

**STATE OF CONNECTICUT**  
**STATE ELECTIONS ENFORCEMENT COMMISSION**

In the Matter of a Referral by the Office of the Secretary of the State,      File No. 2019-022  
Hartford

**FINDINGS AND CONCLUSIONS**

This referral of a potential election law violation was made by the Office of the Secretary of the State to the Commission pursuant to General Statutes § 9-7b. This matter pertains to the potential failure in the Town of North Canaan to comply with General Statutes § 9-322a regarding a recanvass of the November 6, 2018 election. After its investigation, the Commission makes the following findings and conclusions:

1. This referral was dated February 14, 2019 and received by the Commission on February 19, 2019 from the Office of the Secretary of the State of Connecticut (“SOTS”).
2. SOTS Attorney Theodore Bromley, by memorandum referencing “Allegations of Misconduct during the November 6, 2018 General Election,” included the following potential violation of elections law:

*Failure to comply with the provisions of CGS §9-322a within the Town of North Canaan. The failure to comply with the provisions created an election irregularity that caused a Recanvass to be called outside of the Recanvass period.*
3. This SOTS referral was docketed for further investigation by the Commission pursuant to General Statutes § 9-7-b.
4. General Statutes § 9-322a, provides:
  - (a) Not later than forty-eight hours following each regular election, the registrars of voters shall provide the results of the votes cast at such election to the town clerk. ***Not later than nine o’clock a.m. on the third day following each regular election, the head moderator, registrars of voters and town clerk for each town divided into voting districts shall meet to identify any error in the returns.*** Not later than one o’clock p.m. on the third day following each regular election, the head moderator shall correct any error identified and file an amended return with the Secretary of the State, the town clerk and the registrars of voters.

(b) Not later than twenty-one days following each regular state election, the town clerk of each town divided into voting districts shall file with the Secretary of the State a consolidated listing, in tabular format, as prescribed by the Secretary of the State, of the official returns of each such voting district for all offices voted on at such election, including the total number of votes cast for each candidate, the total number of names on the registry list, and the total number of names checked as having voted, in each such district. The town clerk of such town shall certify that he or she has examined the lists transmitted under this section to determine whether there are any discrepancies between the total number of votes cast for a candidate at such election in such town, including for any canvass conducted pursuant to section 9-311 or 9-311a, and the sum of the votes cast for the same candidate in all voting districts in such town. In the case of any such discrepancy, the town clerk shall notify the head moderator and certify that such discrepancy has been rectified. Each listing filed under this section shall be retained by the Secretary of the State not less than ten years after the date of the election for which it was filed.

5. General Statutes § 9-311a, provides:

For purposes of this section, state, district and municipal offices shall be as defined in section 9-372 except that the office of presidential elector shall be deemed a state office. Forthwith after a regular or special election for municipal office, ***or forthwith upon tabulation of the vote for state and district offices by the Secretary of the State***, when at any such election the plurality of an elected candidate for an office over the vote for a defeated candidate receiving the next highest number of votes was either (1) less than a vote equivalent to one-half of one per cent of the total number of votes cast for the office but not more than two thousand votes, or (2) less than twenty votes, there shall be a canvass of the returns of the voting tabulator or voting tabulators and absentee ballots used in such election for such office unless such defeated candidate or defeated candidates, as the case may be, for such office file a written statement waiving this right to such canvass with the municipal clerk in the case of a municipal office, or with the Secretary of the State in the case of a state or district office. In the case of state and district offices, the Secretary of the State upon tabulation of the votes for such offices shall notify the town clerks

in the state or district, as the case may be, of the state and district offices which qualify for an automatic canvass and shall also notify each candidate for any such office. When a canvass is to be held the municipal clerk shall promptly notify the moderator, as defined in section 9-311, who shall proceed forthwith to cause a canvass of such returns of the office in question in the same manner as is provided in said section 9-311. In addition to the notice required under section 9-311, the moderator shall before such canvass is made give notice in writing of the time when, and place where, such canvass is to be made to each candidate for a municipal office which qualifies for an automatic canvass under this section. Nothing in this section shall preclude the right to judicial proceedings on behalf of a candidate under any provision of chapter 149. For the purposes of this section, “the total number of votes cast for the office” means in the case of multiple openings for the same office, the total number of electors checked as having voted in the state, district, municipality or political subdivision, as the case may be. When a canvass of the returns for an office for which there are multiple openings is required by the provisions of this section, the returns for all candidates for all openings for the office shall be canvassed. No one other than a canvass official shall take part in the canvass. If any irregularity in the canvass procedure is noted by a candidate, he shall be permitted to present evidence of such irregularity in any contest relating to the election.

[Emphasis added.]

6. Upon investigation, the Commission finds that North Canaan Town Clerk, Jean Jacquier, and North Canaan Registrars of Voters Anna McGuire and Patricia Keilty met after the November 6, 2018 election on the 7<sup>th</sup> and the 8<sup>th</sup> to make changes as need to the election return.
7. The Commission finds, and participants at the November 7<sup>th</sup> and 8<sup>th</sup> meetings following the North Canaan elections concede, that they failed to identify errors in the returns being prepared for conveyance to the SOTS.
8. More specifically, there was a failure to include the tally the Election Day Registration (“EDR”) ballot count on the final returns. This error was corrected upon advice from the SOTS identifying the error.

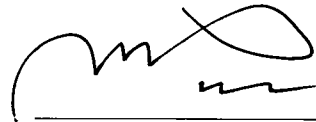
9. Subsequently, a canvass for the 64<sup>th</sup> General Assembly District was ordered by the SOTS pursuant to General Statutes § 9-311a based on its tabulation of reported election results from municipalities in that district, which included North Canaan.
10. The Commission finds, after investigation, that the North Canaan Town Clerk and Registrars of Voters met pursuant to General Statutes § 9-332a to review and correct the returns from the November 6, 2018 election.
11. Notwithstanding their failure to accurately correct and change the returns to include the EDR ballot totals, the Commission concludes that the meetings within 48 hours of the November 6, 2018 election were held consistent with the requirements of § 9-332a.
12. The Commission strongly urges Ms. Jacquier, Ms. McGuire and Ms. Keilty to review thoroughly the statutes and regulations pertaining to the post-election review and tally of returns and exercise due care in preparing and reporting election results to the SOTS.
13. The Commission, for the reasons detailed herein, dismisses this referral based on a review view of the facts and law pertaining to post-election meetings held by the Town Clerk and Registrars of Voters pursuant to General Statutes § 9-322a.

### ORDER

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

That the Complaint be dismissed.

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



---

By Order of the Commission