

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

In the Matter of a Complaint of Michael Dennehy, Milford

File No. 2018-009

**FINDINGS AND CONCLUSIONS**

The Complainant alleged that the Respondent Milford Registrars of Voters improperly failed to provide and/or offer privacy sleeves for his ballot at the Joseph A Foran High School polling place on Election Day, November 7, 2017. <sup>1</sup>

**Introduction**

1. Respondents Kerri Rowland and Debra Fellenbaum were, respectively, the Democratic and Republican Registrars of Voters for the Town of Milford during all times relevant to the instant Complaint.
2. Complainant alleges that when he showed up to vote November 7, 2017 at the Joseph A. Foran High School polling place, the elections officials “intentionally withheld manila folders that are normally issued with each ballot to ensure privacy while the constituents are voting at the polls.”

**Law**

3. Registers of Voters are required to prepare each polling place with privacy sleeves, which can be placed in each of the privacy booths or offered by the ballot clerk

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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.

4. General Statutes § 9-261b provides:

The registrars of voters shall either ensure that each ballot clerk offer every elector a privacy sleeve into which the ballot can be inserted and fully shielded from view or, in the alternative, place such privacy sleeve in every voting booth for the elector's use. No elector shall be required to accept a privacy sleeve.

5. Sec. 9-242a-17 of the Regulations of Connecticut State Agencies provides, in pertinent part:

After the checkers check off the name of an elector on the official check list, the ballot clerk shall issue such elector a ballot. The ballot clerk shall also offer the elector a privacy sleeve into which the ballot can be inserted so that the markings on the ballot cannot be seen or such sleeve may be placed in every voting booth for the elector's use. The elector shall not be required to accept a privacy sleeve. . . .

**Complaint**

6. When asked to expand on his initial allegations, the Complainant added the following:

After the state of Connecticut switched from mechanical lever voting machines to the AccuVote Optical Scan voting terminals in 2007 at every election thereafter and party primary election thereafter the standard procedure for the voting process was that as each voter checked in at the voting poll with election officials, the election officials issued each voter both a voting ballot and a manila folder to protect the integrity of the voter's inscribed ballot as they are to carry the ballot themselves from the cubicles across the entire voting poll floor and then deposit them into the AV-OS terminal always located next to the voting poll exit.

This past election at the Milford voting poll located at Joseph A. Foran High School myself and the other voters who were present at that time and participated in the voting process were only issued ballots by the election officials, we were not issued manila folders with our ballots. It is suspected that this was done intentionally by the election officials, and speculated that this may have somehow been involved in manipulating the results from the AV-OS

terminal. All of the officials working the poll were women who were from the Milford community and all of which were presumed to be members of the Democratic Party. I personally interpreted this as some sort of racket done by the Democratic Party, so much so that I rescinded my registration to the Democratic party thereafter.

7. The Complainant offered a potentially corroborating witness, however after interviews with Commission investigators, while the corroborating witness was able to recall voting on that day, he was unable to recall whether or not privacy sleeves were available and/or whether he was offered one on that day.

#### **Response**

8. The Response in this matter was prompt and thorough. The Respondent Registrars generally denied the allegations and specifically asserted that:

[W]e provided 4 privacy folders per 250 registered voters so more than 122 privacy folders were available for each of the four ballot clerks to issue with each ballot. Most importantly, the ballot clerks and tabulator tenders were instructed to issue these privacy folders in the training provided on Oct. 30, 2017. Poll workers unable to attend training on this night are required to attend training in our office prior to working the election and receive the same handouts and information as was provided on October 30th. Please note the following enclosures as proof of training regarding privacy folders.

9. Included with the Respondents' production were documents identifying all of the polling place officials and the training date for each official.
10. Additionally, they provided all of the training materials provided to each ballot clerk, as well as the PowerPoint presentation. The ballot clerk training materials and PowerPoint clearly and demonstrably instruct that each voter must be offered a privacy sleeve but that no voter is required to take one.
11. The Respondents further asserted, as follows:

To be sure that privacy folders are returned to the ballot clerk table after the voter has placed their ballot in the tabulator, we

also instruct the tabulator tenders to return privacy folders to the ballot clerks. We provide the written instruction to each tabulator tender as provided in the Moderator handbook. We also provide an oral presentation, as well as a corresponding power point training presentation for visual points of emphasis. Page 3 and Page 5 of the power point presentation emphasize privacy and the return of privacy folders to the ballot clerks.

12. The materials provided show that Ballot Clerks Elizabeth Dillon, Helene Jackson, Constance Socha, and Luis Nunez Sanroman all received the appropriate training prior to Election Day November 7, 2017.
13. Each of the Ballot Clerks submitted answers to investigative inquires here and each confirmed that they received the appropriate training on privacy sleeves. Moreover, each asserted that they provided sleeves to each voter in the polling place on the day in question.
14. Moderator Arlene Wills also provided a statement that she was present at the polling place during all hours of voting and that at no time did she observe a ballot clerk fail to offer a privacy sleeve to a voter. Moreover, she added that no person (including the Complainant) made a complaint to her during the course of the day regarding privacy sleeves.
15. Assistant Registrar Judy Haley, who was present at the polling place during all hours of voting, provided a statement through Respondent Rowland, that she provided the privacy folders to the ballot clerk's table herself. Moreover she stated that she witnessed tabulator tenders recirculating privacy folders to the ballot clerk table throughout Election Day.
16. Respondent Rowland also added a personal statement that the Foran High School polling place was her personal polling place and that she personally witnessed the distribution of privacy sleeves to voters on the date in question.

### **Analysis**

17. Turing to the question here, the Commission finds that the Complainant's allegations are not supported. The Complainant was unable to supply and the investigation did not uncover, any witness or documentary and/or audio/visual evidence that could support the allegations made here.
18. Moreover, the evidence provided by the Respondent Registrars overwhelmingly supports a finding that Respondents took their training responsibilities seriously and that their

elections officials were properly trained in their Election Day duties, including but not limited to the duty to provide privacy sleeves to voters.

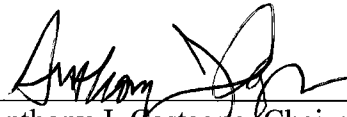
19. Considering the aforesaid, the Commission concludes that the evidence does not support a finding that it was more likely than not that the Respondent Registrars failed to meet their obligations under General Statutes § 9-261b and Sec. 9-242a-17 of the Regulations of Connecticut State Agencies at the Foran High School polling place at the November 7, 2017 General Election.
20. 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 20<sup>th</sup> day of June, 2018 at Hartford, Connecticut.



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Anthony J. Castagno, Chairperson  
By Order of the Commission