

STATE OF CONNECTICUT
STATE ELECTIONS ENFORCEMENT COMMISSION

Complaint of Alvin Burgher, Jr., Hartford
Complaint of Timothy E. Denman, Hartford
Complaint of Richard V. Nelson, Hartford

File No. 2010-145
File No. 2010-146
File No. 2010-147

STIPULATED AGREEMENT

This agreement by and between Olga Iris Vazquez, Salvatore A. Bramante, and Urania Petit, Registrars of Voters of the City of Hartford, hereinafter referred to as the Registrars, 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. This agreement derives from the aforementioned Complaints. In accordance herewith, the parties agree that:

1. Olga Iris Vazquez, Salvatore A. Bramante and Urania Petit were the Registrars of Voters that oversaw the November 2, 2010 general election (hereinafter "Election Day") in the City of Hartford.
2. The Complainants alleged that they cast write-in votes for a registered write-in candidate for United States Senator in the November 2, 2010 election that were not counted or recorded.
3. At all times, the Registrars have fully cooperated with and assisted Commission staff in its investigation of this matter.
4. The Registrars acknowledge that, as alleged by the Complainants, in several of Hartford's voting districts, the polling place moderators as well as the City's head moderator did not properly count or record the write-in votes cast for registered write-in candidates on Election Day.
5. General Statutes § 9-265 (a) provides in pertinent part as follows:

A write-in vote for an office, cast for a person who has registered as a write-in candidate for the office pursuant to subsection (b) of section 9-175 or section 9-373a, shall be counted and recorded. Except as otherwise provided in this section, a write-in vote cast for a person who has not registered shall not be counted or recorded. [Emphasis added.]

6. General Statutes § 9-259 further provides as follows:

(c) The moderator's return which the moderator receives from the registrars of voters for all elections shall be in a form prescribed by the Secretary of the State. The moderator and the registrars of voters, or the assistant registrars of voters, as the case may be, before the polls are opened, shall indicate on the return:

(1) The delivery of the tabulator; and (2) the numbers on the seals. Additionally, the moderator and the registrars of voters, or the assistant registrars of voters, as the case may be, shall produce a zero tape indicating that the public counter is set at zero (000). The seal on the tabulator shall remain unbroken. If the seal is broken, the registrars of voters shall be notified immediately and the tabulator tape shall be produced. If the tape does not show all zeros, the registrars of voters shall be notified immediately and the tabulator shall not be used.

(d) In addition to the requirements established in subsection (c) of this section, the return shall include a certificate, which shall be filled out after the polls have been closed and which indicates that the tabulator has been locked against voting and remains sealed and that also indicates the number of electors as shown on the public counter along with the number on all the seals. **The moderators' returns shall show the total number of votes cast for each office, the number of votes cast for each candidate** and the number of votes for persons not nominated, which shall be certified by the moderator and registrars of voters, or assistant registrars, as the case may be. [Emphasis added.]

7. General Statutes § 9-314 (a) also states in relevant part as follows:

As used in this subsection, "moderator" means the moderator of each state election in each town not divided into voting districts and the head moderator in each town divided into voting districts. The moderator shall make out a duplicate list of the votes given in the moderator's town for each of the following officers . . . United States senator . . . when said officers are to be chosen. . . . The moderator may transmit such list to the Secretary of the State by facsimile machine or other electronic means prescribed by the Secretary of the State, not later than midnight on election day. If the moderator transmits such list by such electronic means, the moderator shall also seal and deliver one of such lists to the Secretary of the State not later than the third day after the election. If the moderator does not transmit such list by such electronic means, the moderator shall seal and deliver one of such lists by hand either (1) to the Secretary of the State not later than six o'clock p.m. of the day after the election, or (2) to the state police not later than four o'clock p.m. of the day after the election, in which case the state police shall deliver it by hand to the Secretary of the State not later than six o'clock p.m. of the day after the election. Any such moderator who fails to so deliver such list to either the Secretary of the State or the state police by the time required shall pay a late filing fee of fifty dollars. The moderator shall also deliver one of such lists to the clerk of such town on or before the day after such election. The Secretary of the State shall enter the returns in tabular form in books kept by the Secretary for that purpose and present a printed report of the same, with the

name of, and the total number of votes received by, each of the candidates for said offices, to the General Assembly at its next session. [Emphasis added.]

8. Section 9-242a-23 of the Regulations of Connecticut State Agencies further provides in pertinent part:

The polling place officials shall complete the moderator's returns and shall be guided by instructions of the Secretary of the State. The moderator and assistant registrars of voters shall record on the moderator's returns the voting tabulator result totals for each candidate and question. The moderator and assistant registrars of voters shall unlock and remove all the ballots from the write-in bin. They shall record the number of ballots in the write-in bin. They shall count by hand the votes cast of the office in which the elector indicated a write-in vote. **They shall record on the moderator's returns the write-in votes in accordance with the law governing write-in ballots.** [Emphasis added.]

9. The Registrars are aware of the requirements of the aforementioned provisions and, as such, provided training and instructional materials in advance of Election Day to the moderators and head moderator concerning those provisions and the steps required to be taken by the each moderator to comply therewith. However, the Registrars also admit that, in hindsight, the form they provided to each moderator to count and record the write-in votes cast on Election Day was inadequate and generated confusion among moderators who were tasked with completing that form and recording write-in votes cast in their respective polling places.
10. To be specific, unlike the suggested tally sheet entitled "*Write-In Votes for Registered Write-In Candidates*" provided by the Secretary of the State in the *Moderator's Handbook* which allows moderators to list each candidate's name and tally the total write-in votes cast for each candidate, the form provided by Hartford's Registrars of Voters does not provide sufficient space for or guidance concerning how to properly provide such information.
11. The investigation of the Complaints revealed that the deficiency of that form created confusion and likely contributed to the errors committed by moderators and the City's head moderator when recording the write-in votes cast for registered write-in candidates. The investigation did not reveal any evidence of fraud with respect to the allegations set forth by the Complainants. Notably, those allegations are addressed in a separate document.
12. As such, while the Registrars did not violate any election law provision in the present case, in a good faith effort to improve the processes used by moderators in the City of Hartford in future elections and ensure that no voter is ever disenfranchised, the Registrars agree to the following: (1) ensure that the write-in votes cast throughout the City of Hartford on Election Day are properly counted and recorded; (2) file an amendment of the November 2, 2010 election results with the Office of the Secretary of the State upon completion of this matter; (3) modify the write-in vote tally sheet

provided to moderators in the City of Hartford in future elections to correct the deficiencies identified herein; and (4) provide to the Complainants a letter explaining the errors that occurred on Election Day that caused those Complainants to temporarily lose their votes for the candidate of their choice and expressing contrition for said result.

13. It is further understood 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 Registrars in any subsequent hearing, if the same becomes necessary.

Registrars of Voters
City of Hartford

For the State of Connecticut

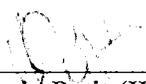
By:


Olga Iris Vazquez (Democratic ROV)
Hartford, Connecticut

By:


Shannon Clark Kief, Esq.
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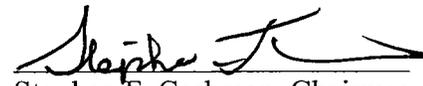

Salvatore A. Bramante (Republican ROV)
Hartford, Connecticut


Urania Petit (Working Families ROV)
Hartford, Connecticut

Dated: 3/9/2011

Dated: 3/9/11

Adopted this 16th day of March, 2011 at Hartford, Connecticut by vote of the Commission.


Stephen F. Cashman, Chairman
By Order of the Commission