

STATE OF CONNECTICUT
STATE ELECTIONS ENFORCEMENT COMMISSION

In the Matter of a Complaint by Evelyn B. Louziotis, New London

File No. 2011-152

FINDINGS AND CONCLUSIONS

This Complaint was made pursuant to Connecticut General Statutes § 9-7b and alleging possible questionable activity during the counting of the absentee ballots at the November 8, 2011 municipal election held in the City of New London.

After an investigation of the Complaint, the Commission makes the following findings and conclusions:

1. On November 8, 2011 a municipal general election was held in the City of New London.
2. The Complainant here was an observer during the counting of the absentee ballots, which in this instance was done centrally in the legislative chamber of the New London City Council.
3. General Statutes § 9-147a reads:

(a) At any election, primary or referendum all absentee ballots shall be counted in the respective polling places except when counted at a central location. Any election official serving in a polling place may observe the counting of absentee ballots at that polling place.

(b) At any election, primary or referendum, all absentee ballots may be counted at a central location designated by the registrars of voters in writing to the municipal clerk at least twenty days before the election, primary or referendum, which location shall be published in the warning for the election, primary or referendum. If unaffiliated electors are authorized under section 9-431 to vote in the primary of either of two parties, absentee ballots may not be counted at a central location unless both parties decide to have central counting and designate the same room for such central counting. If such designation of a central location has been made, the ballots shall not be counted in any polling place but all absentee ballots shall be separated, counted, tallied, placed in depository envelopes and returned by voting district. Any member of the public may observe the counting of absentee ballots at such central location. (Emphasis added.)

4. General Statutes § 9-147c reads:

Each registrar of voters shall appoint one or more electors of the town, known to be persons of integrity, to count all absentee ballots. No spouse, parent, grandparent, child or sibling of a candidate may be appointed to count absentee ballots on which the name of such candidate appears. If central counting has been designated, the registrars shall also jointly appoint a central counting moderator and alternate moderator pursuant to the requirements of section 9-229. No person shall print, publish, announce, or otherwise make known such count prior to the time for the closing of the polls.

5. Generally, the Complainant was concerned that the Town Council chambers in which the absentee ballots were being counted was disorderly and that she felt that too many individuals were allowed to enter and leave the room. For instance, she was concerned that one of the candidates on the ballot, Jason Catala, entered and left the room during the time which the ballots were being counted.
6. As a general rule, these concerns do not rise to the level of a violation of a law. While the number and type of individuals who may enter a polling place during the hours of voting are prescribed and limited pursuant to General Statutes § 9-236 (c), General Statutes § 9-147a specifically allows any member of the public to observe centrally counted absentee ballots. While the actual handling and the counting of the ballots is specifically limited to the appointed election officials, § 9-147a does not discriminate as to who may “observe” nor does it specifically delineate the boundaries of what constitutes observation. In that instance, it is up to the individual central counting moderator and alternate moderator to keep order in the counting room. See generally, General States § 9-230.
7. The Complainant here raises two other, more specific, concerns. The first is that Barbara Major, in her role as a candidate for a seat on the New London Board of Education in that election, entered the room in which the absentee ballots were being counted and remained “within reach” of the ballots being counted. She does not allege that Ms. Major participated in the counting of the ballots or held another role as an election official, but does allege that she stayed in the room.
8. As a general rule, a person cannot serve in any capacity as an election official if such person is a candidate whose name is on the ballot. General Statutes § 9-258 reads, in pertinent part:
- (a) For municipalities with more than one voting district, the election officials of each polling place 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. *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.* If, in the opinion of the registrar of voters, the public convenience of the electors in any voting district so requires, provision shall be made for an additional line or lines of electors at the polling place and, if more than one line of electors is established, at least one but not more than two additional official checkers and at least one but not more than two ballot clerks for each line of electors shall be appointed and, if more than one tabulator is used in a polling place, at least one and not more than two additional voting tabulator tenders shall be appointed for each additional machine so used. Head moderators, central counting moderators and absentee ballot counters appointed pursuant to law shall also be deemed election officials.

9. The Commission notes that while Ms. Major was a candidate on the ballot in the election, she was also the sitting Republican registrar of voters. However, she was not a candidate for registrar of voters, so she was not permitted to serve as an election official beyond her duties as registrar of voters.
10. Here, the Complainant alleges that Ms. Major was merely in the room, but does not allege that she was actively participating in the actual counting of the votes or that she was serving in any other capacity than that of registrar of voters on that day. Considering this, the Commission concludes that Ms. Major, the sitting Republican registrar of voters, was permitted to be in the central counting location in which the absentee ballots were being counted. As such, this allegation is dismissed.
11. The second allegation is that Ms. Major's daughter-in-law, Jennifer Irizary, was impermissibly appointed as an absentee ballot counter at the November 8, 2011 general election.

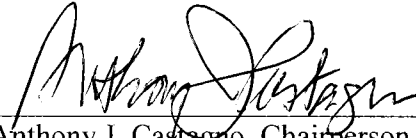
12. Considering the allegation, the Commission concludes that while General Statutes § 9-147c bars a spouse, parent, grandparent, child or sibling of a candidate from serving as an absentee ballot counter, it does not bar a relative by marriage from doing so. This allegation is dismissed.

ORDER

The following Order is recommended on the basis of the aforementioned findings:

That the matter is dismissed.

Adopted this 15th day of May, 2013 at Hartford, Connecticut.

A handwritten signature in black ink, appearing to read "Anthony J. Castagno". The signature is written in a cursive style with a horizontal line underneath it.

Anthony J. Castagno, Chairperson
By Order of the Commission