

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 Nelson Rowe (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 among thirteen pages of primary petitions submitted by Mr. Tedman Zuse containing 253 signatures there were names of individuals who did not sign the petition pages. Mr. Zuse was issued the petition pages and was attempting to petition on to the ballot as a candidate for First Selectman at the September 13, 2013 Guilford Democratic primary.
2. More Specifically, Complainant alleged that there were potentially fraudulent signatures on a petition page which included her husband's name but she did not recognize his handwriting and signature appearing on a petition page issued to and submitted by Mr. Zuse, which also included an incorrect birth date for him.
3. Additionally, Complainant alleged that five other printed names and signatures appearing prior to that of her husband's on the same petition page looked to be in the same handwriting. Consequently, Complainant contacted the relevant individuals named on the petition page and confirmed that the five individuals, as well as her husband, whose "signatures" had raised her suspicions denied signing any petition page in support of the candidacy of Respondent.
4. Based on Complainant's inquiries, she learned that the petition page in question was circulated by Respondent. Respondent has no prior case history with the Commission. Any settlement pertaining to this complaint and Mr. Zuse 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. ...

(b) The names of enrolled party members signing a primary petition need not all be on one sheet but may be on several sheets, but no person shall sign more than one petition page for the same candidate or candidates. ***Any person who signs a name other than the person's own to a primary petition filed under the provisions of this section or who signs a name other than the person's own as circulator of such a petition shall be fined not more than one hundred dollars or imprisoned not more than one year or both.*** Each such sheet shall indicate the candidate or candidates supported, the offices or positions sought and the political party the nomination of which is sought or which is holding the primary for election of town committee members. ...

(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. The Commission finds after investigation that Respondent was an *unaffiliated* elector at all times relevant to this complaint. Further, the Commission finds that Respondent was a paid employee at a printing shop owned by Mr. Zuse at the time he was circulating petitions pages on behalf of Mr. Zuse and his attempt to appear on the ballot at the September 9, 2013 Guilford Democratic primary.
8. Respondent claims that he had not circulated petitions prior to this instance, and upon investigation evidence contrary to this assertion was not determined. Further, Respondent claimed in a written response to this complaint that he was given petition pages by Mr. Zuse at his work place along with other employees. Further, Mr. Zuse asked him to go “door-to-door” in assigned neighborhoods to gather signatures in support of Mr. Zuse’s campaign for Guilford First Selectman. It is not disputed that Mr. Zuse provided Respondent with the petition page that is subject of this complaint.
9. Upon investigation, Respondent admitted that he signed the names of the six individuals identified by Complainant on the petition page in this complaint, including that of his father Mr. Matt Rowe. Respondent claims that he was not aware at the time of the severity of his actions because he was not “informed about what this job was and how it related to [Zuse’s] overall effort.” The evidence does not contradict the Respondent’s aforementioned assertions.

10. The Commission finds, for reasons detailed in paragraphs 8 and 9 above, that Respondent signed the names of other individuals in at least six instances on the primary page that is subject of this complaint in violation of General Statutes § 9-410 (c). The Commission concludes therefore that Respondent violated § 9-410 (c) six times as evidenced upon investigation and by his own admission.
11. 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.*
12. The Commission finds that Respondent's conduct in this instance was both egregious and aggravating in that he signed the names of six other individuals on a primary petition without their knowledge or consent. Further, despite claims of ignorance regarding the requirements of the laws governing the circulation of petitions, the Commission finds ample and plain warnings and instructions that appear on the very petition pages that Respondent circulated and the page on which he signed the names of others. The Commission therefore views the gravity of Respondent's acts as substantial.
13. The Commission finds that Respondent's recklessness and/or extreme carelessness eliminates any claim of *good faith* in attempts to follow the law and regulations regarding circulating petitions and the specific circumstances of this complaint. Furthermore, the Commission finds the Respondent's lack of good faith under these circumstances in complying with General Statutes § 9-410 extremely troubling considering the ample opportunities Respondent had to make himself aware of the requirements of circulating petition pages and the inherent lack of judgment in signing another individual's name to such a document.
14. The Commission views the assessment of a civil penalty in the amount of one thousand dollars (\$1,000.00) under these circumstances as a meaningful deterrent to Respondent. The Commission stresses the seriousness with which it treats violations concerning the circulation of primary petitions, the forging of signatures on primary petitions and violations of General Statutes § 9-410 (b).

15. 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 credible claims that Respondent felt some duress regarding the circulation of petitions on behalf of Mr. Zuse who was his employer at the time.
16. Finally, though not an issue raised by Complainant's allegations, in the course of the investigation it was determined that Respondent was an "unaffiliated" elector. The Commission concludes therefore that he was prohibited from circulating primary petitions for the September 9, 2013 Democratic primary in Guilford pursuant to General Statutes § 9-410 (c) and is deemed on notice of the aforementioned statute and its requirements moving forward.
17. 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.
18. 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.
19. 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.
20. 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 (b).

IT IS HEREBY FURTHER ORDERED THAT the Respondent shall pay a civil penalty of one thousand dollars (\$1,000.00) to the Commission on or before June 18, 2014.

The Respondents:

For the State of Connecticut:

BY:



Nelson Rowe
22 Spring Street
Guilford, Connecticut

Dated: 5/19/14

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: 7/2/14

Adopted this ¹⁶18th day of ~~June~~ ^{JULY}, 2014 at Hartford, Connecticut



Anthony J. Castagno, Chairman
By Order of the Commission

**RECEIVED
STATE ELECTIONS**

JUL - 2 2014

ENFORCEMENT COMMISSION