STATE OF CONNECTICUT

STATE ELECTIONS ENFORCEMENT COMMISSION

In the Matter of a Complaint by
Stephen S. Stambaugh-Walter, Seymour

File No. 2013-019

AGREEMENT CONTAINING A HENCEFORTH ORDER

This agreement, by and between Ronald A. Skurat, Elise Wood and Wesley L. Nelson, Jr., of the Town of Seymour, County of New Haven, State of Connecticut (hereinafter "Respondents"), and the authorized representative of the State Elections Enforcement Commission is entered into in accordance with the Regulations of Connecticut State Agencies § 9-7b-54 and Connecticut General Statutes § 4-177 (c). In accordance herewith, the parties agree that:

1. Respondents Skurat and Wood served as the Democratic Registrar of Voters and Republican Registrar of Voters, respectively, and Respondent Nelson as the Head Moderator, in the Town of Seymour at the November 6, 2012 election.

2. Complainant alleged that the Respondents failed to report votes for registered write-in candidates in the November 6, 2012 election, therefore violating General Statutes § 9-265 (a). Specifically, Complainant alleged that at the Chatfield-Lopresti Elementary School District Three polling place he cast a write-in vote for Jill Stein for President on November 6, 2012 which was not counted.

3. Seymour reported zero votes to the Office of the Secretary of the State for registered write-in candidate for President Jill Stein in all districts at the November 6, 2012 election.

4. Connecticut General Statutes § 9-265 provides, in pertinent part:

> (a) ***A write-in vote for an office, cast for a person who has registered as a write-in candidate*** for the office pursuant to subsection (b) of section 9-175 or section 9-373a, ***shall be counted and recorded***...
> [Emphasis added.]

5. Section 9-242a-23 of the Regulations of Connecticut State Agencies further provides the individual responsible for counting and recording the write-in ballots. That provision provides as follows, in pertinent part:

> The polling place officials shall complete the moderator's returns and shall be guided by instructions of the Secretary of the State. The moderator and assistant registrar of voters shall record on the moderator's returns the voting tabulator result totals for each candidate and question. ***The Moderator and assistant registrar of voters*** shall unlock and remove all the ballots from the write-in bin. They shall record the number of ballots in the write-in bin. ***They shall count by hand the votes cast of the office in which the elector indicated a write-in vote. They shall record on the moderator's returns the write-in votes in accordance with the law governing write-in ballots.***
> [Emphasis added.]

6. The Office of the Secretary of the State has issued written instructions advising that: *Registrars are jointly responsible for proper voting machine preparation, polling place preparation, poll worker training and other duties as required by Connecticut election laws. See Moderator's Handbook of Elections and Primaries (Rev. 9/11)*, Secretary of the State of Connecticut. The Commission has historically concurred with the aforementioned instruction and defers to such written instructions pursuant to General Statutes §9-3.

7. After investigation, the Commission finds that the Seymour District Three polling place voting tabulator tape indicated that five write-in votes for the office of President on November 6, 2012 were cast, of which, *one* of those votes was for a registered write-in candidate as required by General Statutes § 9-265.

8. Further, the Commission finds that the District Three Moderator *correctly* reported the *one* valid vote for registered write-in presidential candidate Jill Stein on the respective Moderator's Return. Finally, the Commission finds that the Head Moderator of Seymour failed to transcribe the aforementioned District Three vote for Jill Stein onto the Head Moderator's Return to the Secretary of State for November 6, 2012.

9. The Commission finds, and Respondent Nelson admits, that the vote for Jill Stein as detailed herein was *not* originally counted and incorporated in the Head Moderator's Return, after he tallied the moderators' returns from the November 6, 2012 election in Seymour, and ultimately forwarded to the Office of the Secretary of the State.

10. The Commission concludes that Respondent Nelson, as Head Moderator at the November 6, 2012 election, failed to count all registered write in votes and therefore violated General Statutes § 9-265. Additionally, the Commission concludes that Respondents Skuret and Wood, based on their joint responsibilities for the training and supervision of elections officials, share responsibility for the failure of the Town of Seymour to record and report all valid write-in votes at the November 6, 2012 election as required by § 9-265.

11. The Commission notes that any such errors of tallying and accounting for a write-in vote for a registered write-in candidates appear to have been caused by unintentional error and that the Respondents have caused the Head Moderator's Return to be amended, after a voluntary recount in response to this investigation, and resubmitted to the Secretary of the State as well as the Seymour Town Clerk's office, thus correcting and addressing any such previous errors, and to satisfy the requirements of General Statutes § 9-265.

12. Respondents admit all jurisdictional facts and agree 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 Respondents shall each receive a copy hereof as provided in Section 9-7b-56 of the Regulations of Connecticut State Agencies.

13. 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 Respondents and may not be used as an admission in any subsequent hearing, if the same becomes necessary.

14. The Respondents waive:
    (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.

15. Upon the Respondents' compliance with the Order hereinafter stated, the Commission shall not initiated any further proceedings against Respondents with respect to this matter.

ORDER

IT IS HEREBY ORDERED that Respondents shall henceforth strictly comply with General Statutes § 9-265 and take caution when recording and reporting write-in votes in future elections.

The Respondents:

By: _____
Ronald A. Skurat
1 First Street
Seymour, Connecticut

Dated: 10/2/13

By: _____
Elsie J. Woods
1 First Street
Seymour, Connecticut

Dated: 10/1/13

By: _____
Wesley L. Nelson, Jr
1 First Street
Seymour, Connecticut

Dated: 10/1/2013

For the State Elections Enforcement Commission:

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: 10/8/13

Adopted this 16th day of October, 2013 at Hartford, Connecticut by vote of the Commission.

_____
Anthony J. Castagno, Chairman
By Order of the Commission

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OCT 4 2013

ENFORCEMENT COMMISSION