

STATE OF CONNECTICUT
STATE ELECTIONS ENFORCEMENT COMMISSION

In the Matter of a Complaint by Linda Szykowitz, Middletown

File No. 2015-048

FINDINGS AND CONCLUSIONS

The Complainant alleged that the manner in which former Middletown Democratic Registrar of Voters Sandra Faraci was replaced was improper and that her successor's claim to the position is invalid.¹

BACKGROUND

1. The following timeline is generally not in dispute:
 - a. 11/4/14 Sandra Faraci elected Democratic Registrar of Voters for 2-year term
 - b. 1/7/15 Faraci appoints William Boyd as Deputy Registrar of Voters
 - c. 5/7/15 Faraci replaces William Boyd with Elizabeth Santangelo
 - d. 5/18/15 Faraci submits unsigned resignation letter, to be effective 5/22/15
 - e. 5/22/15 Santangelo assumes the role of Democratic Registrar of Voters
 - f. 5/26/15 Santangelo appoints William Boyd as Deputy Registrar of Voters

ALLEGATIONS

2. The Complainant alleges that Ms. Faraci should not have been permitted to replace Mr. Boyd, asserting that she could only appoint a deputy registrar in the case of a vacancy and Mr. Boyd had not resigned or somehow become incapable of holding the position. As such, she asserts that Ms. Santangelo's appointment to the position of Deputy Registrar of Voters was invalid.

¹ 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.

3. The Complainant further alleges that since Ms. Faraci submitted an unsigned letter of resignation to Mayor Drew, such resignation was not effective, which she also asserts nullifies Ms. Santangelo's current claim to the office of Registrar of Voters.

LAW

4. General Statutes § 9-192 regulates the appointment of deputy registrars of voters and also addresses the process of filling a vacancy in the office of Registrar of Voters. It reads, in pertinent part:

*Each registrar of voters immediately after his election shall appoint a deputy registrar of voters to hold office during his pleasure and may, at any time, fill any vacancy in said office. He shall file with the town clerk a certificate of each such appointment and the town clerk shall record the certificate with the records of town meetings. Each deputy registrar of voters shall assist his principal when required, discharge his duties in his absence or inability to act and, *in case of the death, removal or resignation of such principal, shall become registrar of voters and appoint a deputy*, and shall file with the town clerk a certificate of such appointment, which shall be recorded with the records of town meetings. If a vacancy exists in the office of registrar of voters in consequence of a refusal or failure to accept the office or a failure of the registrar to appoint a deputy registrar, the town committee of the same political party as the registrar of voters who so refused, failed to accept or failed to appoint, or other appointing authority specified in local party rules shall fill such vacancy by the appointment of some suitable person, who shall belong to the same political party as the registrar of voters who so refused, failed to accept or failed to appoint. Each registrar of voters in any town may, as needed, appoint and employ not more than four assistant registrars of voters for each voting district therein, who shall serve at the pleasure of the registrar of voters and assist such registrar in the performance of his duties, and, for purposes of any admission session held pursuant to section 9-19b or subsection (a) of section 9-19c, as many special assistants as are necessary to carry out the duties of such session. Such registrar shall file with the town clerk a certificate of each such appointment, which shall be recorded with the records of the town, and shall appoint such other assistants as are necessary for the performance of duties required by sections 9-12 to 9-45, inclusive, on election day and the six days preceding. Unless otherwise provided by subsection (b) of section 9-19b, in the absence of*

either registrar of voters, his deputy or any of his assistants, except special assistants, shall have all the powers conferred, and may perform any of the duties imposed, upon such registrar by any of the provisions of the statutes. Each deputy, assistant or special assistant registrar shall be an elector of the municipality in which he is appointed. Each deputy registrar shall also, at the time of his appointment and during the six months immediately preceding his appointment, be an enrolled member of the same party as the registrar who makes such appointment.
(Emphasis added)

FACTUAL FINDINGS

5. As stated above, the majority of the pertinent facts here are undisputed, but the Commission also finds that the investigation revealed that neither Ms. Faraci nor Mr. Boyd disputes that it was their intent to leave their jobs as Registrar and Deputy Registrar, respectively, in the manner and on the dates outlined above.

ANALYSYS AND CONCLUSION

6. The first question in this matter is whether Mr. Boyd's replacement with Ms. Santangelo was inappropriate given that Mr. Boyd had not resigned in writing or somehow become incapable of holding the position.
7. Leaving aside the fact that Mr. Boyd does not dispute the manner of his replacement, § 9-192 is clear that a deputy registrar of voters services at the "pleasure" of that deputy's registrar of voters. This means that a registrar may remove and/or replace a deputy at will.
8. Accordingly, Mr. Boyd's replacement with Ms. Santangelo was not invalid for the reason asserted by the Complainant. Mr. Boyd was validly replaced with Ms. Santangelo on or about May 7, 2015.
9. The second question in this matter is whether Ms. Faraci's resignation was effective such that Ms. Santangelo validly became the Democratic Registrar of Voters in Middletown.
10. As an initial matter, the question of succession is very clear in § 9-192. Upon the resignation of a registrar of voters, the deputy immediately assumes the position.
11. And, while § 9-192 does not enumerate the manner in which a resignation should be effectuated, there is no dispute here that it was Ms. Faraci's intent to resign. If Ms. Faraci

herself was disputing the validity of the resignation, the question of whether an unsigned letter was appropriate might be properly before the Commission.

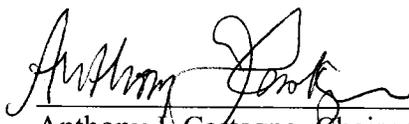
12. However here, the facts are clear that it was Ms. Faraci's intent to resign and that she did so resign. Accordingly, Ms. Santangelo validly became Democratic Registrar of Voters on or about May 22, 2015. Considering the aforesaid, this matter should be dismissed

ORDER

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

Dismissed

Adopted this 20th day of October, 2015 at Hartford, Connecticut.



Anthony J. Castagno, Chairperson
By Order of the Commission