

STATE OF CONNECTICUT
STATE ELECTIONS ENFORCEMENT COMMISSION

In the Matter of a Complaint Jennifer O'Neill, Southbury

File No. 2014-048

FINDINGS AND CONCLUSIONS

The Complainant brings this Complaints pursuant to Connecticut General Statutes § 9-7b, alleging that Respondents Edward Edelson and Carol Hubert attempted to influence the Southbury registrars of voters to remove a voter from the voter list.

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

1. At all times relevant to the instant Complaint, Respondent Edelson was the first selectman in the Town of Southbury and Respondent Carol Hubert was his chief of staff.
2. At all times relevant to the instant Complaint, Marie Greene was the Democratic registrar of voters in the town of Southbury.
3. At all times relevant to the instant Complaint, Joann Bolin was the Republican registrar of voters in the town of Southbury.
4. The Complainant here alleges that the Respondent Hubert, at Respondent Edelson's direction, entered the Registrars of Voters Office on or about February 27, 2014 and attempted to influence the registrars to remove registered Southbury voter Martha Stephens. The Complainant asserts that Respondent Edelson had some information that Ms. Stephens, a Southbury police officer and the town's assistant animal control officer, might have no longer lived in town and was attempting to have her removed from an appointed task force in town due to a failure to meet the residency requirements.
5. The above allegations were made by the Complainant, a member of the Southbury Board of Selectmen, at a meeting of that body held on or about March 20, 2014.
6. Only registrars may remove a registered elector from a registry list and only under particular circumstances (e.g., notice from the voter of a move out of town; an order from the SEEC; a voter remaining on the "inactive" list for four years).
7. An allegation of undue influence over a registrar to remove a registered elector is an issue of first impression for the Commission. For the purposes of the instant investigation, the

Commission docketed this matter for consideration under General Statutes § 9-364a, which reads:

Any person who influences or attempts to influence by force or threat the vote, or by force, threat, bribery or corrupt means, the speech, of any person in a primary, caucus, referendum convention or election; or wilfully and fraudulently suppresses or destroys any vote or ballot properly given or cast or, in counting such votes or ballots, wilfully miscounts or misrepresents the number thereof; and any presiding or other officer of a primary, caucus or convention who wilfully announces the result of a ballot or vote of such primary, caucus or convention, untruly and wrongfully, shall be guilty of a class C felony.

8. Also for the purposes of the instant investigation, the Commission docketed this matter for consideration under General Statutes § 9-355, which reads:

Any person who, without reasonable cause, neglects to perform any of the duties required of him by the laws relating to elections or primaries and for which neglect no other punishment is provided, and any person who is guilty of fraud in the performance of any such duty, and any person who makes any unlawful alteration in any list required by law, shall be fined not more than three hundred dollars or be imprisoned not more than one year or be both fined and imprisoned. Any official who is convicted of fraud in the performance of any duty imposed upon him by any law relating to the registration or admission of electors or to the conduct of any election shall be disfranchised. Any public officer or any election official upon whom any duty is imposed by part I of chapter 147 and sections 9-308 to 9-311, inclusive, who wilfully omits or neglects to perform any such duty or does any act prohibited therein for which punishment is not otherwise provided shall be fined not more than two thousand dollars or imprisoned not more than three years or both.

9. Turning to the investigation of the matter here, the Commission notes that the Complainant submitted no further support for her allegations that the actions of February 27, 2014 attributed to Respondent Hubert occurred.
10. Indeed, included as a “supporting” document in the Complainant’s submission to the Commission is an April 4, 2014 letter signed by both registrars denying that the events alleged by the Complainant ever occurred. In addition to denying the Complainant’s assertion of a February 27, 2014 visit from Respondent Hubert, the registrars deny that any such request was ever made by either of the Respondents here. They go on to state in the

letter that Officer Stephens remained a voter in Southbury at that time and that the only contact the registrar's office would have had with Officer Stephens would have been through the annual mail canvass of all voter required by General Statutes § 9-32. The registrars go on to state that they find the Complainant's allegations "outrageous and insulting to our office."

11. The Respondents here generally deny the Complainant's allegations, deny that the events alleged occurred and point to, *inter alia*, the registrars' letter a proof of a lack of support for the Complainant's case here.
12. After investigation, the Commission agrees with the Respondent here. The investigation revealed no support for the factual allegations made in this Complaint.
13. The interviews and statements of the registrars generally support their statements in the letter of April 2, 2014. The registrars have no memory or record of any such request to remove Officer Stephens ever having been made to them or any of their staff.
14. The Connecticut Voter Registry System indicates that a canvass was made pursuant to General Statutes § 9-32 of voters in the Town of Southbury starting in January 2014 and that Officer Stephens failed to reply to the canvass. As of June 2014, Officer Stephens registration moved to the "inactive" list, but she remains a registered elector in the Town of Southbury.
15. However, the registrars submitted documents in support of their canvassing of Ms. Stephens and moving her to the "inactive" list. Two separate independent address databases indicated that Ms. Stephens had moved to Naugatuck in or about June 2013. The registrars submitted statements that Officer Stephens had not responded to the canvass within the statutory period, which is why she was ultimately moved to the "inactive" list in June 2014.
16. Considering the aforesaid, the Commission finds that there is no support for the Complainant's allegations here. Accordingly, this matter should be dismissed.

ORDER

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

That the matter is dismissed.

Adopted this 16th day of September, 2014 at Hartford, Connecticut.


Anthony J. Castagno, Chairperson
By Order of the Commission