

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

In the Matter of a Complaint by Pauline Moon,  
Wethersfield

File No. 2021-175

**AGREEMENT CONTAINING CONSENT ORDER**

This Agreement by and between Amanda Drew, Town of Wethersfield, 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. Complainant alleged that the Wethersfield Republican Town Committee (WRTC), WRTC Treasurer Amanda Drew (Respondent in this matter) or WRTC Chairman Richard Roberts violated General Statutes § 9-140 (1) by mailing unsolicited absentee ballot applications without including the warning and requirements for the use of such absentee ballots.<sup>1</sup>
2. More specifically Complainant alleged that:

The attached letter was sent by the Wethersfield Republican Town Committee. The letter encouraged the recipient to vote by absentee ballot and provided instructions on how to do so but did not contain a written warning that voting or attempting to vote by absentee ballot without meeting one of the eligibility requirements subjects the applicant to potential civil or criminal penalties. Connecticut General Statutes 9-140 (!) states that no party committee shall mail unsolicited applications for absentee ballots unless the mailing includes such a warning.

3. Respondent has no prior history of violations with the Commission. At all times relevant to this complaint Richard Roberts was the Chairman of the WRTC and Respondent Drew was the treasurer of the WRTC.
4. The mailing referenced the November 2nd municipal elections in Wethersfield, where voters would elect representatives to the Town Council and Board of Education. The mailer

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<sup>1</sup> This complaint was received by the Commission on October 14, 2021.

described the process for obtaining an absentee ballot and noted that the state legislature had expanded access to absentee ballots in 2021 because of the COVID-19 pandemic. Although the letter explained how to obtain an absentee ballot and vote using that ballot, the letter did not include the requisite warnings that are required in mailers from a party committee that send unsolicited absentee ballot applications.

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

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(1) *No candidate, party or political committee*, or agent of such candidate or committee *shall mail unsolicited applications for absentee ballots to any person, unless such mailing includes: (1) A written explanation of the eligibility requirements for voting by absentee ballot as prescribed in subsection (a) of section 9-135, and (2) a written warning* that voting or attempting to vote by absentee ballot without meeting one or more of such eligibility requirements subjects the elector or applicant to potential civil and criminal penalties. As used in this subsection, “agent” means any person authorized to act on behalf of another person.  
[Emphasis added.]

6. Commission Precedent and General Statutes § 9-140<sup>2</sup>

General Statutes § 9-140 (1) requires that a written explanation of the eligibility requirements for voting by absentee ballot and a written warning regarding voting by absentee ballot, when ineligible to do so, be included with absentee ballot applications when unsolicited dissemination occurs. Furthermore, the Commission has consistently found violations of § 9-140 (1) when such written explanations and warning are not included with unsolicited absentee ballot applications are disseminated by mail. *See, e.g., Complaint by Fritz Blau*, Stamford, File No. 2021-041; *Complaint by Jonathan Best*, Stratford, File No. 2009-081; *Complaint by David Helming*, Sharon, File No. 2009-154; and, *Complaint by Scott Veley*, Berlin, File No. 2011-011. *In Referral by Stacey Gravino*, East Haven Town Clerk, File No. 2015-132B (where Respondent disseminated unsolicited absentee ballot

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<sup>2</sup> The Commission notes that the Office of the Secretary of the State in applying Executive Order 10E, which was issued by Governor Lamont to address the Covid 19 pandemic, provided a formal opinion that Covid 19 was an acceptable basis to meet the requirements of an individual to choose to vote by absentee ballot. That opinion did not impact the requirements of General Statutes § 9-140 pertaining to the dissemination of unsolicited absentee ballots by a committee.

applications on behalf of a town committee without including the requirements and warnings as required by § 9-140 (l) and was required to henceforth comply with that section).

7. The Commission finds that the WRTC sent out unsolicited absentee ballot applications by mail to voters in preparation for the 2021 municipal elections. The letters sent to voters did not carry the warnings required by General Statutes § 9-140 (1).
8. Respondent, as treasurer of the candidate committee, is responsible for the violations of the committee regarding the mailers that failed to satisfy the statutory provisions.
9. The Commission concludes that the WRTC's dissemination of absentee ballot applications prior to the November 2, 2021 election without separate written requirements for the use of absentee ballots and warning of the penalties for the use of absentee ballots violated General Statutes § 9-140 (1).
10. 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.
11. The Commission deems, consistent with its precedent<sup>3</sup> and regulations, that an order requiring Respondent to henceforth strictly comply with General Statutes § 9-140 (l) is both sufficient and reasonable to ensure Respondent's adherence to that sections requirements under these specific facts and circumstances. *See generally, Complaint by Thomas Frenaye,*

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<sup>3</sup> The Commission has found, albeit in applying § 9-140 (k), that where Respondents have had no prior history with the Commission, have otherwise attempted to disseminate absentee ballots correctly and in good faith, and in the absence of attempts by Respondents to mislead or coerce individuals as to the use of absentee ballots, that a henceforth order was sufficient to settle the matters when dealing with the process by which absentee ballots are disseminated. *See generally, Complaint by Thomas Frenaye, Suffield, File No. 2014-038; and, Complaint by David G. LaPointe, Winsted, File No. 2014-129.*

Suffield, File No. 2014-038; and, *Complaint by David G. LaPointe*, Winsted, File No. 2014-129.

12. 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.
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. 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 (l).

The Respondent

For the State of Connecticut

By: Amanda Drew  
Amanda Drew  
340 Wolcott Hill Road  
Wethersfield, Connecticut

By: [Signature]  
Executive Director and General Counsel  
And Authorized Representative of the  
State Elections Enforcement Commission  
20 Trinity Street, Suite 101  
Hartford, Connecticut

Dated: 8/22/2022

Dated: 8/22/22

Adopted this 7<sup>th</sup> day of Sept., 2022 at Hartford, Connecticut by vote of the Commission.

[Signature]  
Stephen T. Penny, Chairman  
By Order of the Commission