

STATE OF CONNECTICUT
STATE ELECTIONS ENFORCEMENT COMMISSION

Complaint of Elliot Medina, Hartford

File No. 2010-038

AGREEMENT CONTAINING A HENCEFORTH ORDER

This Agreement by and between Jessica Rivera of the City of Hartford, State of Connecticut, hereinafter referred to as the Respondent, and the undersigned authorized representative of the State Elections Enforcement Commission, is entered into in accordance with General Statutes § 4-177 (c) and Regulations of Connecticut State Agencies § 9-7b-54. In accordance herewith, the parties agree that:

1. The Respondent served as the Moderator of the Bulkeley High School Polling Place in Hartford during the March 2, 2010 Democratic Primary.
2. The Complainant alleges that while acting as an election official during the Hartford Democratic Primary Election held on March 2, 2010 at Bulkeley High School polling place, he observed the Respondent abandon the polling place on at least five occasions for extended periods of time and failed to inform the election officials when she left.
3. According to the Secretary of the State, the “Moderator is the chief public official at each polling place” and it “is the Moderator’s job to make the process of voting as smooth as possible for the elector.” See *Moderator’s Handbook for Elections and Primaries*, Rev. October 2009 (citing General Statutes §§ 9-259 and 9-439). Similarly, General Statutes § 9-439 provides in relevant part that “[t]he moderator in each polling place shall have charge of the primary held therein.”
4. In addition, General Statutes § 9-381a provides as follows:

Except as otherwise provided by statute, the provisions of the general statutes concerning **procedures relating to regular elections shall apply as nearly as may be, in the manner prescribed by the Secretary of the State, to primaries held under the provisions of this chapter.** [Emphasis added.]

5. With respect to election official absences from the polling place, General Statutes § 9-235a provides in pertinent part as follows:

The provisions of this title requiring the attendance of election officials at the polls during the hours of voting at any election shall not be construed to prevent **the absence of any such official for periods of not more than thirty minutes during such hours**, provided such official shall first notify the moderator of his intention to be absent, and the moderator shall designate another election official of the same party as the absent official to act for him during his absence. **If the moderator intends to be absent for any such period, he shall designate another election official to act for him during his absence.** The provisions of this title requiring the attendance of election officials at the polls during the hours of voting at any election shall not be

construed to prevent the appointment of (1) such election officials, except for moderators, to serve in two shifts as provided for in section 9-258a, upon vote of the legislative body, or (2) unofficial checkers to serve in two or more shifts as provided in section 9-235. [Emphasis added.]

6. In the *Moderator's Handbook for Elections and Primaries*, the Secretary of the State provides the following with respect to the temporary absences of elections officials during the hours of voting:

Election officials may be absent for up to 30 minutes at a time. Officials must ask permission of the Moderator first. The moderator must appoint another official to act for the official during their absence.

A Moderator may also be absent provided another election official designated to act in their absence. [Emphasis added.]

7. The Commission finds that the Respondent was absent from the polling place on several occasions for extended periods and, each time, failed to designate another official in her absence. In addition, there is evidence that she fell asleep at the polling place during the hours of voting.
8. The Commission therefore concludes that the Respondent violated General Statutes § 9-235a each time she failed to designate another election official to act for her during her several absences from the polling place.
9. The Commission notes that the Respondent does not have a history of previous violations of election law and the Democratic Registrar of Voters has asserted that she has not used the Respondent as an election official since the March 2, 2010 Democratic primary.
10. The Respondent admits all jurisdictional facts and agrees that this Agreement and Order shall have the same force and effect as a final decision and Order entered into after a full hearing and shall become final when adopted by the Commission.
11. The Respondent waives:
 - (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.
12. Upon the Respondent's agreement to comply with the Order hereinafter stated the Commission shall not initiate any further proceedings against her concerning this matter.

13. It is understood and agreed that this Agreement will be submitted to the Commission for consideration at its next meeting and, if the Commission does not accept it, it is withdrawn and may not be used as an admission by the Respondent in any subsequent hearing, if the same becomes necessary.

ORDER

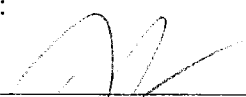
IT IS HEREBY ORDERED THAT the Respondent shall not act as an election official for two years from the date of this Agreement and upon expiration of that period, shall henceforth strictly comply with the requirements of General Statutes § 9-235a.

The Respondent


For the State of Connecticut

By:

By:



Jessica Rivera
Hartford, Connecticut

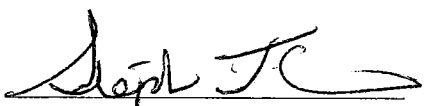


Shannon Clark Kief, Esq.
Legal Program Director and Authorized
Representative of the State
Elections Enforcement Commission
20 Trinity Street, Suite 101
Hartford, Connecticut

Dated: 3-25-11

Dated: 3/28/11

Adopted this 13th day of April, 2011 at Hartford, Connecticut by vote of the Commission.



Stephen F. Cashman, Chairman
By Order of the Commission