

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

In re: Referral of the Secretary of the State  
In the Matter of a Complaint by Daniel Hunt, Manchester

File No. 2014-156  
File No. 2014-153

**AGREEMENT CONTAINING CONSENT ORDER**

This Agreement, by and between The Office of the Hartford Registrars of Voters, City of Hartford, County of Hartford, State of Connecticut and the authorized representative of the State Elections Enforcement Commission is entered into in accordance with Section 9-7b-54 of the Regulations of Connecticut State Agencies and Section 4-177 (c) of the General Statutes of Connecticut. In accordance herewith, the parties agree that:<sup>1</sup>

**INTRODUCTION**

1. This matter concerns a referral from the Secretary of the State and a Complaint by Daniel Hunt, which are consolidated here for purposes of this Agreement, regarding the well-publicized failure of the Office of the Hartford Registrars of Voters to timely distribute the registry books to their moderators during the November 4, 2014 General Election.
2. The City of Hartford's Court of Common Council convened its own "Committee of Inquiry" to investigate the failures enumerated in the Referral and Complaint here, as well as other matters concerning the November 4, 2014 General Election in Hartford.
3. By agreement with the Committee of Inquiry, the Commission held its investigation in abeyance until the Committee had finished its work, including a court challenge to The Court of Common Council's authority to mete out punishments based on the findings of the Committee. The Commission further held the matter while both the Office of the Hartford Registrars of Voters and other key offices in the City of Hartford went through substantial personnel changes.
4. Where indicated, this Agreement adopts the Committee's 1000 page Report and Findings in substantial part, as much of the conclusions therein came from the testimony of the Respondent Office of the Hartford Registrars of Voters; where the Commission's own

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<sup>1</sup> This Agreement Containing Consent Order addresses those portions of the Referral and/or 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 Referral and/or 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.

investigation included factual findings different or supplemental to the Committee's findings, it shall be noted herein.

5. The allegations in the Referral and Complaint divide into Five Counts, as follows.

COUNT ONE: Failure to Timely Deliver Registry Lists to Moderators

6. The allegations here assert that the Respondent failed to distribute all of the necessary supplies to their moderators by the 8:00pm deadline—specifically, the official registry lists—the night before Election Day, in violation of General Statutes § 9-259.

COUNT TWO: Failure to Timely Mark Off Absentee Ballot Voters from the Registry List

7. The allegations here further assert that the Respondent failed to timely mark off absentee voters on the official checklists, in violation of General Statutes § 9-140c.

COUNT THREE: Failure to Timely Deliver a Final Registry List to the Town Clerk

8. The allegations here further assert that the Registrars failed to timely prepare a final registry list and make it available to the general public, in violation of General Statutes § 9-38.

COUNT FOUR AND FIVE: Failure to Timely Open a Polling Place and Failure to Properly Check in Voters During the Hours of Voting

9. Here, the allegations here further assert that some of the polling places opened late and some opened without registry lists and allowed voters to cast ballots without first checking the registry lists.

ADDITIONAL COUNTS

10. Three additional Counts were added to the Commission's investigation by a majority vote of the Commission based on the findings of the Committee of Inquiry.

COUNT SIX: Failure to Deliver List of Polling Place Moderators to the Secretary of the State

11. The Committee's investigation went beyond the allegations found in the Referral and/or Complaint here and found evidence suggesting that Respondent failed to meet the responsibilities under General Statutes § 9-228a to timely provide the Secretary of the State with a list of all of the polling place moderators.

COUNT SEVEN: Failure to Attend the Post-Election Meeting of Election Officials Required by General Statutes § 9-322a

12. Additionally, the Committee found that 2 out of the 3 Respondent Registrars failed to attend a mandatory post-election meeting to review the results reported by the head moderator per § 9-322a.

COUNT EIGHT: Failure to Resolve Discrepancies in the Results

13. Additionally, the Committee's investigation found that the results of the General Election contained multiple discrepancies that were not fully resolved by the deadline to submit final amended results to the Secretary of the State.

LAW

14. General Statutes § 9-259 reads, in pertinent part:

*(a) The moderator of the election in each municipality, voting district or ward shall appear at the office of the registrar of voters not later than eight o'clock p.m. of the day before the election and there receive from the registrar of voters the sample ballot, all checklists and other supplies necessary to conduct the election that have not been delivered previously. The moderator shall receive keys for each voting tabulator to be used in the polling place and sign a receipt for such. . . . (Emphasis added.)*

15. General Statutes § 9-140c reads, in pertinent part:

. . .  
(b) Beginning not earlier than the seventh day before the election, primary or referendum and on any weekday thereafter, all absentee ballots received by the municipal clerk not later than eleven o'clock a.m. of such day may be sorted into voting districts by the clerk and checked as provided in this subsection. On any such day, beginning as soon as the ballots have been sorted, the registrars of voters, without opening the outer envelopes, may check the names of the applicants returning ballots on the official checklist to be used at the election, primary or referendum by indicating "absentee" or "A" preceding each such name

and, if unaffiliated electors are authorized under section 9-431 to vote in the primary of either of two parties, the designation of the party in which the applicants are voting preceding each such name. If central counting of absentee ballots has been designated by the registrars pursuant to section 9-147a, they shall also place such indication on a duplicate of the checklist to be retained by the municipal clerk until he delivers it to the registrars at twelve o'clock noon on election, primary or referendum day for the use of the absentee ballot counters pursuant to subsection (i) of this section. All absentee ballots received not later than eleven o'clock a.m. of the last day before the election, primary or referendum which is not a Sunday or legal holiday, shall be so sorted and checked not later than such day. (Emphasis added.)

16. General Statutes § 9-38 reads, in pertinent part:

The registrars of voters in all towns shall produce a final registry list in accordance with the provisions of section 9-37 and certified by such registrars of voters to be correct. Such final registry list and an updated list that contains the names and addresses of electors to be transferred, restored or added to such list, shall be available in the municipal clerk's office not later than the day following the last day that an elector may make changes to the elector's registration and shall be available in the registrars of voters' office for public inspection. Whenever the registrars of voters are not in their office, such list shall be available at another municipal office.

17. General Statutes § 9-174 reads, in pertinent part:

Notwithstanding the provisions of any general statute, special act or municipal charter to the contrary, at any regular election, or at any special election held to fill a vacancy in a state, district or municipal office, the polls shall remain open for voting from six o'clock a.m. until eight o'clock p.m. No elector shall be permitted to cast his vote after the hour prescribed for the closing of the polls in any election unless such elector is in line at eight o'clock p.m. An election official or a police official of the municipality, who is designated by the moderator, shall be placed at the end of the line at eight o'clock p.m. Such official shall not allow any electors who were not in such line at eight o'clock p.m. to enter such line.

18. General Statutes § 9-261 reads, in pertinent part:

(a) In each primary, election or referendum, when an elector has entered the polling place, the elector shall announce the elector's street address, if any, and the elector's name to the official checkers in a tone sufficiently loud and clear as to enable all the election officials present to hear the same. Each elector who registered to vote by mail for the first time on or after January 1, 2003, and has a "mark" next to the elector's name on the official registry list, as required by section 9-23r, shall present to the official checkers, before the elector votes, either a current and valid photo identification that shows the elector's name and address or a copy of a current utility bill, bank statement, government check, paycheck or other government document that shows the name and address of the elector. Each other elector shall (1) present to the official checkers the elector's Social Security card or any other preprinted form of identification which shows the elector's name and either the elector's address, signature or photograph, or (2) on a form prescribed by the Secretary of the State, write the elector's residential address and date of birth, print the elector's name and sign a statement under penalty of false statement that the elector is the elector whose name appears on the official checklist. Such form shall clearly state the penalty of false statement. A separate such form shall be used for each elector. If the elector presents a preprinted form of identification under subdivision (1) of this subsection, the official checkers shall check the name of such elector on the official checklist. If the elector completes the form under subdivision (2) of this subsection, the registrar of voters or the assistant registrar of voters, as the case may be, shall examine the information on such form and either instruct the official checkers to check the name of such elector on the official checklist or notify the elector that the form is incomplete or inaccurate.

19. General Statutes § 9-228a reads, in pertinent part:

- (a) The registrars of voters of each municipality shall, not later than thirty-one days prior to each municipal, state or federal election or primary, certify to the Secretary of the State, in writing, the location of each polling place that will be used for such election or primary. Such certification shall detail the name, address, relevant contact information and corresponding federal, state and municipal districts associated with each polling place used for such election or primary.
- (b) The registrars of voters of each municipality shall, prior to each municipal, state or federal election or primary, provide a written report

to the Secretary of the State setting forth the names and addresses of each moderator for each polling place location disclosed pursuant to subsection (a) of this section.

(c) The Secretary of the State shall have the authority to disqualify any moderator appointed by the registrars of voters if, after consultation with both registrars of voters, the Secretary determines such moderator has committed material misconduct, material neglect of duty or material incompetence in the discharge of his or her duties as a moderator. If the Secretary disqualifies a moderator, the Secretary shall share his or her findings upon which the disqualification was based with the registrars of voters.

20. General Statutes § 9-322a reads, in pertinent part:

*(a) Not later than seven days following each regular state election, the head moderator, registrars of voters and town clerk for each town divided into voting districts shall meet to identify any error in the returns. Not later than fourteen days following each regular state election, the head moderator shall correct any error identified and file an amended return with the Secretary of the State and the registrars of voters.*

(b) Not later than twenty-one days following each regular state election, the town clerk of each town divided into voting districts shall file with the Secretary of the State a consolidated listing, in tabular format, as prescribed by the Secretary of the State, of the official returns of each such voting district for all offices voted on at such election, including the total number of votes cast for each candidate, the total number of names on the registry list, and the total number of names checked as having voted, in each such district. The town clerk of such town shall certify that he or she has examined the lists transmitted under this section to determine whether there are any discrepancies between the total number of votes cast for a candidate at such election in such town, including for any canvass conducted pursuant to section 9-311 or 9-311a, and the sum of the votes cast for the same candidate in all voting districts in such town. In the case of any such discrepancy, the town clerk shall notify the head moderator and certify that such discrepancy has been rectified. Each listing filed under this section shall be retained by the Secretary of the State not less than ten years after the date of the election for which it was filed. (Emphasis added.)

## **FACTUAL EXAMINATION**

### **Committee of Inquiry Investigation and Hearings**

21. The Committee's investigation involved numerous interviews with Hartford elections officials prior to the Committee's public hearings. At the hearings, the Committee interviewed the following individuals:
  - a. Working Families Party Registrar Urania Petit
  - b. Democratic Party Registrar Olga Vazquez
  - c. Republican Party Registrar Sheila Hall
  - d. Attorney Ted Bromley from the Office of the Secretary of the State
  - e. City of Hartford Town Clerk John Bazzano
  - f. City of Hartford IT employee Deborah Santostefano
  - g. City of Hartford print shop employee Peter Condon
  - h. City of Hartford Assistant Town Clerk Eric Lusa
  - i. Victoria "Vicky" Christie, Head Moderator (Republican)
  - j. Joseph Wilkerson, Assistant Head Moderator (Democrat)
22. Commission Law Enforcement Unit staff were present during all of the hearings held by the Committee of Inquiry.
23. Subsequent to the hearings, the Committee issued a 32-page report, with approximately 1000 pages of evidence, including full transcripts of all of the hearings. The Committee issued a number of findings; those findings relevant to the instant matter will be addressed herein.
24. Based on the Committee's report, the Court of Common Council began removal proceedings for Ms. Vasquez, Ms. Hall, and Ms. Petit. However, the registrars petitioned the Superior Court, which found that the Court of Common Council did not have the authority to remove the registrars under existing law. The matter was not pursued at the appellate level.

### **Commission Investigation**

25. Once the Committee had finished its work and the Court of Common Counsel had exhausted its pursuit of removal, Commission staff reviewed their extensive investigation to determine what, if any, additional work needed to be completed.
26. While the Committee investigation was thorough, the main deficiency found during the course of the Commission's review was that the Committee had an unclear picture as to exactly how many polling places were affected by the failure to timely produce the official registry lists.
27. The Commission investigation included an inquiry of the moderators of each of the 24 polling places to get a fuller account of the events leading up to the failure to produce the books, as well as how each dealt with not having the books at the open of polls (where applicable).

Commission Investigative Findings

28. The investigation revealed that in general, the responsibilities of the election were divided among the each of the three Hartford registrars.
29. The Registrars did not dispute that their duties in the November 2014 General Election were such that Ms. Vazquez took on the primary responsibility of getting the registry lists printed for the polls and for the public, Ms. Hall handled absentee ball duties, and Ms. Petit was primarily responsible for Election Day Registration.<sup>2</sup>

Printing the Registry List Books

30. By law, Ms. Vazquez could have printed the registry list books as early as Tuesday, October 28, one week prior to Election Day. The final registry list should have been printed by October 29 and filed with the Town Clerk per General Statutes § 9-38.
31. All three registrars testified before the Committee that they had met and all thought that they could not begin printing the registry lists until October 29.
32. Despite telling the Town Clerks office that absentee ballot cross off would begin on October 30, Ms. Vazquez did not have the list printed until *Friday, October 31*, only 5 days prior to Election Day.
33. Ms. Vazquez initially sent the printer, Mr. Condon, the wrong formatted file at 10:43pm on Wednesday, October 29. The issue was ultimately resolved by approximately 9:40am on Thursday, October 30, at which point the printing and binding of the 25 books began.

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<sup>2</sup> This was the first state election year in which Election Day registration was available.

34. The lists were printed and bound books were finished the night of October 31 and available to Ms. Vazquez by approximately 8:00am on Saturday, November 1. The books were ultimately transferred at 10:00am, as the print shop could not locate any of the registrars (or their staff) for delivery at 8:00am.

Completing the Cross Off

35. As early as October 29, the Town Clerk's office started reminding Ms. Vazquez that they were available for absentee ballot voter cross-off.
36. On Saturday, November 1, the Town Clerk's office again reminded all three registrars that the ABs needed to be crossed off the lists and also that the Town Clerk's office would only be open until noon that day.
37. Ms. Vazquez testified that as the books were not delivered to the registrars until late that morning, she and Republican ROV Hall decided that it was too late to start crossing off on that day. They further made the decision that they could not do the cross off on Sunday, November 2, as the Town Clerk's office was not open on that day. They made no attempts to get the Town Clerk's office to stay open later on Saturday or to open on Sunday.
38. They made the decision to start that Monday morning, *one day prior to Election Day*.
39. At this point, one day prior to Election Day, no one in City Hall other than the registrars or the Town Clerk's office were aware that the cross off had not yet begun for the approximately 1200 ballots received to that date.
40. On Monday, November 3, Ms. Vazquez *did not begin the cross off process until 2pm*.
41. Ms. Vazquez testified that she was very concerned about this, but no objective evidence (emails, other testimony) supports this assertion.
42. Around 4:00pm, Ms. Hall became aware of the issue and took part in assisting to complete the task.
43. Assistant Town Clerk Lusa testified that only 1/3 of the process was complete by 5:00pm, *the day before the election*.
44. Around 7pm, and the accounts differ among the registrars, Ms. Vazquez stopped the cross off process and made the decision to resume it at 4:00am on Election Day.

45. Ms. Vazquez asserted in her testimony that Mr. Lusa ordered the stoppage, which he disputed in his testimony.
46. There is no objective evidence that Mr. Lusa ordered the stoppage; indeed, a text message from Ms. Vazquez to Mr. Lusa that night praised his efforts.<sup>3</sup>
47. The evidence showed that at some point that night, an exact time is unclear, Ms. Petit became involved.
48. Ms. Petit did not dispute that she was one of those who ultimately told the moderators waiting for the registry lists to go home and to expect the lists to be delivered to them at 5:00am.
49. It is unclear from the evidence exactly how far along the registrars were in the process of marking the lists when it was stopped. There is no evidence that the registrars gave the moderators any indication as to what to do in the event the lists were not timely delivered.

#### Delivery of the Registry Lists and Late Poll Openings

50. The evidence here revealed that the registry lists were ultimately not finished and ready to be delivered *until 5:30am on Election Day*.
51. The Committee was only able to confirm that six polling places received their registry lists after 6:00am. However, the Commission investigation revealed that *fourteen* polling places opened up late or opened without registry lists.
52. The late deliveries were largely in the range of 1 to 15 minutes after 6:00am. However, the registry lists did not arrive at the Hartford Seminary (where the Governor and Secretary of the State vote) and United Methodist Church until 7:13 and 7:15, respectively.

#### Moderator Reactions to Late Books

53. As the moderators did not have specific instructions as to what to do under the circumstances, each one who found themselves without books at 6am dealt with it differently. Some refused to open the polls until the books arrived. Some wrote down the names of the voters and allowed them to cast their ballots into the tabulator. Some allowed voters to fill out an affidavit and kept the ballots associated with the affidavit until the voter's name could be crossed off, at which point the ballot was entered into the tabulator by an elections official.

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<sup>3</sup> Ms. Vazquez asserted that she was merely flattering him.

### Voters Turned Away

54. Ultimately, neither the Committee investigation nor the Commission investigation turned up sufficient evidence to determine an accurate count of voters who were actually turned away. Other than anecdotal news reports, the moderator's diaries and interviews yielded little data in most instances.
55. The exceptions were the South End Senior Center, who reported 7-8 voters being turned away and the Learning Corridor, who reported 15-20 voters turned away.<sup>4</sup>

### Failure to Deliver List of Polling Place Moderators to the Secretary of the State

56. As discussed above, the Commission expanded its investigation to include the three additional findings of the Committee.
57. The investigations here found evidence supporting a finding that that the registrars failed to meet their responsibilities under General Statutes § 9-228a to timely provide the Secretary of the State with a list of all of the polling place moderators

### Failure to Attend § 9-322a Meeting by Vazquez and Hall

58. The investigations here found evidence supporting a finding that Ms. Vazquez and Ms. Hall failed to attend a mandatory post-election meeting to review the results reported by the head moderator per § 9-322a.

### Failure to Resolve Discrepancies in the Results

59. Additionally, investigations here found evidence supporting a finding that there were discrepancies in the First Amended Head Moderator's return submitted on November 11, including: a 2035 vote discrepancy in the number of votes cast for governor versus the number of voters checked off and a 93 ballot discrepancy between the Certificate of Absentee Ballot Count and the Head Moderator's count.
60. The Second Amended Moderator's Return reduced the gap in the check-offs and gubernatorial votes by 493 and resolved the 93 vote gap in the absentee ballots. However, a 1542 gap remained for the former, and the latter was only resolved by simply changing the

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<sup>4</sup> The moderator's diary at the Learning Corridor reported that 15 voters who had been turned away came back to vote, but this claim was not verified as to accuracy and/or whether such voters were the same voters as were reported to have been turned away or whether such voters were in addition to those reported.

number on the Head Moderator's return, not by any other means of resolving the discrepancy.

## **ANALYSIS**

### **COUNTS ONE, TWO AND THREE**

Failure to Timely Deliver Registry Lists to Moderators

Failure to Timely Mark Off Absentee Ballot Voters from the Registry List

Failure to Timely Deliver a Final Registry List to the Town Clerk

61. The evidence in this matter is clear that the Respondent Registrars did fail to deliver the registry lists by the deadline in General Statutes § 9-259.
62. Moreover, while Ms. Vazquez was primarily factually responsible per the internal division of labor within and between the registrars, the Commission has consistently held that registrars' responsibilities and liabilities are joint and several. *In the Matter of a Complaint by Christine Halfar, Danbury*, File no. 2012-086 (joint and several liability for failure to properly train polling place workers); *In the Matter of a Complaint by James D. Smith, Bridgeport*, File No. 2013-021 (the responsibility of running an election is shared for between registrars).
63. This is supported by the Secretary of the State's Office. See Secretary of the State's MODERATOR'S HANDBOOK FOR ELECTIONS AND PRIMARIES, p. 8.
64. Accordingly, the Commission concludes that the registrars were jointly and severally liable for: 24 instances of failing to timely deliver the official registry lists to moderators the night before the election in violation of General Statutes § 9-259; one instance of failing to timely mark off absentee ballot voters from the official registry list, in violation of General Statutes § 9-140c; and one instance of failing to timely deliver a final registry list to the Town Clerk in violation of General Statutes § 9-38.

### **COUNTS FOUR AND FIVE**

Failure to Timely Open a Polling Place

Failure to Properly Check in Voters During the Hours of Voting

65. Here, the investigations revealed that at least 6 of the polling places opened late and approximately 8 opened and allowed voters to cast ballots without first checking the registry lists. However, polling place responsibilities ultimately fall to the moderators. Registrars are generally liable under either General Statutes § 9-174 or 9-261.

66. That said, the Commission will not pursue charges against the moderators whose polling places opened late and/or who allowed voters to cast ballots without first checking the list, since it was the Respondent Registrars' failures that led to these issues. However, the facts found here are considered aggravating circumstances when considering civil penalties for the Office of the Hartford Registrars of Voters in Counts One through Three.

COUNT SIX: Failure to Deliver List of Polling Place Moderators to the Secretary of the State

67. The evidence on this issue is straightforward and establishes that this statutory mandate was not met and that the Office of the Hartford Registrar of Voters violated General Statutes § 9-228a.

COUNT SEVEN: Failure to Attend the Post-Election Meeting of Election Officials Required by General Statutes § 9-322a

68. The evidence in this matter appears to establish that only Ms. Petit attended the mandatory meeting to review the Head Moderator's returns for discrepancies.

69. However, as the duties of the office of registrar are generally joint and several and as nothing in this statute specifically requires that all registrars be in attendance, the presence of at least one of the registrars appears to have met the statutory threshold for the § 9-322a post-election meeting.

70. Accordingly, Count Seven is dismissed.

COUNT EIGHT: Failure to Resolve Discrepancies in the Results

71. As discussed in detail in the Committee of Inquiry's Report, the Committee ultimately could not discover the source of the discrepancies. Ms. Vazquez testified that she looked through the absentee ballot moderator's tapes and could not resolve the discrepancies either. The registrars and the head moderators themselves met multiple times between Election Day and November 18, the last day to submit returns, and could not determine the causes.

72. However, ultimately, the discrepancies were plain and were not corrected.

73. Here, the head moderator is ultimately responsible for this duty, which was added only a year prior to the 2014 General Election in Public Act 13-296 of the 2013 Public Acts. However, the Office of the Registrar of Voters has agreed to indemnify the head

moderator's liability in this instance. Accordingly, the Commission concludes that the Office of the Registrar of Voters violated General Statutes § 9-322a (a) for failing to resolve the discrepancies in the returns.

74. As enumerated in § 9-7b-48 of the Regulations of Connecticut State Agencies:

In its determination of the amount of the civil penalty to be imposed, the Commission shall consider, among other mitigating or aggravating circumstances:

- (1) the gravity of the act or omission;
- (2) the amount necessary to insure immediate and continued compliance;
- (3) the previous history of similar acts or omissions; and
- (4) whether the person has shown good faith in attempting to comply with the applicable provisions of the General Statutes.

75. While the registrars in this matter and the Committee's inquiry certainly attempted to shave down the corners of some of the sharper truths against them, the Commission notes that they complied with their responsibility to answer the Committee's inquiries (barring one instance in which Ms. Vazquez asserted her 5th amendment privilege) and provided a fairly vivid account of how everything went so wrong.

76. The Commission also finds that the Respondents have no prior history of these particular types of violations.

77. However, while their actions leading up to Election Day may not raise to the level of "bad faith," Ms. Vazquez's wantonly poor decision making reflected either a too-casual approach to her work, or a serious deficiency in her ability to do her job. Starting with a misreading of the election calendar concerning when she needed to print the list—an inexcusable mistake by a registrar with her experience—she appeared to miss opportunity after opportunity to avoid the slowly unfolding calamity that rolled into the public eye on the morning of Election Day.

78. And Ms. Hall and Ms. Petit's attempts to distance themselves from Ms. Vazquez's failures, rather than step up and own their shared responsibility do not reflect well on them.

79. Between *three* registrars, which is one more than most offices have, this problem should never have happened. It is one thing to split up the duties of an office; it is another thing entirely to operate like three distinct offices and take a "not my job" attitude under these circumstances. Each registrar should have been aware of how the other registrar was progressing in their given task.

80. Instead, these registrars operated in their own universes and by the time Hall and Petit realized what was happening, it was far too late.
81. Count One contains 24 instances, one for each registry list, of failing to timely delivery registry lists, and Counts Two, Three, Six and Eight each carry a single violation, for a total of 28 violations, each carrying a maximum civil penalty of \$2000.
82. The main issue here is the failure to deliver the lists before the open of polls. The egregious aspect of this violation was not necessarily that the moderators didn't get their lists in time. That act alone would be grounds for concern, but might not have generated the same furor if the lists were delivered before the open of polls. However, that is not what happened: polling places had to open late and a demonstrable number of voters, at least 23, were turned away. While it is unclear if this number is accurate, 15 may have come back to cast their ballots after being turned away. We will never have an accurate accounting of just how many people were turned away (or did not bother going, after the news reports circulated).
83. It is clear from the investigations that the Hartford Registrar's Office suffered from systemic problems, mainly stemming from the sometimes antagonistic relationships between the registrars (Ms. Vazquez admitted to regularly not reading e-mails from Ms. Petit). This office was an accident waiting to happen.
84. Ms. Vazquez was a very experienced registrar (seven years in the job). Ms. Petit has six years on the job and openly took pride in immersing herself in elections issues. While Ms. Hall had only held the title of Registrar for under a year, she had been deputy for approximately 1 ½ years. These were experienced registrars who should have known better. And, as stated above, this was an eminently avoidable failure.
85. Looking to the Commission's prior decisions, there is one matter directly on point that provides historical context to consideration of a civil penalty here.
86. *In re: New London Municipal Election*, File No. 2003-274, a matter from the days in which lever machines were the official voting technology for Connecticut elections, concerned a citywide failure to correctly calibrate the voting machines. While this is a different issue than what happened here, the effects are directly parallel.
87. The Commission found the *New London* case that the registrars:

6. . . . did not properly test vote the voting machines prior to their use in this municipal election, and that all machines used in the seven New London voting districts at the election were not set up properly. Specifically, in multiple opening offices, voters were unable to cast more than one vote for

candidates placed vertically one over another on the ballot. The municipal election involved candidates competing for City Council and Board of Education only, and these are multi-opening offices. There were twenty-one voting machines, including spare machines that were prepared for use in this election.<sup>5</sup>

88. In *New London*, the registrars made a number of errors when dealing with the issues above. One of which is that they ignored both the written general advice of the Secretary of State and the specific directions from her office on the day in question, which directed them to take the affected machines out of service. Instead, they directed mechanics to make repairs and put the machines back in service.
89. The Commission made the following findings regarding the registrars' liability:

12. It is concluded that the Respondent committed numerous violations of Connecticut General Statutes §§9-243 and 9-247 because none of the machines in use the November 4, 2003 election were properly set up.

13. The Respondent also violated Connecticut General Statutes §9-244 by (1) failing to properly test-vote the machines, which would have revealed the incorrect set-up and presented an opportunity to correct the machines, and by (2) certifying that the machines were in proper condition for use in the election, when they were not. These set-up errors affected all of the voting machines available for use.<sup>6</sup>

90. Finally, the Commission concluded that their failure to competently perform their duties:

16. . . . resulted in mass chaos and confusion on Election Day. The voters of the City of New London were subject to long lines, and were, in many instances, forced to wait for paper ballots to be provided. All voters were inconvenienced, and the Commission has no means to accurately ascertain how many eligible voters lost patience with the process, and did not vote.<sup>7</sup>

91. In *New London*, the Commission, through agreements with the registers, levied civil penalties of \$6,000 between the two registrars. Additionally, they levied civil penalties totaling \$3,500 against the two voting machine mechanics and the Town and City Clerk for their involvement in the debacle. To date, that matter stands as the largest civil penalty assessed against any election official.

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<sup>5</sup> See *New London*, Agreement with Registrar of Voters Melanie J. McKinnon.

<sup>6</sup> *Id.*

<sup>7</sup> *Id.*

92. While there has never been a case involving such a large-scale failure to distribute the registry lists on time, this type of system wide failure—where almost 60% of polling places were left without their official registry lists at the open of polls—is eerily similar to *New London*. Except in this case, it was in our capitol city and involved a citywide failure and threw 18 polling places, not 7, into chaos. The Secretary of the State herself had to wait to vote because her polling place lacked official registry lists when she arrived. This was nothing short of a statewide embarrassment on Election Day. Indeed, the matter received national attention when the President of the United States found himself answering questions about the incident on a call to the Colin McEnroe show on WNPR.<sup>8</sup>
93. As far as scale, the Hartford issues here were greater than those seen in *New London*. This case involved 18 polling places with problems, whereas in *New London* the matter involved 7. In *New London*, the voters could enter the polling places and vote using a backup method. Here, in many cases the voters weren't even allowed inside because of the registrars' errors. In *New London*, the registrars had put their faith in the voting machines working correctly, but did not necessarily have an idea that something was amiss until the actual start of voting. Here, as noted above, the registrars had plenty of time to fix the problem before it exploded into the polling places and across headlines throughout the state.
94. In these respects, the civil penalty in this matter must be higher than agreed to in *New London*, far higher. However, the Commission also recognizes that in the intervening period between the events of this case and now, a great deal has changed about the office and in City Hall generally. Both Ms. Vazquez and Ms. Petit, two individuals whose mutual enmity were well known both inside and outside City Hall, are no longer with the office. The often awkward (and expensive) arrangement of having a third party registrar ended after the 2016 General Election. The 2015 Municipal Election resulted in a new mayor.
95. Importantly, since the advent of the events of this case, the legislature adopted in the 2015 session—in no small part influenced by the events of this case—a mandatory program of training and certification for registrars of voters (along with other changes, such as a process for removal of a registrar). Implemented under General Statutes § 9-192a through a committee of 4 registrars and representatives from both the Commission and the Office of the Secretary of the State and in partnership with the University of Connecticut's School of Business, the program includes 26 hours of classroom instruction along with a mandatory final exam and continuing education requirements. The first exams were implemented in Spring 2017. Included in the graduates with full certification were current Hartford Democratic Registrar of Voters Giselle Feliciano and Republican Registrar of Voters Sheila Hall, along with Deputy Democratic Registrar of Voters Cathy Brooks.

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<sup>8</sup> See Associated Press, *Obama urges Hartford voters to return to polls*, WTNH.com, Nov. 4, 2014, available at <http://wtnh.com/2014/11/04/obama-urges-hartford-voters-to-return-to-polls/>

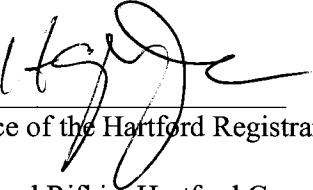
96. The Commission also notes that the office has no major issues before it involving Ms. Feliciano and/or Ms. Hall.
97. In consideration of the aforesaid aggravating and mitigating circumstances in this matter, the Commission concludes, and the Office of the Hartford Registrars of Voters agrees, that an appropriate civil penalty here is \$9,600.
98. The Respondent admits all jurisdictional facts and concurs that this Agreement and Order shall have the same force and effect as a final decision and Order entered after a full hearing and shall become final when adopted by the Commission. The Respondent shall receive a copy hereof as provided in Section 9-7b-56 of the Regulations of Connecticut State Agencies
99. 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.
100. 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 Office of the Hartford Registrars of Voters will henceforth strictly comply with the requirements of General Statutes § 9-259, 9-140c, 9-38, 9-174, 9-261, 9-228a, and 9-322a.

IT IS HEREBY ORDERED that the Office of the Hartford Registrars of Voters will remit a civil penalty of Nine Thousand Six Hundred Dollars (\$9,600).

**The Respondent:**

  
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Office of the Hartford Registrars of Voters  
By  
Howard Rifkin, Hartford Corporation  
Counsel

Dated: August 11, 2017

**For the State of Connecticut:**

  
\_\_\_\_\_  
BY: \_\_\_\_\_  
Michael J. Brandi, Esq.  
Executive Director and General Counsel  
& Authorized Representative of the  
State Elections Enforcement Commission  
20 Trinity St., Suite 101  
Hartford, CT

Dated: 8/16/17

Adopted this 16 day of Aug of 2017 at Hartford, Connecticut

  
\_\_\_\_\_  
Anthony Castagno, Chairman  
By Order of the Commission