

STATE OF CONNECTICUT
STATE ELECTIONS ENFORCEMENT COMMISSION

In the Matter of a Complaint by
David G. LaPointe, Winsted

File No. 2014-128

FINDINGS AND CONCLUSIONS

The Complainant filed this Complaint pursuant to Connecticut General Statutes § 9-7b. The Complainant alleged that Winchester Town Clerk Sheila S. Sedlack misspelled the name of a minor party on Row C of ballots issued for the September 13, 2014 special election in Winchester in violation of General Statutes § 9-153c.

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

1. At all times relevant to this complaint Sheila S. Sedlack was the Winchester Town Clerk. Further, the Winsted Independent Party is a minor party in the Town of Winchester that has ballot status.
2. On September 13, 2014 the Town of Winchester held a special election to fill two vacancies for the board of selectman caused by resignations. The ballot included the following party designations and candidate names, the discovery of which lead to Complainant's alleged violation of General Statutes § 9-153c:
Republicans: Marsh Sterling and Glenn Albanesius
Democrats: Steven Sedlack and Virginia Shultz-Charette
Winsted Independents Party: Marsh Sterling and Glenn Albanesius
3. General Statutes § 9-153c, provides in pertinent part:
(a) *If a municipal clerk has omitted the name of a candidate, party or office designation, inserted an incorrect or misspelled name of a candidate, party or office designation, provided an absentee ballot applicant with a ballot which is not the correct ballot for his voting district, or incorrectly imprinted or failed to imprint the designation of a state or local question on an absentee ballot in the appropriate space, and if any such omission or error is likely to mislead any voter, he shall, as soon as he becomes aware of such omission or error, promptly mail to each applicant to whom such an absentee ballot has been issued, a correct absentee ballot, envelopes for its return and instructions, a statement explaining the error or omission including the correct name or question and a copy of this section. The municipal clerk shall inform the Secretary of the State when he proceeds under this subsection. ... [Emphasis added.]*

4. Upon investigation, the Commission finds that Ms. Sedlack in response to this complaint and investigation admits that the Winsted Independent Party was incorrectly spelled as “Winsted Independents Party” on the ballot as alleged by Complainant. Further, Ms. Sedlack admits that Complainant brought this issue to her attention *prior* to the September 13, 2014 special election in Winchester and that she “*did not make any change as [she] truly believed this in no way mislead the voters.*”
5. Further, in response to this complaint, Ms. Sedlack indicated that:
I do realize that the proper thing to do as a town clerk was to have corrected the problem immediately therefore I take full responsibility for my actions and will accept any penalty you feel is appropriate.
6. The Commission finds that it would have been prudent for Ms. Sedlack to correct the spelling of the minor party designation on the ballot, which in hindsight she admits.
7. Further, the Commission finds that while General Statutes § 9-153c delineates a very specific protocol for town clerks to follow if an error or omission is discovered on an absentee ballot it also incorporates the right to exercise discretion in remediating the same depending on whether “*...such omission or error is likely to mislead any voter.*”
8. Because the Commission finds Ms. Sedlack’s professed judgment that the incorrect naming of the Winsted Independent Party as the “Winsted Independents Party” on the ballot would not mislead or confuse voters as to party identity of such candidates to be reasonable it declines to take further action under these limited circumstances.

ORDER

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

That the complaint is dismissed.

Adopted this 17th day of March, 2015 at Hartford, Connecticut.



Anthony J. Castagno, Chairperson
By Order of the Commission