

**STATE OF CONNECTICUT  
STATE ELECTIONS ENFORCEMENT COMMISSION**

In the Matter of a Commission Initiated Investigation

File No. 2018-120

**FINDINGS AND CONCLUSIONS**

The Commission initiated this investigation pursuant to Connecticut General Statutes § 9-7b after the Attorney General of the State of Connecticut forwarded information it had received from Frances Konopka. Ms. Konopka alleged that there was an unreasonable wait at her polling location and that there was no “curbside voting” available.<sup>1</sup> The following are the Commission’s findings of fact and conclusions of law:

**ALLEGATION**

1. Ms. Konopka alleged that there was an unreasonable wait at her polling location and that there was no “curbside voting” available.

**STATEMENT OF THE LAW**

2. Both General Statutes §§ 9-169 and 9-240 require the legislative body and/or the registrar of voters to provide suitable locations for the conduct of elections.
3. Specifically, General Statutes § 9-169 provides, in pertinent part:

The registrars of voters of any municipality taking such action shall provide a suitable polling place in each district but, if the registrars fail to agree as to the location of any polling place or places, the legislative body shall determine the location thereof.

4. Furthermore, General Statutes § 9-240 provides, in pertinent part

The board of selectmen in each town, unless otherwise provided by law, shall provide or may authorize the registrars to provide a suitable room or rooms and voting tabulator booths for holding all elections.

5. General Statutes § 9-261 (b) further allows for what is colloquially referred to as “curbside voting” in the event of a voters temporary incapacity and provides:

In the event that an elector is present at the polling place but is unable to gain access to the polling place due to a temporary incapacity, the elector may request

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<sup>1</sup> Any other allegation in the document forwarded by the Attorney General not addressed herein did not allege a violation, if true, within the jurisdiction of the Commission.

that the ballot be brought to him or her. The registrars of voters or the assistant registrars of voters, as the case may be, shall take such ballot, along with a privacy sleeve to such elector. The elector shall show identification, in accordance with the provisions of this section. The elector shall forthwith mark the ballot in the presence of the election officials in such manner that the election officials shall not know how the ballot is marked. The elector shall place the ballot in the privacy sleeve. The election officials shall mark the elector's name on the official voter list, manually on paper or electronically, as having voted in person and deliver such ballot and privacy sleeve to the voting tabulator where such ballot shall be placed into the tabulator, by the election official, for counting. The moderator shall record such activity in the moderator's diary.

#### STATEMENT OF THE FACTS

6. On November 6, 2018, at approximately 5:40 p.m., Frances Konopka and her husband Thomas Konopka drove to the Terryville High School polling location in the Town of Plymouth in order to vote in the November 6, 2018 general election.
7. When they arrived at the Terryville High School Polling location, Frances Konopka and Thomas Konopka discovered that there was a significant line causing a wait in order to vote.
8. On November 6, 2018, Thomas Konopka has a medical condition that made standing in line for a long period of time painful.
9. Due to Mr. Konopka's medical condition, the Konopkas requested to vote from his vehicle pursuant to the provisions of General Statutes § 9-261 (b). Specifically, Ms. Konopka states that she spoke to someone who "appeared to be managing the line" and requested that ballots be brought to her vehicle where her husband was waiting.
10. After requesting "curbside voting" Ms. Konopka returned to her vehicle and the Konopkas waited for someone to bring a ballot to them.
11. The Konopkas state that after they waited approximately 45 minutes for a ballot they left and did not vote.
12. The Frances Konopkas states that she did not inquire about her or her husband's ballot before leaving.
13. In response to the instant investigation, polling place moderator Sally Barnes stated that there were unusually long lines at the Terryville High School polling location on November 6, 2018.

14. Ms. Barnes further stated that the delays at the Terryville High School polling location was due to increased voter turnout and that sections of the High School including a section of the gym where voting was occurring still in use for non-election purposes while voting was taking place on November 6, 2018.
15. Evidence further shows that several other individuals did successfully participate in “curbside voting” at Terryville High School on November 6, 2018.
16. The Registrars of Voters for the Town of Plymouth have indicated that the polling location for the area covered by Terryville High School has been relocated to avoid any further potential issues posed by conflicts with other uses of the High School.

#### **DISCUSSION**

17. With regard to the allegation that there was no “curbside voting” available at Terryville High School on November 6, 2017, the evidence shows that there was “curbside voting” available, though the process may have been delayed.
18. With regard to whether the Terryville High School was a “suitable” polling location pursuant to General Statutes § 9-169 and 9-240, the Commission must determine, in this case whether the polling location caused an unreasonable delay in the process of voting and whether that delay was foreseeable.
19. In this case, the issue was that during the November 6, 2016 general election, sections of Terryville High School were in use, including a section of the gymnasium. The part of the gymnasium used for non-election purposes was sectioned off from the part of the gymnasium used for voting, but the parking congestion and flow of people through the polling place was impacted by the additional people at the location.
20. The Commission has previously held that:

While the Commission strongly encourages the use of a separate room as a polling place, the Commission declines to hold that failure to do so is a *prima facie* violation of the General Statutes § 9-236 (c).

Rather, when a section of a room is being used as a polling place, and another section is being used for another function, the Commission will look at the underlying facts to determine if sufficient steps have been taken to protect the integrity of the polling place.

*In the Matter of a Complaint by Karen Jackson, Bridgeport, File No. 2016-042.*

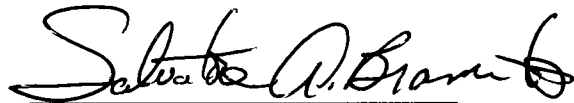
21. In this case, a combination of increased voter participation and non-election activities at Terryville High School resulted in increased wait times to vote.
22. While the consequence of this additional wait was that at least two people chose to leave without voting, the Terryville High School polling location does not have a history of administrative problems or undue waits.
23. Moreover, when the issues were brought to the attention of the Registrars of Voters, they worked with the Town of Plymouth and relocated the polling location to avoid such issues in the future.
24. Accordingly, the Commission concludes that no further action be taken with regard to this matter.

ORDER

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

That no further action shall be taken with regard to this matter.

Adopted this 19<sup>th</sup> day of August, 2020 at Hartford, Connecticut.

A handwritten signature in cursive script, reading "Salvatore A. Bramante".

~~Anthony J. Castagno, Chairperson~~

By Order of the Commission

Salvatore Bramante, Vice Chair