

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

In the Matter of a Referral by Mary-Jane Ugalde, Town Clerk,  
Burlington

File No. 2021-171

**AGREEMENT CONTAINING CONSENT ORDER**

This Agreement by and between Elanor Parente, Town of Burlington, State of Connecticut, hereinafter referred to as “Respondent,” and the undersigned authorized representative of the State Elections Enforcement Commission, is entered into in accordance with Connecticut General Statutes § 4-177 (c) and Regulations of Connecticut State Agencies § 9-7b-54. In accordance herewith, the parties agree that:

1. Burlington Town Clerk Ugalde made this referral pursuant to her authority under General Statutes § 9-7b (a). The referral pertained the alleged dissemination of absentee ballot applications by Burlington candidate for First Selectman Elanor Parente (hereinafter “Respondent”) to 397 residents. The absentee ballot applications were for the November 2, 2021 municipal election in the Town of Burlington and were distributed with a cover letter from Respondent’s campaign. Town Clerk Ugalde refers this matter based on her knowledge of a potential violation of General Statutes § 9-140 by Respondent.
2. The essential facts that serve as the predicate of this referral and as detailed herein are not disputed.<sup>1</sup>

*Applicable Law*

3. General Statutes § 9-140, provides in pertinent part:

...

**(k) (1) A person shall register with the town clerk before distributing five or more absentee ballot applications for an election, primary or referendum, not including applications distributed to such person's immediate family.** Such requirement shall not apply to a person who is the designee of an applicant.

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<sup>1</sup> Further, it is not disputed that as soon as Respondent was made aware of the various requirements of registering to disseminate absentee ballot applications pursuant to General Statutes § 9-140 (k) (1), she acted to make the situation right with the Burlington Town Clerk, by belatedly registering with the town clerk regarding her dissemination of absentee ballot applications and providing the names of those to whom she had disseminated the applications. By providing such names prior to the primary the Respondent satisfied the requirements of § 9-140 (k) (2).

*(2) Any person who distributes absentee ballot applications shall maintain a list of the names and addresses of prospective absentee ballot applicants who receive such applications, and shall file such list with the town clerk prior to the date of the primary, election or referendum for which the applications were so distributed.* Any person who distributes absentee ballot applications and receives an executed application shall forthwith file the application with the town clerk.

[Emphasis added.]

4. By way of background, it is not disputed that Respondent after being informed by the Town Clerk of the registration requirements for disseminating absentee ballot applications (1) “immediately came down” to the town clerk’s office with a list of those she mailed applications, upon being contacted by Town Clerk Ugalde; and, (2) no “complaints or concerns from residents” were received by Ms. Ugalde a the time of this referral.
5. Further, Respondent was a candidate for First Selectman at the November 2, 2021 municipal election in the Town of Burlington. Respondent registered “Committee to Elect Ellie Parente” with the Burlington Town Clerk as her candidate committee. The absentee ballot applications disseminated by Respondent were disseminated with a printed communication that contained the following attribution, as required by General Statutes § 9-621: “Paid for by Committee to Elect Ellie Parente, J.P. Parente, Treasurer.” The printed communication is excerpted as follows:

*Dear Friends*

*I am hoping that you received my post card announcing my candidacy for the position of First Selectman for our Town.*

*Some of you may know me as an employee of the Town for Twenty-Five years. I am proud that I expanded the Food Pantry, the organization of the Mobile Food Share Truck and the Food and Fuel assistance program.*

*I have enclosed a copy of an Application for an Absentee Ballot. You can return this to the Town Clerk, 200 Spielman Highway, Burlington, CT 06013 to have the official Absentee Ballot mailed to your home.*

*If you need a ride to the polls, contact the Park & Recreation/Dial A Ride at ...*

*In closing, I would appreciate your support at the November 2, 2021 election and I look forward to seeing you at the polls.*

*Sincerely,  
Ellie Parente*

#### *Facts After Investigation*

6. After investigation, it was determined that Respondent failed to register prior to distributing 397 absentee ballot applications to individuals she was not related to as required by General Statutes § 9-140 (k) (1). Respondent provided a written response acknowledging the violation.
7. More specifically, Respondent admitted in response to this complaint and investigation that as a petitioning candidate she distributed “less than 400 randomly selected seniors in Burlington “along with a campaign letter;” but failed to register with the Town Clerk and return a list of electors to whom the applications were distributed. Respondent pointed out that “...as stated in the Town Clerk’s letter to the SEEC I took the necessary steps to correct the error and comply with the rule.” To wit, Respondent submitted the names of the individuals she distributed the absentee ballot applications to prior to the mayoral primary as required by General Statutes § 9-140 (k) (1).
8. Respondent provided a written response to the Commission regarding this complaint and investigation. Her response was consistent with testimony and evidence provided by Town Clerk Ugalde, interviews with Commission staff and documents provided in support of her response. The response is excerpted as follows:

This is an explanation of what transpired regarding File Number 2021-171 as requested.

- I innocently mailed absentee ballot applications to less than 400 randomly selected seniors (from the list of seniors the Registrar of Voters gave me) in the Town of Burlington along with a campaign letter stating they must return the application to the Town Clerk to receive an absentee ballot (I gave the address to Town Hall if mailed). Due to Covid and the allowance of absentee ballots I thought this was a good act.

- Two to three days later, September 30, 2021, the Town Clerk notified me that the Republican Registrar of Voters complained. ...

...

- On that same day, Sept. 30, 2021, I gave the Town Clerk all the names and addresses of the seniors I sent the application to, filled out all the forms and was assigned [application numbers] 1-397 by the town clerk ...

[Respondent] Notes:

...

*As a petitioning candidate I was unaware of any rule.* There was no mention of any rules that accompanied the letter stating I could be on the ballot from the Secretary of State's office. *The only information told to me was how I can be a candidate, form a committee and financially what to do.* Without having guidance from a registrar of voters, as the larger parties do, I was unaware of these [absentee ballot application] rules. ...

*As stated in the Town Clerk's letter to the SEEC I took the necessary steps to correct the error and comply with the rule, still unaware of the rule.*

As stated above I was totally unaware and only mailed the application to be a help to some seniors in the crazy Covid times. *This has been a very upsetting time for me, as I am not a person that would do something I knew, or thought was wrong. I sincerely apologize if I caused any problems.*

[Emphasis added.]

#### *Commission Precedent*

9. The Commission in *Complaint by Thomas Frenaye*, Suffield, File No. 2014-038, concluded violations by Respondent regarding failing to register to disseminate more than five absentee

ballot applications in the two municipalities that made up a General Assembly district in violation of General Statutes § 9-140k. The Commission found where Respondent had no prior history with the Commission a henceforth order was sufficient to settle the matter when dealing with the process by which absentee ballots are disseminated. Further, in Complaint by *David G. LaPointe*, Winsted, File No. 2014-129, Respondent also violated § 9-140 (k) (2) by failing to maintain and return a list of individuals to whom he disseminated absentee ballot applications to and was ordered to henceforth strictly comply with that section to settle the matter.

10. The Commission notes that in *Veley* the Commission did require a civil penalty of \$500.00 for an individual who violated § 9-140 (k) & (l) by failing to register with Town Clerks when disseminating more than 5 absentee ballot applications and failing to provide written warnings and requirements pertaining to the use of absentee ballot applications with their unsolicited dissemination. However, in *Veley* the Commission distinguished prior cases, by pointing out the sheer scale of the dissemination and failure to register, which included 17 municipal Town Clerks' offices, and the fact that Respondent was doing so with agents on behalf of the Connecticut Education Association; which the Commission deemed an inherently sophisticated operation. See *Complaint by Scott Veley*, Berlin, File No. 2011-011.

### *Penalty Considerations*

11. Section 9-7b-48 of the Regulations of Connecticut State Agencies provides that, in the 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 ensure 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.***

[Emphasis added.]

The Commission possesses the authority to set the penalties it assesses for individuals who violate the statutes under its authority. See General Statutes § 9-7b (a) (2). While the maximum penalty available in this instance is \$2,000 per offense or violation, the Commission also has the authority to set a lesser penalty, or forgo the assessment of a penalty, where circumstances call for such leniency.

12. After investigation, the Commission concludes that Respondent violated General Statutes § 9-140 (k) (1) by failing to register with the town clerk prior to disseminate more than five absentee ballot applications to non-family members.
13. The Commission declines to seek a civil penalty in this instance based on application of its precedent and placing adequate weight on its penalty considerations pursuant to Section 9-7b-48 (4), RCSA, which provides that “whether the person has shown good faith in attempting to comply with the applicable provisions of the General Statutes.”
14. In this instance, the Commission believes based on Respondent’s exhibited contrition, attempted remedial steps taken and her candor and cooperation throughout this investigation that its order and her agreement to strictly comply with the requirements of General Statutes § 9-140 will be sufficient to ensure future and continued compliance by Respondent with that section’s requirements.
15. The Respondent admits all jurisdictional facts and concurs 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.
16. 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.

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MAY 27 2022

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17. It is understood and agreed that this Agreement will be submitted to the Commission for consideration at its next meeting and, if the Commission does not accept it, it is withdrawn and may not be used as an admission by either of the parties in any subsequent hearing, if the same becomes necessary.


**ORDER**

IT IS HEREBY ORDERED that the Respondent shall henceforth strictly comply with General Statutes § 9-140 (k) (1).

The Respondent

For the State of Connecticut


By:   
Eleanor Parente  
50 Stagecoach Road  
Burlington, Connecticut

By:   
Michael J. Brandi, Esq.  
Executive Director and General Counsel  
And Authorized Representative of the  
State Elections Enforcement Commission  
55 Farmington Avenue, 8<sup>th</sup> Floor  
Hartford, Connecticut

Dated: 5/27/2022

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Adopted this 14<sup>th</sup> day of June 2022 at Hartford, Connecticut by vote of the Commission.

  
Stephen T. Penny, Chairman  
By Order of the Commission