

**STATE OF CONNECTICUT
STATE ELECTIONS ENFORCEMENT COMMISSION**

In the Matters of Referrals by Groton RoVs Paul A. Duarte and Kristen D. Venditti,
File No. 2018-121 and Theodore Bromley, Office of the Secretary of the State ("SOTS"),
File No. 2019-012

AGREEMENT CONTAINING CONSENT ORDER

This Agreement, by and between Kim Allen, of the Town of Groton, State of Connecticut (hereinafter "Respondent") 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:

1. At all times relevant to the instant complaint, Respondent was a certified moderator and the designee in charge of the Election Day Registration at the November 6, 2018 General Election in the Town of Groton.
2. Paul Duarte and Kristen Venditti were the Groton Registrars of Voters and held their offices at all times relevant to this complaint and the November 6, 2018 General Election in the Town of Groton. Mr. Duarte and Ms. Venditti, as registrars of voters, referred this matter (File No. 2018-121) to the Commission pursuant to General Statutes § 9-7b (a).
3. The companion case resulted from a referral by Attorney Theodore Bromley of the SOTS (File No. 2019-012), also pursuant to General Statutes § 9-7b (a). Each involved the same potential violations regarding Election Day Registration ("EDR") balloting in Groton at the November 6, 2018 statewide election.
4. Ms. Kim Allen was a certified moderator and in charge of the EDR process on November 6, 2018. She was assisted by EDR Ballot Clerks Carol Carpenter and Jeanne Wolfgang.
5. The gravamen of these referrals is that 76 EDR ballots at the November 6, 2018 Groton election were rejected because election officials had not ensured that the signature lines on outer envelopes of ballot sets were completed. More specifically, the referrals indicate that EDR ballot outer envelopes were marked out or obscured at the direction of EDR Ballot Clerks or by the election officials themselves. Therefore, the ballots were rejected because the outer envelopes were not signed by the electors.
6. This settlement is limited to Respondent and any violations pertaining to other individuals are treated in a separate agreement.

7. General Statutes § 9-19j, provides in pertinent part:

(a) As used in this subsection and subsections (b) to (i), inclusive, of this section, "election day" means the day on which a regular election, as defined in section 9-1, is held.

(b) Notwithstanding the provisions of this chapter, a person who (1) is (A) not an elector, or (B) an elector registered in a municipality who wishes to change his or her registration to another municipality pursuant to the provisions of subdivision (2) of subsection (e) of this section, and (2) meets the eligibility requirements under subsection (a) of section 9-12, may apply for admission as an elector on election day pursuant to the provisions of subsections (a) to (i), inclusive, of this section.

(c) (1) ***The registrars of voters shall designate a location for the completion and processing of election day registration applications on election day, provided the registrars of voters have access to the state-wide centralized voter registration system from such location.***

(2) ***The registrars of voters may appoint one or more election officials to serve at such location and may delegate to such election officials any of the responsibilities assigned to the registrars of voters. The registrars of voters shall supervise such election officials and train such election officials to be election day registration election officials.***

(d) Any person applying to register on election day under the provisions of subsections (a) to (i), inclusive, of this section shall make application in accordance with the provisions of section 9-20, ...

(e) If the registrars of voters determine that an applicant satisfies the application requirements set forth in subsection (d) of this section, the registrars of voters shall check the state-wide centralized voter registration system before admitting such applicant as an elector.

(1) If the registrars of voters determine that the applicant is not already an elector, the registrars of voters shall admit the applicant as an elector and ***the privileges of an elector shall attach immediately.*** ...

(f) ***If the applicant is admitted as an elector, the registrars of voters shall provide the elector with an election day registration ballot and election day registration envelope and shall make a record of such issuance. The elector shall complete an affirmation imprinted upon the back of the envelope for an election day registration ballot and shall declare under oath that the applicant has not previously voted in the election.*** ...

(g) The elector shall forthwith mark the election day registration ballot in the presence of the registrars of voters in such a manner that the registrars of voters shall not know how the election day registration ballot is marked. **The elector shall place the election day registration ballot in the election day registration ballot envelope provided**, and deposit such envelope in a secured election day registration ballot depository receptacle...

(h) The provisions of the general statutes and regulations concerning procedures relating to the custody, control and counting of absentee ballots shall apply as nearly as possible, to the custody, control and counting of election day registration ballots under subsections (a) to (i), inclusive, of this section. ...
[Emphasis added.]

8. The Commission finds that pursuant to General Statutes § 9-19j, Respondent was appointed by the Groton ROVs as an election official to serve at the EDR location and was delegated the responsibilities assigned to registrars of voters to administer the EDR and EDR ballot process. Respondent was in charge of EDR and the EDR ballot process in Groton at the November 6, 2018 election day. Respondent administered the process and supervised two EDR ballot clerks in the election day registration responsibilities of the registrars of voters.
9. Respondent, through Groton City Counsel, provided an affidavit in response to this complaint and investigation that is excerpted below:

I have been employed by the Town of Groton as an Office Assistant I, assigned to the office of Registrars of Voters since March 16, 2015. Currently, and at all relevant times to the Complaint, I work four (4) hour days, five (5) days a week, and I enjoy being part of the Groton's election process. As part of my daily responsibilities as an Office Assistant I, I register voters, update records, take part in preparing for elections, as well as other duties, as assigned.

On June 10, 2017, I attended Moderator certification training and was certified on that date by the State of Connecticut as a Certified Moderator. At that training, I did not receive any specific training in regard to being a Moderator at an EDR site or with respect to the EDR process. The Moderator training focused on being a Moderator at a regular polling location. At no time since June 10, 2017, when I attended the formal Moderator training and obtained my certification, have I received any additional formal training elsewhere, including from the Groton registrars, with respect to the EDR voting process.

In November 2017, I was assigned as the EDR Moderator and, as I recall, that was the first year that Groton commenced using ballot envelopes for EDR voters for the first time. As I recall, the process that took place during that election in November 2017 necessitated that I register the voters, gathering their personal information; the voter filled out their ballot themselves and then placed the ballot in the ballot envelope; and then the voter signed it. Prior to commencing the registration processes that day in November 2017, Republican Registrar of Voters, Kristen Venditti, told me specifically "not to worry about the electors signing the envelopes but to make sure that I noted the ballot number on the envelope," or words to that effect. ...

On November 6, 2018, which was a very busy Election Day, I was assigned as the EDR Moderator for the election that gave rise to this complaint. During this election, we operated the EDR location in the same format as that November 2017 election, with ballot envelopes. I was scheduled to have three Ballot Clerks assigned to me for the 2018 EDR process in 2018, but one was not able to work the election. The Registrars did not replace the missing third Ballot Clerk and neither the Registrars nor their respective Deputy, who were on site, stepped in to help with the registration process or the voting process.

Prior to the start of voting, I appointed one Ballot Clerk (Jeanne Wolfgang) to register electors. The second Ballot Clerk (Carol Carpenter) was tasked with giving ballots to voters, writing the ballot numbers on the grey envelopes (as Ms. Venditti had instructed me in 2017), and documenting information on the person voting (e.g. address, town, ballot number). Once the electors voted, they completed the process by putting the ballots in the envelope, signing the envelope, and putting it in the ballot box.

...

About midway through the Election Day, a female voter, after having registered to vote, approached Ballot Clerk, Carol Carpenter, indicating that she did not feel her ballot was confidential if she was required to sign the ballot envelope. Ms. Carpenter inquired of me regarding how to handle the situation with the voter.

Upon Ms. Carpenter's inquiry, I recalled that the first time we used these ballot envelopes the year prior, Ms. Venditti said not to worry about the electors signing the envelopes but to ensure the ballot number is on the envelope. I relayed this directive to Ms. Carpenter in response to that particular voter, stating "don't worry about whether she signs the ballot envelope, just make sure there is a ballot number on the envelope" or words to that effect. My intention in saying this was to relay that if a specific voter has an issue with signing their envelope, that it was their prerogative to not sign. I believed I was still protecting the integrity of the election because the voter's information was being checked in CVRS, written in a

log, and a number was being written on the ballot envelope. I had no further discussions with Ms. Carpenter regarding the signatures on the ballot envelopes and certainly gave no directive to Ms. Carpenter to (1) "scribble out" the signature line on the ballot envelope; (2) sign the ballot envelope for the elector; or (3) affirmatively direct electors that they need not sign the ballot envelope.

Later in the day on November 6, 2018, Mr. Duarte asked me why the voters were not signing the ballot envelopes. I indicated that I was not certain why any individual voter had not signed their envelope, but I explained to Mr. Duarte what I had told Ms. Carpenter at the time of the single voter incident of which I was aware, and that my decision was based on my understanding of past practice. Mr. Duarte brought it to my attention at that point that Ms. Carpenter had been scribbling the signature line out. I never told her to do that. I had told her in regard to that voter not to worry about whether she signed, and just make sure there is a ballot number on the envelope. She apparently misunderstood and scribbled out the signature lines. This action was never directed or advised by me.

...[T]he information I provided to Ms. Carpenter at the polling site on November 6, 2018 was based entirely on the information that I had received in November 2017 from Ms. Venditti. At the time I relayed the information, I was unaware that I was relaying any misinformation regarding the EDR process; I was simply relaying what had been taught to me by Ms. Venditti a year prior.

I take the privilege to vote seriously and hold the integrity of the voting process in the highest regard. At no time did I intend to disenfranchise voters, nor did I intend to cause anyone else to disenfranchise voters. I am very sorry about what has happened to 76 of our voters as a result of what I now see as series of misinformation, misunderstandings and, quite frankly, a lack of proper training by the State of Connecticut for Moderators.

[Emphasis added.]

10. By way of background, Respondent, a certified moderator, on November 6, 2018 was in charge of the location designated by the Registrars of Voters for completing and processing EDR in Groton. Respondent was assisted by Ms. Carpenter and Ms. Wolfgang, who were designated Ballot Clerks. More specifically, Respondent and Ms. Wolfgang processed the EDR paperwork to establish or confirm individuals as electors and Ms. Carpenter administered the EDR ballot sets. All three EDR election officials were appointed by Registrar of Voters Duarte and Registrar of Voters Venditti, who delegated the responsibilities of EDR to them pursuant to General Statutes § 9-19j.

11. After investigation, the Commission finds that 76 EDR ballots were rejected and not counted after election officials administering the EDR process and location improperly failed to ensure that the outer envelopes for EDR ballot sets were signed by electors at the November 6, 2018 election in Groton.
12. The Commission finds, after investigation, inconsistent testimony pertaining to how the errors in processing of EDR ballots occurred. Respondent insists, by affidavit, that she conveyed to Ms. Carpenter instructions that she received from Registrar of Voters Venditti. However, Registrar of Voters Venditti, through Groton Corporation Counsel, denied in the course of this investigation that she provided advice to Respondent that it was unnecessary for electors to sign the outer envelopes for EDR ballot sets.
13. The Commission finds that Respondent did not fully understand the process for administering EDR ballots and the Registrars of Voters inadequately supported her pertaining to her appointment and assumption of their duties either prior to, or during, election day for purposes of successfully administering EDR ballots and satisfying the requirements of General Statutes § 9-19j.
14. The Commission concludes that Respondent failed to satisfy the requirements of General Statutes § 9-19j, which directly contributed to the rejection of 76 EDR ballots and subsequent disenfranchisement of each individual elector in Groton on November 6, 2018. As such, this violation of § 9-19j is a serious offense.
15. The Commission finds that Respondent as an appointee of the Registrars of Voters and a certified moderator charged with supervising two EDR ballot clerks and administering EDR ballots on November 6, 2018 should have taken more affirmative steps to understand the process. Such steps would include working with the Registrars of Voters to verify the process once the errors regarding the failure to require the signing of the outer EDR ballot envelope were first called to her attention.
16. The Commission does not find that the Respondent acted in bad faith by adhering to the mistaken belief that signatures on EDR ballot outer envelopes were unnecessary when processing ballots. Respondent appears to have genuinely misunderstood the process and relied on available advice and support provided to ballot clerks by Registrars of Voters about this process. The Respondent moderator has no previous history in this area.
17. The Commission finds that Respondent, as appointee of the Groton Registrars of Voters, with all of the delegated responsibilities and duties consistent with General Statutes §9-19j, substantially failed to follow the correct EDR ballot process, which resulted in substantial disenfranchisement in Groton on November 6, 2018.

18. 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.

19. 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.

20. 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 either of the parties in any subsequent hearing, if the same becomes necessary.

RECEIVED

JAN 28 2021

STATE ELECTIONS
ENFORCEMENT COMMISSION


ORDER

IT IS HEREBY ORDERED that Respondent henceforth strictly comply with General Statutes § 9-19j.


IT IS HEREBY FUTHER ORDERED that Respondent is required to complete training and certification, specific to the Election Day Registration before working as a moderator for EDRs in the future.

The Respondent:

For the State of Connecticut:



Kim Allen
18 Meadow Drive
Gales Ferry (Groton), CT


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: 1-21-21

Dated: 2/1/2021

Adopted this 17th day of March of 2021 at Hartford, Connecticut



Stephen Penny, Chairman
By Order of the Commission