

DEC 15 2010

STATE OF CONNECTICUT
STATE ELECTIONS ENFORCEMENT COMMISSION
ENFORCEMENT
COMMISSION

In the Matter of a Complaint by
Virginia S. Harlow, Haddam

File No. 2010-113

AGREEMENT CONTAINING HENCEFORTH ORDER FOR A VIOLATION OF
CONNECTICUT GENERAL STATUTES § 9-258.

This agreement by and between Raymond T. Skarsten of the Town of Haddam, County of Middlesex, State of Connecticut, hereinafter referred to as the Respondent, and the undersigned 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. Respondent served as the Republican Registrars of Voters in the Town of Haddam, at all times relevant to this complaint.
2. Complainant alleged that at the August 10, 2010 primary in the Town of Haddam the Respondent failed as Republican Registrar of Voters to maintain office hours during all hours of voting during the primary.
3. General Statutes § 9-381a provides:

Except as otherwise provided by statute, *the provisions of the general statutes concerning procedures relating to regular elections shall apply as nearly as may be*, in the manner prescribed by the Secretary of the State, *to primaries held under the provisions of this chapter.*

4. General Statutes § 9-258 provides in pertinent part:

For municipalities with more than one voting district, the election officials of each polling place, including voting tabulator technicians, shall be electors of the state and shall consist of one moderator, at least one but not more than two official checkers, two assistant registrars of voters of opposite political parties, each of whom shall be residents of the town, not more than two challengers if the registrars of voters have appointed challengers pursuant to section 9-232, and at least one and not more than two ballot clerks and at least one but not more than two voting tabulator tenders for each voting tabulator in use at the polling place. ...

Additionally, such election officials may consist of two registrars of voters of opposite political parties, or two assistant registrars of voters of opposite political parties, as the case may be, subject to the requirements of sections 9-259 and 9-439, who shall: **(1) Be available by telephone and**

notify all registrars of voters' offices in the state of such telephone number, (2) be connected to the state-wide computerized registry list, and (3) have all voter card files in the polling place for reference. A known candidate for any office shall not serve as an election official on election day or serve at the polls in any capacity, except that a municipal clerk or a registrar of voters, who is a candidate for the same office, may perform his or her official duties. ... Head moderators, central counting moderators, absentee ballot counters and voting tabulator technicians appointed pursuant to law shall be deemed to be election officials. ***No election official shall perform services for any party or candidate on election day nor appear at any political party headquarters prior to eight o'clock p.m. on election day.***
[Emphasis added.]

5. General Statutes § 9-3, provides:

The Secretary of the State, by virtue of the office, shall be the Commissioner of Elections of the state, with such powers and duties relating to the conduct of elections as are prescribed by law and, unless otherwise provided by state statute, the secretary's regulations, declaratory rulings, instructions and opinions, if in written form, shall be presumed as correctly interpreting and effectuating the administration of elections and primaries under this title, except for chapter 155, provided nothing in this section shall be construed to alter the right of appeal provided under the provisions of chapter 54.

6. The Commission notes that in a November 2, 2007 newsletter issued by the Office of the Secretary of the State entitled *Machine Newsletter – Bi-Weekly Voting*, that office advised that:

In a town with more than one voting district, the registrars must be in their office. In a town with only one voting district, the registrars of voters must be in their office unless (1) they are available by phone and all ROV's throughout the state know the contact information, (2) they are connected to the CVRS system at the polls and (3) they all have all voter card files in the polling place for reference.

7. The Commission finds that during the 12 hours that the polls were open Respondent was in the Registrars' of Voters office at the Town Office Building, 30 Field Park Drive in the Town of Haddam, throughout the day, but not at all times on August 10, 2010. The Commission further finds that Respondent and Complainant worked together in the morning of the primary until afternoon.

8. Respondent claims that he left his office on the afternoon of the August 10 primary at approximately 12:30 to 1:00 to inspect and assist at polling places. Respondent asserts that he left his cell phone number displayed above the telephone in the Registrars' office; that he carried with him the voter registry lists; and that he was unaware of any statutory requirements regarding his leaving the Registrars' office on the day of an election or primary. The Commission has found no contrary evidence to Respondent's claims.
9. The Commission concludes that General Statutes § 9-258, consistent with § 9-381a, governs the availability of Registrars of Voters during the hours of voting at a primary. Further, the Commission specifically finds that § 9-258 provides that a Registrar whom leaves his or her office during the hours of voting at a primary must: *(1) Be available by telephone and notify all registrars of voters' offices in the state of such telephone number, (2) be connected to the state-wide computerized registry list, and (3) have all voter card files in the polling place for reference.*
10. The Commission finds that Respondent, although he left a contact telephone number at his office and announced his intention to remain available, did not satisfy the requirements of General Statutes § 9-258, as stated in paragraphs 4, 6 and 9 above. The Commission concludes therefore by failing to notify the state registrars of voters offices in the state of his absence; stay connected to the statewide voter registry list; and by not bringing with him all voter registration card files; Respondent violated § 9-258.
11. 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 into after a full hearing and shall become final when adopted by the Commission.
12. 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.
13. 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 the Respondent in any subsequent hearing, if the same becomes necessary.
14. Upon the Respondents' compliance with the Order hereinafter stated, the Commission shall not initiate any further proceedings against him with respect to this matter.

ORDER

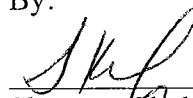
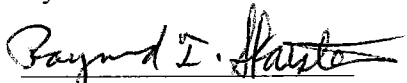
IT IS HEREBY ORDERED THAT the Respondent shall henceforth strictly comply with the requirements of General Statutes § 9-258.

The Respondent

For the State of Connecticut

By:

By:



Raymond T. Skarsten
31 Fieldstone Lane
Higganum, Connecticut

Shannon Clark Kief, Esq.
Legal Program Director
and Authorized Representative
of the State Elections
Enforcement Commission
20 Trinity Street, Suite 101
Hartford, Connecticut

Dated: 12/13/10

Dated: 12/15/10

Adopted this 15th day of December, 2010 at Hartford, Connecticut by vote of the Commission.



Stephen F. Cashman, Chairman
By Order of the Commission