

STATE OF CONNECTICUT
STATE ELECTIONS ENFORCEMENT COMMISSION

In the Matter of a Complaint by Athena-Lee Maynard, Voluntown
In the Matter of a Complaint by Deborah Maynard, Voluntown

File No. 2016-096
File No. 2016-097

AGREEMENT CONTAINING A CONSENT ORDER

The parties, Diana Ingraham, the Voluntown Democratic Registrar of Voters (the "Respondent") and the undersigned authorized representative of the State Elections Enforcement Commission (the "Commission"), enter into this agreement as authorized by Connecticut General Statutes § 4-177 (c) and Regulations of Connecticut State Agencies § 9-7b-54. In accordance with those provisions, the parties agree that:

ALLEGATIONS

1. The Complainants in these matters allege that the Respondent approached Complainant Athena-Lee Maynard while she was in line to vote, pulled her from the line, shouted at her that she was not allowed to vote, and stated that she may be challenged.
2. The Respondent also allegedly shouted at Athena-Lee's mother, Deborah Maynard while she was in line to vote, concerning Athena-Lee's right to vote.¹

LAW

3. General Statutes § 9-236b delineates the Voter's Bill of Rights. The rights delineated therein include the right to "[v]ote free from coercion or intimidation by election officials or any other person[.]" General Statutes § 9-236b (a) (5).

DISCUSSION

4. On November 8, 2016, Athena-Lee Maynard, a voter with disabilities, traveled to the Voluntown Town Hall polling location in order to vote. While in line to vote, the Respondent, a Voluntown Registrar of Voters and candidate for reelection on November 8, 2016, approached Athena and directed her to leave the line and go to the Respondent's office in the building. While in the office, the Respondent told Athena that she was not allowed to vote because she did not live in Voluntown. The Respondent claimed that she did live in Voluntown and produced a license with her address. The Respondent claimed to

¹ 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.

have independent information that she did not live in Voluntown. Athena again insisted that she did live in Voluntown. In response, the Respondent stated that “Well you may be Challenged be aware of that.” Athena then returned to the line and voted.

5. An assistant moderator at the Voluntown Town Hall polling location, happened to be near the Registrar’s office at the time of the confrontation. Ms. Gauthier confirmed that the substance of the interaction and further volunteered that the Respondent was “loud and intimidating with [Athena].”
6. Complainant Deborah Maynard, Athena’s mother, came to the Voluntown Town Hall later that day in order to vote. Deborah claims that the Respondent approached her while she was in line waiting to vote and demanded that Deborah provide Athena’s address. When Deborah stated that Athena lived in Voluntown, the Respondent allegedly became irritated and stated “that is not her address? What is her address?” and “I want her address, now what is it?” When Deborah did not give an answer that was satisfactory to the Respondent she was nevertheless permitted to vote.
7. The Commission has interpreted General Statutes § 9-236b (a) as granting voters the rights enumerated in the Voter’s Bill of Rights. See, e.g., *In the Matter of a Complaint by Robert Burke, Manchester*, File No. 2009-136 (right to vote independently and in privacy at the polling place); *In the Matter of a Complaint by Claude Holcomb, Hartford*, File No. 2009-029 (right to vote independently and in privacy at the polling place); *In the Matter of a Complaint by Eileen Torrow, Milford*, File No. 2009-005 (right to vote independently and in privacy at the polling place); *In the Matter of a Complaint by Sandra Kush, West Hartford*, File No. 2008-068 (right to vote independently and in privacy at the polling place); *In the Matter of a Complaint by Norman S. Douglas, Milford*, File No. 2007-411 (right to vote in privacy at the polling place); *In the Matter of a Complaint by Cynthia Clark, et al., Middletown*, File No. 2003-267 (right to inspect a sample ballot ; *In the Matter of a Complaint by Helen Lech, Berlin*, File No. 2007-421 (right to vote in privacy at the polling place); *In the Matter of a Complaint by Kathleen Prudden and Elizabeth Rhoades, Stratford*, File No. 2007-405 (right to vote in privacy at the polling place).
8. Recently, the Commission had the opportunity to consider subdivision (5) of the Voter Bill of Rights (the right to vote “free from coercion or intimidation by election officials or any other person”) and found that posting a sign at a polling location stating “ID Required” was a coercive act on the part of the election official. *In the Matter of a Complaint Daniel Garrett, Hamden*, SEEC File No. 2015-274.
9. In this case, an independent witness has confirmed the accounts of two Complainants that stated that the Respondent, an election official and candidate for office, was loud and

“intimidating” to them. Moreover, the Respondent pulled a voter out of line to apparently dissuade her from voting.

10. It should be noted that the Respondent did have a statutory procedure to challenge Athena’s right to vote if she believed that Athena was not a bona fide resident of Voluntown. See General Statutes §§ 9-232 *et. seq.* Under these procedures, there would have been an official record of the challenge and subsequent procedure to determine if the vote should be counted, provided the challenge was upheld by the Moderator. *Id.*
11. The Respondent, however, while acknowledging that she was aware of the challenge procedures, stated “Yes, I could have given Athena a Challenged Ballot or had her go to EDR in Griswold, but I knew from past experience that this would create more difficulty. I felt that this was the best way to handle the situation.”
12. Based upon the foregoing, Commission concludes that the Respondent committed two violations of General Statutes § 9-236b by not allowing the Complainants to vote “free from coercion or intimidation by election officials”.

TERMS OF GENERAL APPLICATION

13. The Respondent admits to 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.
14. 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 to contest the validity of the Order entered into pursuant to this Agreement.
15. Upon the Respondent’s agreement to comply with the Order hereinafter stated, the Commission shall not initiate any further proceedings against the Respondents regarding this matter.
16. It is understood and agreed by the parties to this Agreement that the Commission will consider this Agreement at its next available meeting and, if the Commission rejects it, the

Agreement will be withdrawn and may not be used as an admission by the Parties in any subsequent hearing, proceeding or forum.

ORDER

It is hereby ordered that the Respondent shall henceforth strictly adhere to the requirements of General Statutes § 9-236b.

It is hereby ordered the Respondent shall pay a civil penalty of \$400.

For the Office Respondent:

For the State of Connecticut:

By: *Diana Ingraham*
Diana Ingraham
Voluntown Democratic Registrar of Voters
Voluntown Town Hall
115 Main Street
Voluntown, CT 06384

By: *Michael J. Brandt*
Michael J. Brandt
Executive Director and General Counsel and
Authorized Representative of the
State Elections Enforcement Commission
20 Trinity St.
Hartford, CT 06106

Dated: 4/11/18

Dated: 4/16/18

Adopted this 18th day of April, 2018 at Hartford, Connecticut by vote of the Commission.

Anthony J. Castagno
Anthony J. Castagno, Chairman
By Order of the Commission

RECEIVED
STATE ELECTIONS

APR 16 2018

ENFORCEMENT COMMISSION