

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

In the Matter of a Complaint by Mary Rydingsward, Bristol

File No. 2013-040A

**FINDINGS AND CONCLUSIONS**

The Complainant, the Bristol Democratic Registrar of Voters, brings this Complaint pursuant to Connecticut General Statutes § 9-7b, alleging that during the regular election held in the City of Bristol on November 6, 2012 Respondent Sharon Krawiecki, the Bristol Republican Registrar of Voters: failed to sufficiently coordinate the handling of the marking of the official voter list for absentee ballots received after the last marking session before the election; failed to mark the official polling place registry list in the Edgewood School polling place for two late absentee voters; and failed to update the Connecticut Voter Registry System with the voting information for the two voters.<sup>1</sup>

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

1. The Complainant was at all times relevant to the instant matter, the Bristol Democratic Registrar of Voters.
2. Respondent Krawiecki was at all times relevant to the instant matter, the Bristol Republican Registrar of Voters.
3. A general election was held in the City of Bristol on November 6, 2012 in which state and federal candidates and electors for President of the United States were on the ballot.
4. The Complainant alleges that subsequent to the November 6, 2012 general election, she discovered that two voters, Bruce Avritch and Bruce Suchinski,<sup>2</sup> submitted absentee ballot applications on November 5, 2012 and that while their votes were counted and the central counting absentee voter list was properly marked for these voters, no marking was ever made on the official polling place registry list for their polling place at the Edgewood

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<sup>1</sup> The following are the Commission's findings and conclusions based on those portions of the Complainant's statement of complaint which the Commission could reasonably construe as alleging facts amounting to a specific violation of those laws within the Commission's jurisdiction. Any statements within the Complaint not addressed herein either did not specifically allege a violation or alleged facts which if proven true would not have amounted to a violation within the Commission's jurisdiction.

<sup>2</sup> The Complainant makes additional allegations against Mr. Suchinski that will be addressed separately.

School and such voters were not recorded in Connecticut Voter Registration System (“CVRS”).

5. Specifically, the Complainant alleges that the 2 voters’ absentee ballots came in after the official polling place registry list had been centrally marked and distributed to the moderators. She asserts first that the Respondent unilaterally handled the marking of the absentee voters who came in after the central marking without consulting her and that such action was a violation. She also asserts that through the Respondent’s own actions and/or omissions, she failed to mark the official polling place registry list for Mr. Avritch and Mr. Suchinski. The Complainant asserts that she believes that the Respondent did not want her to know that Mr. Suchinski, a former Democratic primary opponent of the Complainant’s, had voted by absentee ballot and intentionally hid this information from her. Finally, the Complainant alleges that the Respondent failed to record these votes in the Connecticut Voter Registration System (“CVRS”).

6. General Statutes § 9-140c reads, in pertinent part:

(b) Beginning not earlier than the seventh day before the election, primary or referendum and on any weekday thereafter, all absentee ballots received by the municipal clerk not later than eleven o’clock a.m. of such day may be sorted into voting districts by the clerk and checked as provided in this subsection. On any such day, beginning as soon as the ballots have been sorted, the registrars of voters, without opening the outer envelopes, may check the names of the applicants returning ballots on the official checklist to be used at the election, primary or referendum by indicating “absentee” or “A” preceding each such name and, if unaffiliated electors are authorized under section 9-431 to vote in the primary of either of two parties, the designation of the party in which the applicants are voting preceding each such name. If central counting of absentee ballots has been designated by the registrars pursuant to section 9-147a, they shall also place such indication on a duplicate of the checklist to be retained by the municipal clerk until he delivers it to the registrars at twelve o’clock noon on election, primary or referendum day for the use of the absentee ballot counters pursuant to subsection (i) of this section. All absentee ballots received not later than eleven o’clock a.m. of the last day before the election, primary or referendum which is not a Sunday or legal holiday, shall be so sorted and checked not later than such day.

...  
(f) Absentee ballots timely received by the clerk after eleven o’clock a.m. of such last day before an election, primary or referendum shall

be sorted into voting districts by the clerk and retained by him separately until delivered to the registrars of voters for checking.

(g) Any or all of such ballots received after eleven o'clock a.m. of such last day before an election, primary or referendum and before six o'clock p.m. on the day of the election, primary or referendum shall, upon request of the registrars, be delivered to the registrars by the municipal clerk at six o'clock p.m. on the day of the election, primary or referendum *for checking*. . . .

(h) Absentee ballots received after six o'clock p.m. and any ballots received prior to six o'clock p.m. which were not delivered earlier shall be delivered to the registrars at the close of the polls for checking. Although absentee ballots shall be checked by the registrars of voters at various times throughout the election, primary or referendum day, absentee ballots may be counted at one single time during such day. (Emphasis added.)

7. General Statutes § 9-50b reads, in pertinent part:

. . .

(c) Not later than sixty days after each election or primary, the registrars of voters shall update the state-wide centralized voter registration system and indicate whether the eligible voters on the official registry list for such election or primary voted and, if so, if they voted in person or by absentee ballot. (Emphasis added.)

8. The Respondent does not deny the Complainant's allegations insofar as the Respondent generally asserts that before the open of polls on the morning of the Election she assumed the responsibility of distributing copies of the list of late-received absentee ballots among staff and directing them to call the individual polling places so that the official checklist at each polling place could be updated, as required by General Statutes § 9-140c (h). She does not deny that this task was performed by her and the staff without the direct involvement of the Complainant. Regarding the omissions, she asserts that it was a busy high-turnout presidential election and that while an omission was likely made by either staff in her office or at the polling place, she understands that the registrars are responsible for making sure that the task is performed correctly and accepts her share of responsibility.
9. As an initial matter, the Commission concludes that it was not a violation for the Respondent to direct staff to call in the late absentee ballot markings without consulting her counterpart and/or having her present. Certain duties, such as testing and preparing the tabulator, require the presence and participation of both registrars. See General Statutes §

9-247; *In the Matter of a Complaint by Marilyn Higgins, Hampton*, File No. 2013-105. However, while General Statutes §§ 9-140c and 9-50b require that the registrars of voters mark the official checklists and update CVRS, it does not require that the registrars both be present while these tasks are being performed. They are joint and several duties of the registrars and the failure to accomplish either duty is a failure by *both* registrars. Indeed, it is not uncommon for registrars to divide up their duties in order to be more efficient. While ideally registrars should communicate effectively with each other regarding the division of labor regarding the above tasks, the legislature left this to the discretion of each office. As such, at most the alleged unilateral activity was a violation of protocol and/or best practices, but it did not amount to a violation of law.

10. With the above in mind, an omission did occur here—one attributable to both registrars. However, the omission appears to have been very limited. The investigation revealed that Mr. Avritch and Mr. Suchinski appear to have been the only late-received absentee ballot voters designated to cast ballots at the Edgewood School polling place. The markings at the other polling places seem to have been successfully accomplished. The investigation also shows that while the official checklist at the Edgewood School was not marked, the central counting checklist—which was available for the Complainant’s inspection at all times during Election Day and thereafter—was accurately marked to include Mr. Avritch and Mr. Suchinski. Finally, the failure to update the CVRS records with Mr. Avritch and Mr. Suchinski’s information appears to have been due directly to the failure to mark their names on the official checklist, as the official checklist was the source material that the registrars used to enter the data.
11. Considering the aforesaid, the Commission concludes that both registrars failed to update the official checklist to include Mr. Avritch and Mr. Suchinski’s absentee ballot votes. This failure then led to the failure to update CVRS. This issue, which occurred in the heat of a busy presidential election that appears to have otherwise gone smoothly in Bristol, was discovered by the Complainant and corrected by both registrars immediately thereafter. While the registrars must endeavor to avoid such an omission in the future, this issue is not one of grave concern.
12. What does concern the Commission about this complaint is not its content, but that it was referred to the Commission in the first place. This is the fourth intra-office complaint in 2 years.<sup>3</sup> The lion’s share of the issues in this matter and the prior matters stem from what appears in these case to be a fractured relationship between the parties. A basic line of

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<sup>3</sup> See *In the Matter of a Complaint by Peter Munn, Bristol*, File No. 2012-120; *In the Matter of a Complaint by Mary Rydingsward, Bristol*, File No. 2012-135; *In the Matter of a Complaint by Paul Krell, Bristol*, File No. 2013-004.

communication between the parties as to the division of labor for each election or referendum could have mitigated the issues being put before us.

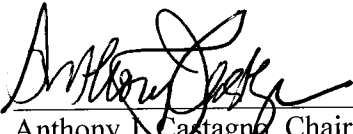
13. Such a breakdown in the working relationship between registrars serves, at best, to weaken the public trust in the registrars' office's ability to accomplish the duties imposed upon them—in most cases jointly and severally. At worst, this kind of breakdown could lead to systemic failures that threaten the very integrity of the voting processes that these registrars are sworn to uphold and protect.
14. The Commission will take no further action here other than to urge the parties to seek other avenues to work out their differences.

**ORDER**

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

That no further action be taken.

Adopted this 18th day of June, 2014 at Hartford, Connecticut.

  
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Anthony J. Castagno, Chairperson  
By Order of the Commission