rowe circulated a petition page at his request. Further, it was determined that Mr. Rowe signed the Complainant's husband's name and the names of five other individuals without their knowledge on the same petition page that gave rise to this complaint. Further, the Commission finds that Respondent subsequently submitted the aforementioned petition page to the Complainant for the purpose of qualifying to appear on the ballot at the September 9, 2013 Democratic primary. Finally, the Commission finds a lack of evidence that Respondent was aware that Mr. Rowe had signed the names of six individuals on Respondent's petition page without their knowledge or consent.
9. The Commission finds that Respondent falsely signed the *Circulator's Statement of Authenticity of Signatures* that included and incorporated the following declaration: *Each Person whose name appears on this petition signature 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.* Furthermore, the Commission finds that Respondent signed the petition page in question despite a statutory statement of instruction appearing on the petition page and the requirement of a sworn acknowledgment pertaining the circulation of the petition page that he made under oath to the Guilford Town Clerk. Moreover, with actual knowledge that Mr. Rowe, not he, circulated the page.
10. The Commission finds, for the reasons detailed in paragraphs 8 and 9 above, that Respondent did *not* circulate the primary petition page for his candidacy for Guilford First Selectman as alleged by Complainant; was aware that he did not circulate the petition page as he acknowledged under oath to the Guilford Town Clerk; and, Respondent thereby falsely signed the petition page as circulator and then submitted it to Complainant as Democratic Registrar of Voters.

11. The Commission concludes that Respondent signed the *Circulator's Statement of Authenticity of Signatures* on the petition page that is subject to this complaint in violation of General Statutes § 9-410 (c), in that his acknowledgement of the authenticity of the signatures on the petition page under oath was a false statement.
12. The Commission stresses that pertaining any violations of General Statutes § 9-410 (c), the Respondent is liable for both civil penalties and a potential referral by the Commission to the Chief State's Attorney for criminal prosecution.
13. More specifically, the Commission has historically and consistently viewed violations pertaining to the circulation of nominating and primary petitions to be an ***extremely serious offense*** that under various circumstances warrants the imposition of civil penalties and referrals for criminal prosecution against those individuals responsible for such violations. *See Complaint of Francis Knipple and Janis Murtha*, South Windsor, File No. 2006-202 (Respondents each paid civil penalties for signing circulator statements even though they had relinquished the petitions in question to others) and *Complaint of Minnie Gonzalez*, Hartford, File No. 2006-196 (where Respondent paid a civil penalty *and* was referred by the Commission to the Chief State's Attorney for criminal prosecution for violations of § 9-410 (c)).
14. Section 9-7b-48 of the Regulations of Connecticut State Agencies provides that the Commission may consider mitigating or *aggravating* circumstances when determining whether to impose a civil penalty. The Commission may consider:
 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 shown good faith in attempting to comply with the applicable provisions of the General Statutes.***
15. The Commission finds that Respondent's conduct in this instance was both egregious and aggravating in that even with prior experience in attempting to petition onto a ballot, he falsely signed a petition page as circulator and submitted it to Complainant as Democratic Registrar of Voters to secure a place on the September 9, 2013 Guilford Democratic primary ballot when he admittedly did not circulate the petition page.

16. The Commission finds the Respondent's *lack of good faith under these circumstances* in complying with General Statutes § 9-410 (c) troubling considering his two past experiences with circulating primary petitions and nevertheless attempting to petition onto the ballot by such a fraudulent act. Additionally, the inclusion of statutory instructions, detailed declarations pertaining the petition process and proscriptions regarding the use of petition pages, which are incorporated in writing on the petition pages themselves, evidences a reckless disregard for the law by Respondent at its best and a flagrant violation of the law under these circumstances by Respondent at its worst.
17. The Commission views the assessment of a civil penalty in the amount of three thousand dollars (\$3,000.00) under these circumstances as a meaningful deterrent to Respondent and underscores the seriousness with which it treats violations concerning the circulation of primary petitions and violations of General Statutes § 9-410 (c).
18. Notwithstanding the seriousness with which the Commission regards Respondent's conduct and violations in this matter, the Commission nevertheless declines to exercise its authority pursuant to General Statutes § 9-7b (8) to refer this matter to the Chief State's Attorney because of insufficient evidence that Respondent systematically attempted to submit petition pages with forged signatures to the Guilford Registrars of Voters in an attempt to appear on the September 9, 2013 Democratic primary ballot in Guilford.
19. 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.
20. 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.
21. 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.
22. Upon the Respondent's compliance with the Order hereinafter stated, the Commission shall not initiate any further proceedings against her pertaining to this matter.

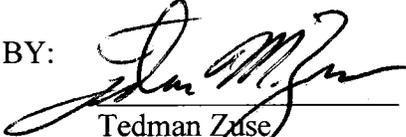
ORDER

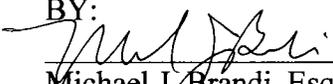
IT IS HEREBY ORDERED THAT the Respondent shall henceforth strictly comply with the requirements of General Statutes § 9-410 (c).

IT IS HEREBY FURTHER ORDERED THAT the Respondent shall pay a civil penalty of three thousand dollars (\$3,000.00) to the Commission on or before June 18, 2014.

The Respondents:

For the State of Connecticut:

BY: 
Tedman Zuse
72 Broad Street
Guilford, Connecticut

BY: 
Michael J. Brandi, Esq.,
Executive Director and General Counsel and
Authorized Representative of the
State Elections Enforcement Commission
20 Trinity Street, Suite 101
Hartford, Connecticut

Dated: 6/20/14

Dated: 6/25/14

Adopted this 18th day of June, 2014 at Hartford, Connecticut


Anthony J. Castagno, Chairman
By Order of the Commission

**RECEIVED
STATE ELECTIONS**

JUN 25 2014

ENFORCEMENT COMMISSION