

STATE OF CONNECTICUT
STATE ELECTIONS ENFORCEMENT COMMISSION

In the Matter of a Complaint by
Cora M. Santaguida, *et al.*, Stamford

File No. 2013-020

AGREEMENT CONTAINING A HENCEFORTH ORDER

This agreement, by and between Lucy F. Corelli, Alice Fortunato, and Jack Scherban of the City of Stamford, County of Fairfield, 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, Corelli, Fortunato and Scherban served at the November 6, 2012 Stamford election as the Republican Registrar of Voters, the Democratic Registrar of Voters and the Head Moderator, respectively.
2. Complainant Santaguida alleged that she cast a vote for registered write-in candidate Jill Stein at the Westover Elementary School District Ten polling place at the November 6, 2012 election. Further, Complainant Rolf Maurer alleged that he cast a write-in vote for Jill Stein at the Stamford High School District Five polling place on November 6, 2012. Finally, Complainants Richard Duffee and Ron Sala each alleged that they cast a write-in vote for Jill Stein, at the Rippowam Middle School District 13 and the Agudath Shalom District 6 polling places respectively on November 6, 2012 Stamford election.
3. Stamford reported zero ballots with write-in votes from *all* voting districts at the November 6, 2012 election to the Office of the Secretary of the State.
4. 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 provides guidance regarding responsibility 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 Stamford Moderators in Complainants' voting districts Five, Six, Ten and Thirteen correctly reported valid votes for registered write-in presidential candidate Jill Stein and registered write-in candidate for United States Senate Jeff Russell at the November 6, 2012 election.
8. The Commission further finds that the Respondent Scherban, as Stamford Head Moderator for the November 6, 2012 election, did not transcribe results from the respective voting district Moderators' returns containing write-in votes for Jill Stein, as well as ten ballots containing write-votes for Jeff Russell, onto the Head Moderator's Return sent to the Office of the Secretary of State.
9. The Commission concludes that Respondent Scherban did not fulfill the requirements of General Statutes § 9-265, as detailed in paragraph 8 above, as Head Moderator at the City of Stamford for the November 6, 2012 election.


10. Additionally, the Commission concludes that Respondents Corelli and Fortunato, based on their joint responsibilities for the training and supervision of elections officials, share responsibility for the failure of the City of Stamford 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 write-in votes for certified registered write-in candidates as detailed herein appear to have been by unintentional error. Furthermore, the Respondents in the course of the investigation have amended and resubmitted the Head Moderator's Return to the Office of the Secretary of the State, correcting errors and omissions and reflecting accurate write-in vote tallies for registered write-in candidates in the City of Stamford at the November 6, 2012 election, consistent with the requirements of General Statutes § 9-265.
12. Respondents admit all jurisdictional facts and agrees 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 initiate any further proceedings against Respondents with respect to this matter.

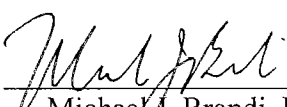
ORDER

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:

For the State Elections Enforcement Commission:

By: 
Lucy F. Corelli
888 Washington Boulevard
Stamford, Connecticut

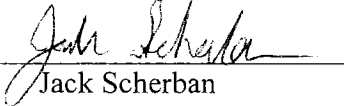
By: 
Michael J. Brandi, Esq.
Executive Director and General Counsel
and Authorized Representative of the
State Elections Enforcement Commission
20 Trinity Street, Suite 101
Hartford, Connecticut

Dated: _____

Dated: 10/28/13

By: _____
Alice Fortunato
26 Hickory Way
Stamford, Connecticut

Dated: _____

By: 
Jack Scherban
180 Turn of River Road, Apt. 1B
Stamford, Connecticut

Dated: 10-22-13

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

Anthony J. Castagno, Chairman
By Order of the Commission

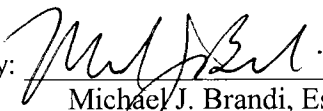
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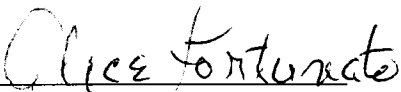
For the State Elections Enforcement Commission:

By: _____
Lucy F. Corelli
888 Washington Boulevard
Stamford, Connecticut

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: _____

Dated: 11/18/13

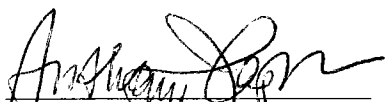
By:  _____
Alice Fortunato
~~26 Hickory Way~~ DO#4785
Stamford, Connecticut

Dated: 11-10-13

By: _____
Jack Scherban
180 Turn of River Road, Apt. 1B
Stamford, Connecticut

Dated: _____

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

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

RECEIVED
STATE ELECTIONS

OCT 29 2013

ENFORCEMENT COMMISSION

**RECEIVED
STATE ELECTIONS**

NOV 19 2013

ENFORCEMENT COMMISSION