

STATE OF CONNECTICUT
STATE ELECTIONS ENFORCEMENT COMMISSION

In the Matter of a Referral by the Secretary of the State

File No. 2018-082

AGREEMENT CONTAINING A CONSENT ORDER

The parties, Sheila Hall, Giselle Feliciano, and Denise Stevenson ("Respondents") 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:

1. At all times relevant hereto, Respondent Sheila Hall was the Republican Registrar of Voters for the City of Hartford.
2. At all times relevant hereto, Respondent Giselle Feliciano was the Democratic Registrar of Voters for the City of Hartford.
3. On or about August 14, 2018, the Democratic Party in the City of Hartford held a primary to select candidates for public office.
4. On or about August 14, 2018, Respondent Denise Stevenson was the moderator at the Grace Lutheran Church polling location in the City of Hartford.
5. On or about August 15, 2018, Terrika Foster-Brasby transmitted a letter to the Secretary of State alleging that she had been prevented from voting at the Grace Lutheran Church polling location.
6. Based upon the allegations in the August 15, 2018 letter from Terrika Foster-Brasby, the Secretary of the State referred this matter to the Commission on or about September 5, 2018.
7. Ms. Foster-Brasby's August 15, 2018 letter specifically alleged that when she arrived at the Grace Lutheran Church polling location, she was advised she was on the inactive voter list.
8. Ms. Foster-Brasby further alleged in her August 15, 2018 that she was allowed to fill out a voter registration application, which was accepted by the poll workers.
9. Ms. Foster-Brasby further alleged in her August 15, 2018 letter, that, after completing her voter registration application, she was told, "I would not be allowed to vote and would have to wait until November."

10. None of the Respondents in this matter claim to have an independent recollection of speaking with Ms. Foster-Brasby or the events surrounding her allegation, but generally deny that they would have prevented Ms. Foster-Brasby from voting after being restored to the active registry list.
11. The moderator's diary from August 14, 2018 did note "Terrika Foster – DOB 8/17/1984 – 236 Collins St., Htfd. – Inactive Democrat – Transfer."
12. After reviewing the results of the Commission's investigation, it is clear that Ms. Foster-Brasby attempted to vote in the August 14, 2018 Democratic Primary in the City of Hartford at the Grace Lutheran Church polling location.
13. It is also clear that Ms. Foster-Brasby was on the inactive voter list when she arrived at the Grace Lutheran Church on August 14, 2018.
14. It is also clear that that Ms. Foster-Brasby completed a voter registration application at the Grace Lutheran Church on August 14, 2018 and was restored to the active voter list. It is also clear that Ms. Foster-Brasby did not vote in the August 14, 2018 Democratic Primary in the City of Hartford.
15. General Statutes § 9-42 (b) detail the process for admitting an elector to the active registry. Specifically, General Statutes § 9-42 (b) provides:

If it appears at any time that the name of an elector who was formerly admitted or registered as an elector in a town and who is a bona fide resident of such town has been omitted from the active registry list, the registrars of voters shall, upon submission of a new application for voter registration signed by the elector under penalties of false statement, add such name to the active registry list, provided no name shall be added to the active registry list on election day without the consent of both registrars of voters.

16. General Statutes § 9-431 details who may vote at a primary. Specifically, General Statutes § 9-431 (a) provides:

No person shall be permitted to vote at a primary of a party unless (1) he is on the last-completed enrollment list of such party in the municipality or voting district, as the case may be, or (2) if authorized by the state rules of such party filed pursuant to section 9-374, he is an unaffiliated elector in the municipality or voting district, as the case may be, provided if two or more such parties are holding primaries on the same day in such municipality or voting district, whether for the same offices or different offices, such unaffiliated elector may vote in the primary of only one such party. Such state party rules may authorize unaffiliated electors to vote for some or all offices to be contested at its primaries.

17. Regulations of State Agencies § 9-42-1 further explicitly states that a voter on the inactive list may be restored to active status on primary day. Specifically, Regs. Conn. State Agencies § 9-42-1 (c) provides:

An application for restoration by an elector to the registry list may be made in person at a polling place on election or primary day. Such application shall be submitted to

the registrar(s) (singly in a primary), or assistant registrar(s) (singly in a primary) if the registrar(s) is not present at the polling place, provided the assistant registrar(s) shall contact the registrar(s) to determine whether the elector's name appeared on the registry list for one of the four previous years or on one of the preliminary lists for the year in which such application is made. The elector shall include with such application documentary or testimonial evidence as set forth in subsection (b) of this section. If such evidence is determined by such registrar(s) or assistant registrar(s) of voters to satisfactorily prove continued bona fide residence from the date such elector's name last appeared on the registry list for one of the four previous years or on one of the preliminary lists for the year in which such application is made to the date of the primary or election, such official(s) shall add the applicant's name to the registry list, attach the completed application thereto and the elector shall be permitted to vote.

18. The exact reason why Ms. Foster-Brasby did not vote remains in dispute, however, as detailed hereinafter, it remains in dispute because there is evidence that the records maintained concerning this primary were not properly maintained by the Respondent Hartford Registrars of Voters.
19. In the course of the investigation Commission investigators obtained the Official Registry List of Voters Entitled to Vote in District 3 for the Democratic State, District and Municipal Primary Tuesday, August 14, 2018 (the "Active Registry List"). At the back of such list were fourteen names that were added to a page that read "Official Checker Must Write all Names and Addresses of Voters who Have Been Restored or Transferred." Notations were made on this page next to nine individuals. Ms. Foster-Brasby was not included on this list.
20. The names that were included on the Active Registry List appear, from the Moderator's Diary and other records, to be individuals that transferred to District 3 or were restored to active status in District 3. A review of the elections records of these people indicates that some of these individuals were eligible to vote at the August 14, 2018 Democratic Primary in District 3, and others were not due to, for example, a party change. See General Statutes § 9-59. The markings next to the nine names on the back page of the Active Registry list do not appear related to their eligibility to vote at the August 14, 2018 primary. Records also show that these individuals did complete Voter Registration Applications when they presented themselves at the Grace Lutheran Church.
21. The Connecticut Voter Registration System ("CVRS") maintained by the Secretary of the State includes the election, referendum, and primary participation history of electors in the State of Connecticut. In fact, General Statutes § 9-50b (c) requires:

Not later than sixty days after each election or primary, the registrars of voters shall update the state-wide centralized voter registration system and indicate whether the eligible voters on the official registry list for such election or primary voted and, if so, if they voted in person or by absentee ballot.
22. A review of the CVRS records for Ms. Foster-Brasby and the fourteen individuals listed at the back of the Active Registry List shows that none have been recorded as having voted in the August 14, 2018 Democratic Primary.

23. When asked about the discrepancies in the records, Counsel for the Respondent Hartford officials provided the following statement:

It is assumed that the individuals who were listed on the back page of the active registry list from the Grace Lutheran polling place on August 14, 2018 were permitted to vote. The notation of their names on said back page would indicate that steps were taken at the polls to transfer or restore these voters when they appeared at the polls on primary election day. As we also discussed, the individuals whose names appear on the back page do not show in the CVRS as having voting. The possible explanation for this is that the individual in the Registrar's Office who was charged with the task of entering the information into the CVRS failed to do so.

24. Based upon the information available the Commission cannot say, with any degree of certainty, what happened with regard to Ms. Foster-Brasby and the fourteen other individuals listed at the back of the Active Registry list for the August 14, 2018 Democratic primary in Hartford's District 3. However, what is certain, is that there is evidence that the Respondent Moderator and Registrar's failed to properly execute their official duties, as defined in Conn. Gen. Stat. §§ 9-42, 9-50b, 9-59 and 9-431, and as a result, for those fifteen individuals, there is uncertainty as to who participated in the primary and whether individuals who were properly entitled to vote were disenfranchised.

25. Accordingly, the Commission has authorized this Agreement Containing a Consent order.

26. The Respondents admit 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.

27. The Respondents waive:

- 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.

28. Upon the Respondents' agreement to comply with the Order hereinafter stated, the Commission shall not initiate any further proceedings against the Respondents regarding this matter.

29. 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 Respondents shall henceforth strictly adhere to the requirements of General Statutes §§ 9-42, 9-50b, 9-59, and 9-431.

It is further ordered that Respondents Hall and Feliciano shall pay a civil penalty of \$500 each.

It is further ordered that Respondent Stevenson shall pay a civil penalty of \$250.

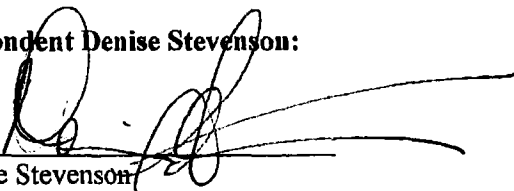
It is further ordered that Respondents Hall and Feliciano shall participate in recertification training. Specifically, the Respondents shall attend each Registrar certification class that covers areas related to General Statutes §§ 9-42, 9-50b, 9-59, and 9-431.

Respondent Feliciano:

By: 
Giselle Feliciano
Registrar of Voters
City Hall, Room 002
550 Main St
Hartford, CT 06103


Dated: 05/22/2020

Respondent Denise Stevenson:

By: 
Denise Stevenson
City Hall, Room 002
550 Main St
Hartford, CT 06103

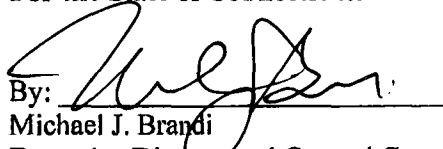
Dated: _____

Respondent Hall:

By: 
Sheila Hall
Registrar of Voters
City Hall, Room 002
550 Main St
Hartford, CT 06103

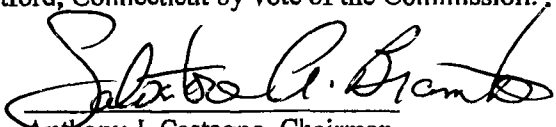
Dated: _____

For the State of Connecticut:

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

Dated: 8/17/2020

Adopted this 22 day of May, 2020 at Hartford, Connecticut by vote of the Commission.


~~Anthony J. Castagno, Chairman~~
By Order of the Commission
Salvatore Bramante, Vice Chair