

STATE OF CONNECTICUT
STATE ELECTIONS ENFORCEMENT COMMISSION

In the Matter of a Complaint by James E. O'Donnell,
Bridgeport

File No. 2015-159

FINDINGS AND CONCLUSIONS

Complainant brought this complaint pursuant to § 9-7b, General Statutes of Connecticut, alleging that the City of Bridgeport Registrars' of Voters Office violated General Statutes § 9-245 in that they failed to provide Complainant with copies of the reports from the pre-election set-up of the tabulators that they conducted pursuant to § 9-244 pertaining to the November 3, 2015, municipal election in the City of Bridgeport.

After investigation of this matter, the Commission makes the following findings and conclusions:

1. Complainant alleged that the Bridgeport Registrars' of Voters office violated General Statutes § 9-245 in that they failed to provide Complainant with the copies of reports from the preparation, testing and sealing of tabulators on October 27, 2015, conducted pursuant to § 9-244 and pertaining to the November 3, 2015 municipal election in Bridgeport.
2. General Statutes § 9-244, provides in pertinent part:

...

(c) After the registrar or registrars have prepared the tabulators, the registrars of voters, or their designees, shall test and seal such tabulators for use in the election. The chairpersons of the town committees of the political parties and any candidate for an office appearing on the ballot may also be present, or may designate a watcher who may be present, during the testing and sealing, but such chairpersons, candidates and watchers shall not interfere with the testing or sealing. *All such persons who are present for the testing and sealing of the tabulators shall file a written report, as provided in section 9-245, certifying (1) to the numbers of the tabulators, (2) as to whether all the candidate and question counters are set at zero (000), (3) as to the numbers registered on the protective counters, if provided, and the numbers on the seals, (4) that the ballot is properly prepared, and (5) that the tabulators have been test-voted and found to be working properly.*
[Emphasis added.]

3. General Statutes § 9-245 provides:
The reports of the registrars of voters, provided for under section 9-246, **and the report provided for under subsection (c) of section 9-244**, shall be filed **with the municipal clerk** and shall be kept by the municipal clerk for at least sixty days after the election for which the tabulators were so prepared.
4. Upon investigation, the Commission finds that, on November 2, 2015, Complainant presented himself, on behalf of the mayoral campaign of Mary Jane Foster, at the Bridgeport Registrars' of Voters office and requested their reports of the preparation, testing and sealing of tabulators on October 27, 2015, pertaining to the November 3, 2015 municipal election in Bridgeport.
5. The Commission further finds that the Bridgeport Registrars of Voters referred Complainant to the city clerk's office in response to his request for the reports of the registrars made pursuant to General Statutes § 9-244 and pertaining the preparation, testing and sealing of the tabulators used at the November 3, 2015 Bridgeport municipal election.
6. Finally, the Commission finds, after investigation, that Complainant on November 2, 2015 was instructed by the Registrars of Voters office that he could obtain the aforementioned reports pertaining the next day's election, at the Bridgeport City Clerk's office, where they had been filed pursuant to General Statutes § 9-245.
7. General Statutes § 9-245 provides that Registrars of Voters must file a report based on their set-up of tabulators conducted pursuant to § 9-244 (c) certifying "... (1) to the numbers of the tabulators, (2) as to whether all the candidate and question counters are set at zero (000), (3) as to the numbers registered on the protective counters, if provided, and the numbers on the seals, (4) that the ballot is properly prepared, and (5) that the tabulators have been test-voted and found to be working properly."
8. Further, General Statutes § 9-245 requires that the reports made by registrars of voters pursuant to § 9-244 (c) "**...shall be filed with the municipal clerk** and shall be kept by the municipal clerk for at least sixty days after the election for which the tabulators were so prepared." (Emphasis added.)
9. The Commission finds that, the Bridgeport Registrars of Voters, consistent with § 9-245 had filed their report pertaining to the October 27, 2015 testing, preparation and sealing of the tabulators prior to the November 3, 2015 municipal election in Bridgeport with the Bridgeport Town Clerk's office, at the time of Complainant's November 2, 2015 request as detailed herein.

10. The Commission concludes at the time of Complainant's request for the tabulator set-up reports pertaining to the November 3, 2015 Bridgeport municipal election the Registrars of Voters had satisfied the filing requirements for such reports pursuant to General Statutes § 9-245.
11. The Commission therefore dismisses Complainant's alleged violation of General Statutes § 9-245, by the Bridgeport Registrars of Voters, under these narrow and specific circumstances, as it was not supported by the facts or the law after investigation.

ORDER

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

That the complaint is dismissed.

Adopted this 13th day of April, 2016 at Hartford, Connecticut.



Anthony J. Castagno, Chairperson
By Order of the Commission