

STATE OF CONNECTICUT
STATE ELECTIONS ENFORCEMENT COMMISSION

In the Matter of a Referral by Dayna Arriola and Mary Oliver,
Hampton Registrars of Voters

File No. 2022-003

AGREEMENT CONTAINING CONSENT ORDER

This Agreement by and between Shannon Haddad, Town of Hampton, State of Connecticut, hereinafter referred to as "Respondent," and the undersigned authorized representative of the State Elections Enforcement Commission, is entered into in accordance with Connecticut General Statutes § 4-177 (c) and Regulations of Connecticut State Agencies § 9-7b-54. In accordance herewith, the parties agree that:

1. The Hampton Registrars of Voters, made this referral alleging that Respondent, as Hampton Town Clerk, failed to accurately print the November 2, 2021 Hampton municipal ballot and misspelled a candidate's name on the ballot. Further they alleged that Respondent continued her duties as town clerk and was in the polling place while her name appeared on the ballot as a candidate for a different office. Finally, the ROVs alleged that Respondent failed to provide placement of endorsed candidate name on all rows they were eligible for on the ballot and failed to re-issue absentee ballots after original ballot was revised.

Allegations

2. This referral makes a number of allegations related to the Town Clerk's administration of her duties in the November 2, 2021 municipal election in the Town of Hampton. Allegations within this Commission's jurisdiction¹ are delineated as follows:

- 1) *Error in preparing the ballot; including offices that were not in fact up for election in possible violation of General Statutes § 9-250, et seq.*
- 2) *Error in preparing the ballot; failing to include candidate on all lines in which he was endorsed, in possible violation of General Statutes § 9-250, et seq.*

¹ See General Statutes § 9-7b (a). The Commission, but for its factual analysis and findings, does not take up in this instance any allegations included with this referral outside of Title 9, General Statutes.

3) *Failure to re-issue Absentee Ballot to 8 electors who submitted ABs before a change was made to the ballot due to a withdrawal of a candidate; in possible violation of General Statutes § 9-153c.*

4) *Misspelling name of candidate on the ballot; in possible violation of General Statutes § 9-250.*

5) *Town Clerk performing the duties of her office, including entering a polling place in which ABs were being counted, despite being a candidate appearing on the ballot for another office (Board of Ed); in possible violation of § 9-236 (c).*

3. General Statutes § 9-250, provides:

Ballots shall be printed in plain clear type and on material of such size as will fit the tabulator, and shall be furnished by the registrar of voters. The size and style of the type used to print the name of a political party on a ballot shall be identical with the size and style of the type used to print the names of all other political parties appearing on such ballot. The name of each major party candidate for a municipal office, as defined in section 9-372, except for the municipal offices of state senator and state representative, shall appear on the ballot as authorized by each candidate. The name of each major party candidate for a state or district office, as defined in section 9-372, or for the municipal office of state senator or state representative shall appear on the ballot as it appears on the certificate or statement of consent filed under section 9-388, subsection (b) of section 9-391, or section 9-400 or 9-409. ... Such ballot shall contain the names of the offices and the names of the candidates arranged thereon. The names of the political parties and party designations shall be arranged on the ballots and followed by the word "party", either in columns or horizontal rows as set forth in section 9-249a, immediately adjacent to the column or row occupied by the candidate or candidates of such political party or organization. ... If, at any election, one candidate is to be elected for a full term and another to fill a vacancy, the official ballot

containing the names of the candidates in the foregoing order shall, as a part of the title of the office, designate the term which such candidates are severally nominated to fill. ...

4. General Statutes § 9-153c, provides:

(a) If a municipal clerk has omitted the name of a candidate, party or office designation, inserted an incorrect or misspelled name of a candidate, party or office designation, provided an absentee ballot applicant with a ballot which is not the correct ballot for his voting district, or incorrectly imprinted or failed to imprint the designation of a state or local question on an absentee ballot in the appropriate space, and if any such omission or error is likely to mislead any voter, *he shall, as soon as he becomes aware of such omission or error, promptly mail to each applicant to whom such an absentee ballot has been issued, a correct absentee ballot, envelopes for its return and instructions, a statement explaining the error or omission including the correct name or question and a copy of this section. The municipal clerk shall inform the Secretary of the State when he proceeds under this subsection.*

(b) Any additional absentee voting sets issued to applicants under this section shall be issued in consecutive ascending numerical order based upon the serial number appearing on the outer envelope for return of ballots to the municipal clerk, and the clerk shall keep a record of such numbers by making a notation on, or attaching a memorandum to, the applicant's original application for an absentee ballot.

...

[Emphasis added.]

5. General Statutes § 9-236, provides in pertinent part:

(c) No person shall be allowed within any polling place for any purpose other than casting his or her vote, except (1) those permitted or exempt under this section or section 9-236a, (2) primary officials under section 9-436, (3) election officials under section 9-258, including (A) a municipal clerk or registrar of

voters, who is a candidate for the same office, performing his or her official duties, and (B) a deputy registrar of voters, who is a candidate for the office of registrar of voters, performing his or her official duties, or (4) party checkers under section 9-235. ...

Respondent's Response

6. Respondent provided a written response as well as a detailed timeline of events with supporting documents in cooperating with Commission staff in this thorough investigation.

Excerpts of her response follow:

Irregularities regarding the Municipal Ballot. The creation of a final ballot for the Municipal Election is a process. As Town Clerks, we work closely with the Office of the Secretary of the State ... our Registrars of Voters, and the printing company to ensure the final version is accurate. I have documentation regarding every change and update that was made during the process. Changes/updates [were] made immediately when required and corrections were made as part of a collaborative process between all four parties. When a position became vacant, I added it to the ballot at the appropriate time; and when it was determined that a position was not in fact vacant, it was removed. When a candidate became cross- endorsed the ballot was updated immediately; and when a candidate removed himself, the ballot was again reprinted as required and advised by the Secretary of the State's office. No ballots were re-issued, again, per the direction of the Secretary of the State's office.

Town Clerk Performing Official Duties on Election Day. On Election Day, I reported for work at IOAM as usual, began reviewing my absentee ballots, verifying them in CVRS and prepared to turn the majority over to the ROV's and Moderator of AB's at the time we agreed to. My Assistant came in at 11AM and remained in the office for the remainder of the day (until 4PM). He performed all of the daily "routine" tasks with the exception of absentee ballots. Frankly, I was not aware that because I was also running for another office that I was not supposed to perform my duties. Again, this was an honest mistake and a lesson I have learned.

... I am a new Town Clerk (I served my first term from January 2020- Jan 2022) and am grateful to be able to rely on mentors from the CT. Town Clerks Association and all of the resources available to us through various State Agencies. I am also taking advantage of the Educational opportunities through the CTCA's certification program. There is much to learn.

Facts After Investigation

7. Respondent provided a detailed timeline and dozens of contemporaneous emails addressing the handling of the various issues while producing the ballot for the November 2, 2021 election.
8. The Commission finds the emails show continuous communications between the Respondent and Heather Augeri of the Office of the Secretary of the State ("SOTS" and provide detailed information about how Respondent kept in contact with the ROVs as the various issues and solutions arose during the production of the ballot in the run-up to the municipal election in Hampton. The emails and documents submitted provide a response to the allegations as posed by the Registrars of Voters and are addressed in turn below.

Allegation One – Alleged Failure to Accurately Treat Vacancy on Ballot § 9-250

9. Respondent provided detailed contemporaneous emails² to support her denial of violating the law with regard to a vacancy and the ballot for a position on the Planning and Zoning ("P&Z").
10. After investigation, it was determined that Respondent on July 22, 2022, the day she received a withdrawal letter by a candidate for the P&Z, contacted Hether Augeri at the SOTS to inform her, update her as to reaching out to the town committee chairs regarding the withdrawal and seek further assistance moving forward.
11. Further, the Respondent updated for the SOTS the list of candidates and received guidance regarding the process to fill the vacancy as well as to update the ballot, which was followed.

² Respondent provided the following emails to support her denial of Allegation One: 08/12/21 Email from Respondent to SOTS (H. Augeri) (Regarding P&Z seat NOT being vacant – how to address situation on ballot); 08/12/21 Email from Respondent to ROVS (notification that seat on P&Z was NOT vacant); 08/13/21 Email from SOTS (H. Augeri) (Instructions regarding fixing P&Z ballot issue); and, 08/17/21 Email from Respondent to SOTS (H. Augeri) (Submission of Revised ED-102 Form with removal of P&Z "vacancy.")