

STATE OF CONNECTICUT
STATE ELECTIONS ENFORCEMENT COMMISSION

In the Matter of a Complaint by Eneida Martinez
Bridgeport

File No. 2021-201

FINDINGS AND CONCLUSIONS

Complainant Eneida Martinez of Bridgeport filed this complaint pursuant to General Statutes § 9-7b, alleging that the Bridgeport Democratic registrar of voters, Patricia Howard, had failed to follow election administration standards properly in the 2021 municipal election. After its investigation, the Commission makes the following findings and conclusions:

1. On November 17, 2021, Martinez filed a civil complaint with Superior Court in Bridgeport alleging that the Democratic Registrar Patricia Howard, Town Clerk Charles Clemons, the Bridgeport town attorney's office, as well as candidates Wanda Simmons and Ernest Newton had violated Title 9 of Connecticut's general statutes as well as relevant regulatory provisions regarding the proper administration of elections, as laid out in the Secretary of the State's Moderator's Handbook and relevant regulatory provisions. Martinez asked, under General Statutes § 9-328, the court to enjoin the results of the November 2, 2021 municipal election.
2. On November 24, 2021, Complainant Martinez filed an identical complaint with the State Elections Enforcement Commission, alleging the same violations of statute and regulatory provisions. The complaint alleged that the Democratic registrar of voters in Bridgeport, Patricia Howard, had failed to follow the guidelines laid out in the Moderator's Handbook, published by the Office of the Secretary of the State, in 2013, as well as regulations promulgated to enforce chapter 147 of the Connecticut general statutes.¹
3. On December 8, 2021, the Superior Court dismissed Martinez's complaint, stating that the court lacked jurisdiction to hear the matter because it was filed one day after the 14-day statutory deadline to contest election results. The court ruled that the action should have been brought no later than November 16, 2021. As stated previously, Martinez filed her complaint on November 17, 2021.
4. The Commission received this complaint and investigated the matter. The Commission's authority, however, does not include an ability to overturn or block the election results.

¹ In her complaint to the Commission, Martinez noted that she had communicated with Commission staff who informed her that the Commission would be unable to assist her in this matter and that she should file a lawsuit through the court system to resolve her issues with the way the election was handled.

5. If the Commission finds a violation of part 1 of Chapter 147 of the Connecticut general statutes, it has the authority under its enabling statutes to seek civil penalties of as much as \$2,000 per offense.²
6. Complainant here did not allege specific violations of specific statutory provisions. Instead, she asked whether the registrar, the only named respondent, had followed “written guidelines and procedures” in accordance with the 2013 Moderator’s Handbook and the regulations of state agencies. One of the issues, however, focused on the handling of blank ballots, which were of heightened importance to Complainant, who ran as a registered write-in candidate.
7. In response to the complaint and through counsel, Respondent Howard affirmed that she had followed all the guidelines and provisions for the operation of elections and primaries. Specifically, Howard stated that she was not aware of “any outstanding issues relating to this election. There not issues with the blank ballots or the counting of absentee ballots.”
8. In addition, Howard’s attorney stated that there was nothing unusual about the number of blank ballots that were received in the 2021 election and that those ballots were handled and counted similarly to the way they were in prior years.
9. There is nothing in the Commission’s investigation of this matter to indicate that anything abnormal or irregular occurred during the 2021 municipal election that would violate part 1 of Chapter 147 of the Connecticut general statutes.

² See General Statutes § 9-7b (a)(2) (delineating the Commission’s jurisdiction and powers).

ORDER

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

That the Commission shall dismiss this matter.

Adopted this 7th day of December 2022, at Hartford, Connecticut.



Stephen Penny, Chairman
By Order of the Commission