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STATE ELECTIONS ENFORCEMENT COMMISSION

In the Matter of a Referral by ROV Michele May, Hebron	File No. 2025-110A
In the Matter of a Complaint by Jason Guidone, Hebron	File No. 2025-125A

AGREEMENT CONTAINING A CONSENT ORDER

This agreement, by and between the Respondent, Elizabeth Fitzgerald of Hebron, Connecticut and the authorized representative of the State Elections Enforcement Commission ("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. It is hereby agreed that:

Summary of Complaints

File No. 2025-110

1. On November 7, 2025, the Complainant, Michele May, the Republican Registrar of Voters ("ROV") for the Town of Hebron, submitted an Affidavit of Complaint alleging that her counterpart, Elizabeth Fitzgerald, the Democratic Registrar of Voters for the Town of Hebron, had violated General Statutes § 9-244 by failing to provide written notice to the chairpersons of the town committees of tabulator testing in advance of the November 2025 municipal elections.

2. On November 19, 2025, the Commission voted to authorize an investigation of the alleged violation of General Statutes § 9-244.[1]

3. Respondent Fitzgerald is represented by legal counsel, Robert M. Fitrzgerald, Esq.

File No. 2025-125

4. On November 25, 2025, the Complainant, Jason Guidone, the Chair of the Republican Town Committee for the Town of Hebron, submitted an Affidavit of Complaint alleging that Respondent Fitzgerald had violated General Statutes § 9-244 by failing to provide written notice to the chairperson of the Republican town committee of tabulator testing in advance of the November 2025 Hebron municipal election.

5. On December 3, 2025, the Commission voted to authorize an investigation of the alleged violation of General Statutes § 9-244.

6. As both File Nos. 2025-110 and 2025-125 concern the same alleged facts and violation, this Agreement addresses both matters on a combined basis.

7. Following the Commission's investigation, as described below, the Commission added ROV Michele May as a Respondent to these matters. This agreement only addresses the resolution of these

[1] Following the submission of her Complaint, ROV May submitted a "supplemental" filing containing a lengthy recitation of alleged incidents between herself and ROV Fitzgerald regarding the operation and functioning of the Office of the Registrar for the Town of Hebron. Said supplemental filing contains matters outside of the bounds of the specific violation of § 9-244 that the Commission found necessary to investigate and appear to involve issues of management of the office of the registrar that are not appropriately addressed to this Commission. Accordingly, the investigation is limited to the alleged violation of § 9-244.

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matters as to Respondent Fitzgerald.

Governing Legal Authority

8. General Statutes § 9-244 (a) requires municipal registrars of voters, prior to an election to "give written notice to the chairpersons of the town committees of the political parties of the day and place a registrar or registrars will begin the preparation, test voting and sealing of the tabulators for the election. The statute further states that, "[s]uch notice shall be given at least one day before the work on the preparation of such tabulators begins."

9. General Statutes § 9-244 (b) states that, "[e]ach such chairperson and any candidate for an office appearing on the ballot may be present, or may designate a watcher who may be present, during the preparation of such tabulators."

10. General Statutes § 9-244 (c) states that, "[a]fter the registrar or registrars have prepared the tabulators, the registrars of voters, or their designees, shall test and seal such tabulators for use in the election. The chairpersons of the town committees of the political parties and any candidate for an office appearing on the ballot may also be present, or may designate a watcher who may be present, during the testing and sealing."

Facts Found After Investigation

11. Respondent Fitzgerald has served as ROV for Hebron since 2008. Respondent May was elected to the office of Republican ROV for Hebron on November 4, 2024, and had not served previously as a ROV.

12. Prior to the election scheduled for November 5, 2025, Respondents May and Fitzgerald had been discussing the date on which the tabulators would be tested.

13. The tabulator machines for Hebron were relatively new, having been used only once before during the May 2025 budget referendum.

14. Respondent May could not participate in the tabulator testing for the November 2025 election pursuant to General Statutes § 9-247a, which states that any "member of the immediate family" of a candidate cannot "transport, prepare, repair or maintain a voting tabulator." Respondent May had an immediate family member running as a candidate in the November 2025 election.

15. Under these circumstances, Respondent Fitzgerald believed that the participation of an employee of the tabulator manufacturer would be advisable to ensure proper testing. She and Respondent May discussed potential dates around the 23rd or 24th of October for said testing, but those plans fell aside due to scheduling issues, primarily the death of Respondent Fitzgerald's son.

16. The schedule for testing was therefore still unsettled on October 27, 2025, when Respondent May texted Respondent at 7:17 p.m., asking "Did we decide on the machine testing time date and place?"

17. Respondent Fitzgerald responded to the text, stating:

> Sort of – I called Ryan at ES&S [the tabulator manufacturer]. He or another guy will come "sometime" tomorrow. We can test them in the polling room so we have lots of observing! I meant to let you all know earlier but I had a crises at my day job and got distracted! I'm sorry!

18. In further discussion within the text message chain, Respondent May suggested a later date to provide more time for notice, but Respondent Fitzgerald replied that the following day was the only date that had been offered by the manufacturer's representative. Respondent Fitzgerald further stated that no specific time had been scheduled, and that notice had not been sent to the chairpersons of the party committees.

19. The text discussion concluded with Respondent Fitzgerald telling Respondent May, "Because you are unable to participate I want an experienced guide to get this up and running!", Respondent May's response was, "Gotcha," and "I will be a quiet observer."

20. During this text conversation between Respondents, at 7:21 p.m., Respondent Fitzgerald sent a text to the chair of the Democratic Town Committee, Cris Lawrence, notifying her that tabulator testing would be done the next day at an unspecified time.

21. It had been the custom in prior elections for the Democratic ROV to send the § 9-244 notice to the chairperson of the Democratic town committee and for the Republican ROV to send the notice to the chairperson of the Republican town committee. This custom had been followed in the prior election involving the Respondents in this matter: a referendum held in May of 2025. Relying on this custom, Respondent Fitzgerald did not send written notice of the testing to the chairperson of the Republican town committee.

22. Respondent May admitted that she did not send written notice of the testing scheduled for October 28, 2025, to the chairperson of the Republican Town Committee, but Complainant Guidone did state that he verbally learned of the testing planned for the following day from Respondent May at the Republican Town Committee meeting that was held on the evening of October 27, 2025.

23. The following day, October 28, 2025, Respondent May sent e-mails to Respondent Fitzgerald's town e-mail account at 9:55 a.m. and 10:10 a.m. seeking to reschedule testing. Complainant Guidone sent an e-mail to the same account at 11:16 a.m. Respondent Fitzgerald states that she was conducting a virtual meeting for her regular employment during this time and did not see the e-mails.

24. Tabulator testing was conducted on October 28, 2025, with the assistance of the manufacturer's employee, starting at around 10:00 a.m. and lasting until after 12:00 p.m. According to a memorandum[2] prepared by Francesca Villani, the Hebron Town Clerk, at 12:00 p.m. the observers in attendance included two Republican poll workers, a Democratic poll worker, the Democratic Moderator, Thomas Golub, and Respondent Fitzgerald.

25. There is no evidence that there were any deficiencies in the machine testing, or that any

[2] The Town Clerk's original memorandum was mistakenly dated October 27th, which she later corrected to October 28th.

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person tampered with the tabulators during the investigation.

Analysis and Conclusions of Law

26. General Statutes § 9-244 requires registrars, prior to conducting the required testing of voting tabulators before an election, to provide: (1) written notice of such testing to the chairpersons of the town committees; (2) at least one day ahead of the scheduled testing. Such notice allows the committee and candidates the opportunity to observe or send a delegate to observe the testing. See File No. 2019-157, *In the Matter of a Complaint by Hope Kaspar, Middletown* ("The importance of informing the parties about machine testing is so that such chairs will distribute that information to their candidates, who have a right under General Statutes § 9-244 (b) to observe the testing of the machines.")

27. Title 9 of the General Statutes does not specifically define what constitutes a "day" for purposes of that Title.

28. Respondent Fitzgerald contends that that the use of the word "day" in the statute means a 24-hour period of a single calendar day, and not a 24-hour period which could span two calendar days. While Respondent Fitzgerald recognizes that the 2026 edition of the manual of the Registrar of Voters Association of Connecticut requires a 24-hour period for the notice required under General Statutes § 9-244, she points out that the 2025 edition of the manual required "one day" of notice, indicating to her a lack of clarity on the issue.

29. "In the construction of statutes, words and phrases shall be construed according to the commonly approved usage of the language; and technical words and phrases, and such as have acquired a peculiar and appropriate meaning in the law, shall be construed and understood accordingly." General Statutes § 1-1 (a).

30. The Connecticut Supreme Court "has long recognized that, when left unqualified in a statute, the word 'day' refers to a calendar day, that is, a twenty-four hour period that runs from midnight to midnight." *Rutter v. Janis*, 334 Conn. 722, 731 (2020). "Accordingly, the legislature's provision of a certain number of 'days' in a statute suggests, in the absence of textual evidence to the contrary, that it intended to measure time in terms of full calendar days, each consisting of a twenty-four hour period that runs from midnight to midnight." *Id.*at 732.

31. The Commission therefore concludes that the Respondent Fitgerald violated General Statute § 9-244 when she failed to provide written notice at least one full calendar day ahead of the work performed on preparing the tabulators of the November 2025 election to the chairpersons of the party town committees.

32. Despite her contention that notice was sufficient, Respondent Fitzgerald is willing to accept and abide by the Commission's decision that a full twenty-four-hour notice before testing is conducted is required and will abide by that decision in the future.

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Penalty Considerations

33. Pursuant to Connecticut General Statutes § 9-7b (a) (2), the Commission has the authority to impose civil penalties for violations of election laws, including General Statutes § 9-244. Although the maximum penalty available is $2,000 per offense or violation, the Commission has the authority to set a lesser penalty where circumstances call for such leniency pursuant to Section 9-7b-48 of the Regulations of Connecticut State Agencies. Also, pursuant to Connecticut General Statutes § 9-7b (5) (C) (6), the Commission has the authority to secure voluntary compliance, by informal methods of conference, conciliation and persuasion, with any provision of Chapter 147, part 1, or any other provision of the general statutes relating to any such election or primary.

34. In prior cases involving registrars who negligently violate the notification requirement of General Statutes § 9-244, the Commission has concluded that an agreement by the registrars to henceforth strictly comply with the provisions of the statute is sufficient to ensure future compliance. *See*, File No. 2019-157, *In the Matter of a Complaint by Hope Kaspar, Middletown*; File No. 2018-099, *In the Matter of a Complaint by Dominic Pane, et al, Newington*; File No. 2015-164, *In the Matter of a Complaint by Ronna Stoller.*

35. The Commission has consistently held that registrars of voters' responsibilities and liabilities pertaining to an election are joint and several. See File No. 2018-121 *In the Matters of Referrals by Groton RoVs Paul A. Duarte and Kristen D. Venditti, and* File No. 2019-012, *Theodore Bromley. Office of the Secretary of the State* (holding ROVs jointly liable for failing to adequately oversee the administration of the election by election workers); File No. 2014-156, *Referral of the Secretary of the State, and* File No. 2014-153 , *Complaint by Daniel Hunt, Manchester* (joint and several liability of Registrars including for purposes of: delivering voter registry lists by the deadline in General Statutes § 9-259; failing to timely mark of absentee ballot voters from official voter registry list pursuant to § 9-140c; and, failing to timely deliver a final registry list to the Town Clerk pursuant to § 9-140c); File No. 2012-086, *Complaint by Christopher Halfer, Danbury* (joint and several liability for failure to properly train poll workers); and, File No. 2013-021, *Complaint by James D. Smith, Bridgeport* (the responsibility of running an election is shared between registrars).[3]

36. Respondent Fitzgerald cooperated with the Commission staff's investigation by responding to questions, providing information when asked, and admitting to the timeline regarding the testing and that she did not provide written notice to the chairpersons of the town committees at least 24 hours prior to testing. In addition, during the October time period in question, Respondent Fitzgerald was dealing with the death of her son on October 13, 2025. The Commission considers these to be mitigating factors.

37. Respondent Fitzgerald has no prior enforcement history before the Commission.

38. The Commission therefore concludes that ordering Respondent Fitzgerald to henceforth

[3] The Commission makes special note of the registrars' joint liability here because, during the investigation, both Respondents expressed numerous frustrations and complaints about their dealings with the other. The Commission reminds the Respondents that their primary and gravest responsibility is to ensure that the elections of the State of Connecticut are conducted in a nonpartisan, fair, and legal manner, and that as joint occupants of one office they must work together to achieve this solemn purpose.

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strictly comply with General Statutes § 9-244 and ensure that at least a full 24-hour period of notice is provided to the chairpersons of both town committees prior to the commencement of any tabulator testing, is sufficient to ensure immediate and continued compliance.

39. Respondent admits all jurisdictional facts and agrees 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.

40. It is understood and agreed that this Agreement will be submitted to the Commission at its next available meeting, and, if it is not accepted by the Commission, it is withdrawn as to the Respondent and may not be used as an admission by any party in any subsequent hearing, if the same becomes necessary.

41. Respondent waives:

(a) any further procedural steps concerning this matter,
(b) the requirement that the Commission's decision contains 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.

42. Upon Respondent's compliance with the Order hereinafter stated, the Commission shall not initiate any further proceedings against them pertaining to the allegations specifically addressed herein.

43. Pursuant to Section 9-7b-56 of the Regulations of Connecticut State Agencies, a copy of this Consent Order and Stipulated Agreement shall be provided to all parties, intervenors and attorneys of record, including Counsel for the Respondent.

ORDER

Based upon the above factual determinations, conclusions of law, and the entire record:

IT IS HEREBY ORDERED that Respondent, Elizabeth Fitzgerald, shall henceforth strictly comply with General Statutes § 9-244 and ensure that at least a full 24-hour period of notice is provided to the chairpersons of both town committees prior to the commencement of any tabulator testing.

The Respondent:

By: _____
Elizabeth Fitzgerald
105 Scarboro Rd
Hebron, CT 062483

Dated: 2. 27. 26

For the State of Connecticut:

By: _____
Ryan M. Burns
Executive Director and General Counsel
Authorized Representative of the
State Elections Enforcement Commission
55 Farmington Avenue, 8th Floor
Hartford, Connecticut 06105

Dated: 3/18/26

Adopted this 18th day of March, 2026 at Hartford, Connecticut by vote of the Commission.

_____
Stephen T. Penny, Chairman
By Order of the Commission

File No. 2025-110A
File No. 2025-125A

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