

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

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

File No. 2019-121

**FINDINGS AND CONCLUSIONS**

The Secretary of the State brought this Referral pursuant to Connecticut General Statutes § 9-7b, alleging that Coventry Republican Registrar of Voters Pamela Sewell made negligent errors that led to party primary petitions being impermissibly distributed, resulting in two municipal candidates failing to make the primary ballot due to these errors.<sup>1</sup>

**Law**

1. General Statutes § 9-409 (a) puts the responsibility of distributing party primary petition pages for municipal offices and town committee onto the Registrar of Voters and reads as follows:

Except as provided in subsection (b) of this section, petition forms for candidacies for nomination to municipal office or for election as members of town committees shall be available from the registrar beginning on the day following the making of the party's endorsement of a candidate or candidates for such office or position, or beginning on the day following the final day for the making of such endorsement under the provisions of section 9-391, whichever comes first.

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<sup>1</sup> The following are the Commission's findings and conclusions based on those portions of the Complainant's statement of complaint which the Commission could reasonably construe as alleging facts amounting to a specific violation of those laws within the Commission's jurisdiction. Any statements within the Complaint not addressed herein, including but not limited to the allegations against the office of the Stratford Registrars of Voters, 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.

2. General Statutes § 9-410 enumerates the form and procedural requirements for a primary petition for municipal office, including but not limited to the requirements for a circulator, and reads as follows:

(a) The petition form for candidacies for nomination to municipal office or for election as members of town committees shall be prescribed by the Secretary of the State and provided by the registrar of the municipality in which the candidacy is to be filed or duplicate petition pages shall be produced in accordance with section 9-409, and signatures shall be obtained only on such forms or such duplicate petition pages. Such form shall include, at the top of the form and in bold print, the following:

WARNING

IT IS A CRIME TO SIGN THIS PETITION

IN THE NAME OF ANOTHER PERSON

WITHOUT LEGAL AUTHORITY TO DO SO

AND YOU MAY NOT SIGN THIS PETITION

IF YOU ARE NOT AN ELECTOR.

The form shall include thereon a statement of instructions to persons using the form and shall indicate the date and time by which it shall be filed and the person with whom it shall be filed. The form shall provide spaces for the names and addresses of the candidates, the offices to which nomination is sought or the positions to which election is sought and the political party holding the primary, and shall provide lines for the signatures, street addresses, dates of birth and the printing of the names of enrolled party members supporting the person or persons on behalf of whose candidacy the petition is used. Only as many candidates may be proposed in any one primary petition for the same office or position as are to be nominated or chosen by such party for such office or position; but any one primary petition may propose as many candidates for different offices or positions as there are nominations to be made or positions to be filled.

(b) The names of enrolled party members signing a primary petition need not all be on one sheet but may be on several sheets, but no person shall sign more than one petition page for the same candidate or candidates. Any person who signs a name other than the person's own to a primary petition filed under the provisions of this section or who signs a name other than the person's own as circulator of such a petition shall be fined not more than one hundred dollars or imprisoned not more than one year or both. Each such sheet shall indicate the candidate or candidates supported, the offices or positions sought and the political party the nomination of which is sought or which is holding the primary for election of town committee members. No page of such a petition shall contain the names of enrolled party members residing in different municipalities and any page thereof which has been certified by the registrars of two or more municipalities shall be rejected by the registrar. Withdrawal of petition signatures shall not be permitted.

(c) Each circulator of a primary petition page shall be an enrolled party member of a municipality in this state who is entitled to vote. Each petition page shall contain a statement signed by the registrar of the municipality in which such circulator is an enrolled party member attesting that the circulator is an enrolled party member in such municipality. Unless such a statement by the registrar appears on each page so submitted, the registrar shall reject such page. No candidate for the nomination of a party for a municipal office or the position of town committee member shall circulate any petition for another candidate or another group of candidates contained in one primary petition for the nomination of such party for the same office or position, and any petition page circulated in violation of this provision shall be rejected by the registrar. No person shall circulate petitions for more than the maximum number of candidates to be nominated by a party for the same office or position, and any petition page circulated in violation of this provision shall be rejected by the registrar. *Each separate sheet of such petition shall contain a statement as to the authenticity of the signatures thereon and the number of such signatures, and shall be signed under the penalties of false statement by the person who circulated the same, setting forth such circulator's address and the town in which such circulator is an enrolled party member and attesting that each person whose name appears on such sheet signed the same in person in the presence of such circulator, that the circulator either knows each such signer or that the signer satisfactorily identified the signer to the*

*circulator and that the spaces for candidates supported, offices or positions sought and the political party involved were filled in prior to the obtaining of the signatures.* Each separate sheet of such petition shall also be acknowledged before an appropriate person as provided in section 1-29. Any sheet of a petition filed with the registrar which does not contain such a statement by the circulator as to the authenticity of the signatures thereon, or upon which the statement of the circulator is incomplete in any respect, or which does not contain the certification hereinbefore required by the registrar of the town in which the circulator is an enrolled party member, shall be rejected by the registrar. Any individual proposed as a candidate in any primary petition may serve as a circulator of the pages of such petition, provided such individual's service as circulator does not violate any provision of this section. (Emphasis added.)

### **Background**

3. The facts of this Referral concern primary petition gathering conducted by Respondents Michael and Kelly Sobol of Coventry for their candidacies for Town Council and Board of Education, respectively, for the September 10, 2019 Republican Party Primary and November 5, 2019 General Election in the Town of Coventry.
4. At all times relevant to the instant Referral, Pamela Sewell was the Republican Registrar of Voters for Coventry.
5. This matter is a companion case to File No. 2019-113, which was a Complaint filed against the Sobols that the Commission dismissed.

### **Allegation and Investigation**

6. The Secretary filed this Referral after the Sobols filed a summons and complaint with the Connecticut Superior Court under General Statutes § 9-329a alleging that failures by Ms. Sewell led to their primary petitions for municipal office being rejected and resulting in their failure to qualify.
7. The Secretary's Referral alleged, specifically:

It is our understanding that Ms. Sewell made several errors when issuing and receiving primary petitions for local office in Coventry for the September 10, 2019 municipal primary. We have attached a

verified complaint filed with the Superior Court which further details such errors. The Superior Court Judge in the matter found Ms. Sewell's errors serious enough to warrant the acceptance of the primary petition pages in question and to move the primary date from September 10, 2019 to September 17, 2019.

8. The substantive investigation of the primary petitions here and in File No. 2019-113 was limited as the facts concerning the validity of the Sobols' primary petitions were subject to litigation before the Connecticut Superior Court and such facts are dispositive here, as it was in the prior matter.
9. In pertinent part, the Sobols alleged in their Superior Court Complaint as follows:
  9. The Plaintiffs were not endorsed by their parties' committee for their respective seats in the upcoming election.
  10. The Plaintiffs, deciding to petition to primary for their currently-held positions, obtained the necessary paperwork from the Defendant Pamela S. Sewell the Republican Registrar of Voters.
  11. Defendant Sewell provided the Plaintiffs with what she represented were the appropriate and complete forms to be submitted.
  12. Plaintiffs obtained the required signatures and complete the forms provided in the correct and appropriate manner.
  13. The time-period for registration as a candidate for a municipal office during a municipal election for persons other than party-endorsed candidates provided by Conn. Gen. Stat. § 9-405, for the purposes of the November 5, 2019 election, terminated on August 7, 2019 at 4 p.m.
  14. Plaintiffs submitted the completed forms to Defendant Sewell on or before the above-stated mandated date and time.
  15. On or about August 7, 2019, while the Plaintiffs were making their submissions to Defendant Sewell, Defendant Sewell instructed each Plaintiff to complete one Circulator's Statement of Authenticity of Signatures page.

16. Per Defendant Sewell's instructions, Plaintiffs completed the Circulator's Statement and submitted same, along with the Primary Petition for Municipal Officers At-Large form and SEEC Form 1 and 1B on August 7, 2019 before the requisite deadline.

17. On or about August 7, 2019, Defendant Sewell assured the Defendants that they had accurately and appropriately filled out, signed and certified the required and appropriate paperwork in order to be included in the September 10, 2019 Primary.

18. On or about Tuesday, August 13, 2019, Defendant Sewell contacted the Plaintiffs to inform them that the forms that they had submitted were rejected by the Secretary of State's office as they were not sufficient and therefore they would not be able to primary for the respective candidacies on September 10, 2019 as expected.

19. Upon information and belief, the Circulators Statement of Authenticity of Signatures was not sufficient and/or was not executed for each page of the Primary Petition for Municipal Officers At-Large form as required and therefore the paperwork was insufficient.

19. [stet] Upon information and belief, Defendant Sewell failed to provide the Plaintiffs with the correct and/or complete forms necessary for submission to the Defendant Secretary of the State and failed to advise Plaintiffs regarding same on or before the above-stated deadline.

20. Upon information and belief, Defendant Sewell was not sufficiently aware of the correct course of action for one to seek inclusion in a primary election; however, despite this fact, Defendant Sewell counseled the Plaintiffs on how to take the desired course of action.

21. Upon information and belief, Defendant Sewell had not complied with the state-mandated trainings and/or obtained the state mandated certifications, yet despite this fact, counseled the Plaintiffs on how to take the desired course of action.

22. Upon information and belief, Defendant Sewell failed to file the Plaintiff's petitions and corresponding paperwork with the Town Clerk, as required.

23. Upon information and belief, Defendant Sewell acknowledged her fault in this matter.

10. After a contested hearing, the Superior Court, Judge Samuel J. Sferraza, issued the following findings orally from the bench, in pertinent part on August 26, 2019:

I will find that the plaintiffs, Kelly M. Sobol and Michael A Sobol wish to be Republican candidates in this year's general election in the Town of Coventry for the offices of member on the Board of Education and the Town Council, respectively.

These parties sought the opportunity to get on the primary ballot for the Town of Coventry, which is presently scheduled for September 10, 2019, to attempt to secure those candidacies in the general election.

The parties -- these parties also sought the advice of the Coventry Republican Registrar of Voters, who was Ms. Pamela Sewell, as to whether the circulators of the petitions needed to certify the veracity and authenticity of the signatures on the petitions, as well as other information, on each page or just on one sheet.

*The Republican Registrar of Voters, Ms. Sewell, misadvised the parties that the circulators need only submit the one certification, verifying the putative signatures.*

Under General Statute Section 9-410(c), the circulator of a primary petition page must certify and acknowledge the authenticity of the signatures thereon as to each page, separately, among other requirements; so the advice was incorrect. Also, under Section 9-410 (c), noncompliance with this requirement mandated that the Registrar of Voters reject the petitions.

Upon consultation with the Secretary of State's Office, Ms. Sewell learned of her error and rejected the petitioners' -- excuse me -- the

plaintiffs' petitions and barred the parties from being on the primary ballot.

Under General Statute Section 9-329a (a), the Court conducted this morning's hearing, and that section indicates that any potential candidate aggrieved by a ruling of an election official may bring a complaint to the Superior Court for remedy; and a Registrar of Voters is an elected official, as enumerated by those holding that position, under General Statute Section 9-258(a).

*The Court finds that the plaintiffs have demonstrated by a preponderance of the evidence that they were so misadvised and misled by the Registrar of Voters, which led directly to the rejection of their petitions.*

*Sobol v. Town of Coventry, et. al.*, Superior Court, judicial district of Tolland at Rockville, Docket No. TTD-CV19-6018474-S (August 26, 2019) (Emphasis added.)

11. Subsequent to the Court's order, Registrar Sewell reviewed the signatures and certified that the Sobols both met the requirements for challenging the endorsed candidates in a primary in their respective races, and a primary was held on the court-ordered date, one week later than the originally scheduled date.

## **Analysis**

12. As an initial matter, the Commission notes that the question of Ms. Sewell's failure to comply with the requirements under General Statutes §§ 9-409 and 9-410 to furnish to correct primary petitions pages is settled.
13. After a trial and opportunity to be heard, the Court determined, *inter alia*, that Ms. Sewell failed to adequately administer her responsibilities under Title 9 and such failure was the direct cause of the Sobols' failure to make the ballot.
14. When the Commission decided *In the Matter of a Complaint by Matthew O'Brien, et al, Coventry*, File No. 2019-113—the matter filed *against* the Sobols—the Commission adopted the Court's finding in *Sobol*, *supra*, regarding Ms. Sewell's responsibility.
15. The Commission also takes administrative notice that subsequent to the Court's finding in *Sobol*, the Coventry Town Council adopted a Resolution at its September 3, 2019 regular meeting finding "no confidence" in Ms. Sewell's performance as the Republican Registrar.

16. The Coventry Town Council's Resolution read as follows, in full:

RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF  
COVENTRY, CONNECTICUT

Whereas, Pamela Sewell is currently the Republican Registrar of  
Voters for the Town of Coventry; and

Whereas, she has failed to take courses and otherwise seek to  
obtain the statutorily required certification as a registrar of voters  
or certification as an election moderator within the period legally  
allowed; and

Whereas, in March of 2019 she gave assurances to the Town  
Council during the annual budget meeting that she would make  
diligent efforts to fulfill those statutory certification obligations  
and has not taken actions toward fulfilling these statutory  
requirements; and

Whereas, she has failed to properly perform the duties of the office  
of registrar of voters, including but not limited to obtaining and  
assuring the training of Republican moderators so that none are  
currently available to the Town and not properly following state  
regulations governing the care, custody and control of official  
public documents by taking them to her residence; and

Whereas, she has failed to provide proper advice and forms to  
residents exercising their statutory rights to petition for a primary  
election, causing unnecessary legal expenses and resulting in  
considerable time commitments by Town officials and other  
affected parties; and

Whereas, these failures have caused embarrassment to the Town  
and a loss of public confidence in the operations of the Town.

Now, therefore, be it hereby resolved that:

The Town Council of the Town of Coventry expresses a vote of "no confidence" in Pamela Sewell in her service as Registrar of Voters and hereby requests that the Office of the Secretary of the State conduct an investigation and take all appropriate actions available to that office under the law, including a referral of the issue to the State Elections Enforcement Commission.

17. As indicated above, the Commission received a Complaint against the Sobols on the same fact pattern in File 2019-113, which was filed approximately 3 weeks prior to the instant Referral from the Secretary.
18. Commission investigators focused on the examination and resolution of that matter prior to taking up the instant Referral. The bulk of the investigation in File No. 2019-113 occurred in late 2019 and early 2020, prior to the public outbreak of the Covid-19 pandemic. After significant delays caused by the outbreak in 2020, the Commission was finally able to resolve that matter in November 2020.
19. Subsequent to the resolution of File No. 2019-113, but prior to the start of the investigation in chief of the instant matter, Ms. Sewell—under pressure from her Town Council, the Secretary, and with the instant matter in progress—determined that she would retire from her position.
20. At the time of her retirement, the Secretary confirmed that Ms. Sewell, who had been a registrar since 2017, had not completed the required training under General Statutes § 9-192a and was under review by the Secretary for potential removal pursuant to General Statutes § 9-190c.
21. Ms. Sewell did not seek an endorsement from her party and/or reelection at the November 3, 2020 General Election.
22. Because Ms. Sewell decided to retire from the position of Coventry Republican Registrar of Voters, the Secretary declined to further pursue her suspension and/or removal.
23. At the November 3, 2020 General Election, John Roberts was elected as the new Republican Registrar of Voters for the Town of Coventry.
24. Ms. Sewell has not sought the endorsement from her party and/or election as Registrar subsequent to her retirement and Mr. Roberts' replacement of her.

25. Considering the aforesaid, the Commission concludes that the available record shows a troubling and negligent derogation of duty by Ms. Sewell in her time as registrar.
26. The training and certification program under General Statutes § 9-192a was designed to give registrars the tools necessary to avoid impactful unforced errors like what occurred with the Sobols and their petition pages. Indeed, an entire class is dedicated to just the petitioning process.
27. If Ms. Sewell had seen fit to take her job seriously, she would have been properly trained and equipped to handle the relatively straightforward task of distributing two-sided primary petition pages and assuring that such pages were properly (and individually) certified by the distributors.
28. Instead, Ms. Sewell decided to insert her own judgment and, it appears, make up the rules as she saw them.
29. This led to a cascade failure including two candidates unjustly losing ballot status, an unnecessary utilization of the resources and time of the Sobols, Coventry employees, lawyers, and judges before the Superior Court, and a one-week delay for an entire primary. All because Ms. Sewell either didn't believe that she needed the training or could not see fit to prioritize it.
30. If Ms. Sewell did not leave her position under this cloud, the Commission would have wholeheartedly supported the Secretary putting the General Statutes § 9-190c process into motion, suspending her from her post, and then removing her permanently after a hearing.
31. Moreover, if Ms. Sewell did not leave her position under this cloud the Commission would have proceeded with haste in its process of considering issuing penalties within its authority under General Statutes § 9-7b.
32. However, the Commission notes that by the time the Commission could take up this matter, Ms. Sewell had been publicly discredited for her negligent omissions—by the Secretary, by her counterpart and by her own Town Council—and significant public resources had already been expended on her errors.
33. Accordingly, and consideration of the above, as well as in consideration of the preservation and prioritization of its own limited resources, the Commission concludes that no further action should be taken on this matter.

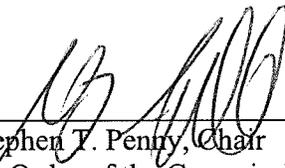
34. However, the Commission notes that the foregoing does not constitute a final decision as to Ms. Sewell's liability under Title 9 here.
35. Should Ms. Sewell seek the position of registrar of voters in Coventry or any other municipality in this state, the Commission reserves the right to continue its review and potential prosecution under these facts.

ORDER

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

Dismissed without prejudice

Adopted this 7<sup>th</sup> day of September of 2020 at Hartford, Connecticut

  
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Stephen T. Penny, Chair  
By Order of the Commission

Michael Ajello  
Vice Chair