

DOCKET NO. HHD CV 12 6034951 : SUPERIOR COURT
 BRANDON L. MCGEE, JR. : J.D. OF HARTFORD
 VS. : AT HARTFORD
 OLGA IRIS VAZQUEZ DEMOCRATIC REGISTRAR OF VOTERS, ET AL. : SEPTEMBER 21, 2012

ORDER

After a hearing held pursuant to General Statutes § 9-329a, which concluded on September 19, 2012, the court finds that there was a mistake in the count of the vote in connection with the democratic primary election held on August 14, 2012, for the 5th Assembly District of the State of Connecticut House of Representatives, as previously certified to the Secretary of the State by the Town of Windsor and City of Hartford Recanvass Moderators. Upon a second recanvass of the vote, the final and correct count of the vote is hereby certified as follows:

| | <u>Leo Canty</u> | <u>Brandon McGee</u> | <u>Donald Trinks</u> |
|--|------------------|----------------------|----------------------|
| City of Hartford Voting Districts 23 & 24 | 79 | 411 | 14 |
| Town of Windsor Voting Districts 1, 2 & 3 | 695 | 363 | 254 |
| TOTALS | <u>774</u> | <u>774</u> | <u>268</u> |

Pursuant to the foregoing findings, the agreement of the appearing parties and General Statutes § 9-446(a), an adjourned primary and a new adjourned primary schedule are necessary

*Copies mailed to all counsel of record as listed on the attached case detail on 9/21/12.
 Copy faxed to the Secretary of the State on 9/21/12 pursuant to General Statutes 59-329a(c).*

J. Murley, DCC

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 SUPERIOR COURT
 HARTFORD, CT
FILED
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due to the tie vote between candidates Leo Canty and Brandon McGee. Accordingly, it is hereby ordered that an adjourned primary will be held according to the schedule set forth below.

Further, in recognition of the fact that the adjourned primary will occur more than three weeks from the August 14, 2012 primary and during the period when municipal election officials are also preparing for the November 6, 2012 general election, it is further ordered that the dates and requirements set forth herein hereby supercede any dates and requirements otherwise established in the General Statutes or Connecticut State Regulations:

1. An adjourned primary in the 5th Assembly District of the State of Connecticut House of Representatives ("5th Assembly District"), shall be held on Tuesday, October 2, 2012 during the normally required polling hours.
2. Municipal Clerks and Registrars of Voters in the Town of Windsor and the City of Hartford (collectively "municipal election officials") shall publish notice to the public of the adjourned primary on or before September 22, 2012.
3. On September 20, 2012, Donald Trinks withdrew as a candidate for the Democratic Party nomination in the 5th Assembly District in a letter to the Secretary of the State. Accordingly, his name shall not appear on the ballot for the adjourned primary.
4. Any order impounding voting tabulators or ballot bags, or other statutory requirement for such impoundment in the 5th Assembly District, previously issued by this Court, a state agency, or otherwise required by the General Statutes, is hereby vacated or superceded, as the case may be.

5. The registrars of voters shall designate primary officials by Wednesday, September 26, 2012. The registrars of voters shall use their best efforts to retain as primary officials in the adjourned primary those individuals who acted as primary officials at the August 14, 2012 primary election, or at another election in their respective municipalities. If the registrars of voters deem it necessary to retain a primary official who has not previously acted in that capacity, the registrars, or their designees, shall provide individualized training to such election official(s) and need not provide the formal training otherwise set forth in the General Statutes.
6. The municipal election officials shall use the same voter lists at the October 2, 2012 adjourned primary that were used by election officials at the August 14, 2012 primary. Only those electors whose names appeared on the voter list on August 14, 2012, or whose names were properly added to that list on August 14, 2012, by election officials, shall be permitted to vote in the adjourned primary.
7. Municipal clerks shall file a printed sample ballot with the Secretary of the State on or before September 24, 2012.
8. The municipal clerks shall file an affidavit regarding the number of absentee ballots being printed for the adjourned primary with the Secretary of the State on or before September 24, 2012.
9. The municipal election officials shall order newly printed ballots for the adjourned primary as soon as practicable, but no later than Monday, September 24, 2012.

10. Absentee ballot applications for the adjourned primary shall be made available by municipal election officials beginning September 21, 2012.
11. Municipal election officials shall make absentee ballots available on or before September 24, 2012.
12. Municipal election officials may use as absentee ballots in the adjourned primary proofs of the paper ballot that will be prepared by their balloting printing vendor, and received by officials electronically, in order to permit officials to issue absentee ballots beginning on September 24, 2012. The municipal election officials shall use such proofs as absentee ballots only until such time as official printed ballots for the adjourned primary are received by them from their printing vendor.
13. Municipal election officials shall use regularly available absentee ballot envelopes, with serial numbers, for all absentee ballots. Officials shall maintain a log of each absentee ballot issued to each absentee ballot applicant in the adjourned primary in the same manner as otherwise required by the General Statutes.
14. Absentee ballots may be hand counted by election officials if a proof of the paper ballot was voted upon by an elector and the municipal election officials determine that hand counting of the ballot is required.
15. Any paper ballots to be voted upon at the polling places for the adjourned primary shall be received by municipal election officials on or before Friday, September 28, 2012, and made available for public inspection on that date.
16. Any supervised balloting shall occur on or before Friday, September 28, 2012.

17. Any voting tabulator memory card to be used at the adjourned primary shall be programmed for the adjourned primary by Friday, September 28, 2012.
18. Candidates for nomination in the adjourned primary shall submit to registrars of voters a list of unofficial checkers on or before 5:00 p.m., Friday, September 28, 2012.
19. Testing of any voting tabulator to be used at the adjourned primary shall be done on or before 12:00 p.m., Monday, October 1, 2012.
20. The canvass of the results of the election shall be conducted immediately after the close of the polls on Tuesday, October 2, 2012, and shall be conducted in the manner required by the General Statutes.
21. This Court shall retain jurisdiction in this matter until such time as a Democratic candidate for the 5th Assembly District in the November 6, 2012 election has been duly nominated. Any disputes regarding the canvass of the election shall be brought to the attention of this Court on the night of the canvass or as soon as possible thereafter.
22. Any statutorily required recanvass of the results of the election shall be held beginning at 9:00 a.m., Wednesday, October 3, 2012.
23. Municipal election officials shall certify a result of the election on or before 5:00 p.m., Wednesday, October 3, 2012. The officials shall provide that certification to the Secretary of the State via electronic mail or facsimile within one hour of the certification by municipal election officials.
24. Any challenge to the results of the adjourned primary, the conduct of the primary, or the certification of the result of the election shall be brought before this Court (Peck, J.), on

or before 9:00 a.m., Thursday, October 4, 2012.

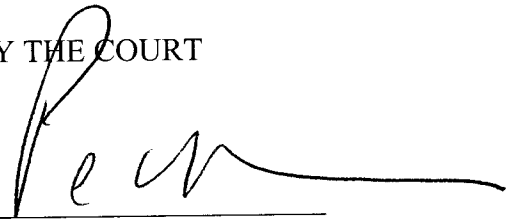
25. If such challenge is brought, this Court shall conduct a hearing on the challenge at 2:00 p.m., Thursday, October 4, 2012 in Courtroom 300, Hartford Superior Court, 95 Washington Street, Hartford.
26. Municipal election officials shall issue absentee ballots for the November 6, 2012 general election beginning on Friday, October 5, 2012.
27. Municipal election officials shall issue overseas ballots for the November 6, 2012 general election beginning on Friday, September 21, 2012, as required by federal law. The overseas ballot candidate listing shall state in the block designated for the Democratic Party nominee the following language: "*Nominee Not Determined**". In an appropriate location at the bottom of the candidate listing the overseas ballot shall state: "**The Democratic Party candidate for the 5th Assembly District has not yet been determined and will be determined at a new primary on October 2, 2012. If you wish to vote for a democrat for this office please write "democrat" in the appropriate space on the ballot.*"
28. The name of the candidate nominated by the Democratic Party in the adjourned primary on October 2, 2012, shall be inserted on the general election absentee ballot by sticker, or other means deemed necessary and reasonable by the municipal election officials, until such time as the municipal election officials can obtain a paper ballot with name of the nominated candidate printed on it.
29. Voting tabulators shall remain locked for fourteen days from the date of the primary. If such fourteen day period occurs, in full or part, during the ten day period preceding the

November 6, 2012 general election, municipal election officials shall be permitted to unlock voting tabulators to prepare them for use in the November 6, 2012 general election.

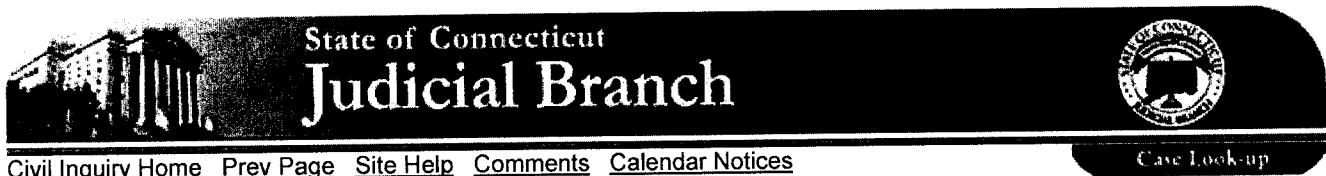
Dated at Hartford, Connecticut, this 21st day of September, 2012.

SO ORDERED.

BY THE COURT

A handwritten signature in black ink, appearing to read 'Peck', with a long horizontal flourish extending to the right.

A. Susan Peck
Superior Court Judge



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☛ HHD-CV12-6034951-S **MCGEE, JR, BRANDON L. v. VAZQUEZ, OLGA I., DEMOCRATIC REGISTRAR OF VOTERS Et Al**

Prefix/Suffix: [none] Case Type: M50 File Date: 08/28/2012 Return Date: 09/25/2012

[Case Detail](#) | [Notices](#) | [History](#) | [Scheduled Court Dates](#) | [E-Services Login](#) | [Screen Section Help](#) ▶

Data Updated as of: 09/21/2012

Case Information

Case Type: M50 - MISC - DECLARATORY JUDGMENT
 Court Location: HARTFORD
 List Type: No List Type
 Trial List Claim:
 Referral Judge or Magistrate:
 Last Action Date: 09/21/2012 (Last Action Date is a data entry date, not actual date)

Disposition Information

Disposition Date: 09/21/2012
 Disposition: JUDGMENT AFTER COMPLETED TRIAL TO THE COURT WITH NO JURY
 Judge or Magistrate: HON A PECK

Parties & Appearances

| Party | No Fee Party |
|---|-----------------------|
| P-01 BRANDON L. MCGEE Jr Attorney: SWEENEY & GRIFFEN (035678) ONE LIBERTY SQUARE NEW BRITAIN, CT 06051 | File Date: 08/28/2012 |
| D-01 OLGA IRIS VAZQUEZ DEMOCRATIC REGISTRAR OF VOTERS Attorney: ☛ HARTFORD CORPORATION COUNSEL (026795) 550 MAIN STREET HARTFORD, CT 06103 | File Date: 08/30/2012 |
| D-02 JOHN V. BAZZANO TOWN AND CITY CLERK Attorney: ☛ HARTFORD CORPORATION COUNSEL (026795) 550 MAIN STREET HARTFORD, CT 06103 | File Date: 08/30/2012 |
| D-03 ANITA MIPS DEMOCRATIC REGISTRAR OF VOTERS Attorney: ☛ O'MALLEY DENEEN LEARY MESSINA & OSWECKI (044526) 20 MAPLE AVENUE WINDSOR, CT 06095 | File Date: 08/30/2012 |
| D-04 AGNES M. PIER TOWN CLERK Attorney: ☛ O'MALLEY DENEEN LEARY MESSINA & OSWECKI (044526) 20 MAPLE AVENUE WINDSOR, CT 06095 | File Date: 08/30/2012 |
| D-05 DENISE MERRILL SECRETARY OF STATE Attorney: ☛ MAURA BRIDGET MURPHY-OSBORNE (423915) AG-SPECIAL LITIGATION 55 ELM ST PO BOX 120 HARTFORD, CT 061410120 | File Date: 08/29/2012 |
| Attorney: ☛ MICHAEL KENNETH SKOLD (431228) AG-SPECIAL LITIGATION 55 ELM ST PO BOX 120 HARTFORD, CT 061410120 | File Date: 08/29/2012 |
| D-06 STATE ELECTION ENFORCEMENT COMMITTEE Attorney: ☛ MAURA BRIDGET MURPHY-OSBORNE (423915) AG-SPECIAL LITIGATION | File Date: 08/29/2012 |

55 ELM ST PO BOX 120
HARTFORD, CT 061410120

Attorney: ☛ MICHAEL KENNETH SKOLD (431228)
AG-SPECIAL LITIGATION
55 ELM ST PO BOX 120
HARTFORD, CT 061410120

File Date: 08/29/2012





















D-07 LEO CANTY


Attorney: ☛ THOMAS K MCDONOUGH (100791)
144 BUCKINGHAM STREET
WATERBURY, CT 06710

File Date: 08/30/2012

D-08 DONALD TRINKS
Non-Appearing

Viewing Documents on Civil Cases: Order Documents and Judicial Notices that are **electronic** on this case can be accessed on this website.* Pleadings and other documents that are **electronic** can be viewed at any Judicial District courthouse and at many Geographical Area courthouses during normal business hours.* Documents that are **not electronic** can be viewed at the Clerk's Office in the Judicial District where the case resides.*
* unless otherwise restricted

| Motions / Pleadings / Documents / Case Status | | | | | |
|---|------------|----------|--|--|----------|
| Entry No | File Date | Filed By | Description | | Arguable |
| | 08/29/2012 | D | <u>APPEARANCE</u>  Appearance | | |
| | 08/29/2012 | D | <u>APPEARANCE</u>  Appearance | | |
| | 08/30/2012 | D | <u>APPEARANCE</u>  Appearance | | |
| | 08/30/2012 | D | <u>APPEARANCE</u>  Appearance | | |
| | 08/30/2012 | D | <u>APPEARANCE</u>  Appearance | | |
| 100.30 | 08/28/2012 | C | <u>SUMMONS & COMPLAINT</u>  | | No |
| 101.00 | 08/28/2012 | C | <u>ORDER HEARING AND NOTICE</u>  | | No |
| 101.50 | 08/30/2012 | C | <u>ORDER HEARING AND NOTICE</u>  Amended Order | | No |
| 102.00 | 08/30/2012 | D | <u>MOTION TO QUASH</u>  | | No |
| 103.00 | 08/30/2012 | P | <u>RETURN OF SERVICE</u>  | | No |
| 104.00 | 08/31/2012 | D | <u>MOTION TO DISMISS</u>  | | Yes |
| 105.00 | 08/31/2012 | D | <u>MEMORANDUM IN SUPPORT OF MOTION</u>  Memorandum un Support of Motion to Dismiss | | No |
| 106.00 | 09/07/2012 | P | <u>AMENDED COMPLAINT</u>  !NEW | | No |
| 107.00 | 09/07/2012 | D | <u>ANSWER TO AMENDED COMPLAINT</u>  !NEW | | No |
| 108.00 | 09/10/2012 | P | <u>AMENDED COMPLAINT</u>  !NEW Corrected Amended Complaint | | No |
| 109.00 | 09/10/2012 | D | <u>ANSWER TO AMENDED COMPLAINT</u>  !NEW Defs' Vazquez and Bazzano's Ans. to Am. Complaint | | No |
| 110.00 | 09/10/2012 | D | <u>ANSWER</u>  !NEW Answer of Defendant Leo Canty | | No |
| 111.00 | 09/12/2012 | D | <u>ANSWER TO AMENDED COMPLAINT</u>  !NEW Answer to Corrected Amended Complaint | | No |
| 112.00 | 09/12/2012 | P | <u>AMENDED COMPLAINT</u>  !NEW | | No |
| 113.00 | 09/17/2012 | P | <u>AMENDED COMPLAINT</u>  !NEW | | No |

| | | | | |
|--------|------------|---|--|-----|
| 114.00 | 09/19/2012 | D | ANSWER TO AMENDED COMPLAINT  NEW Def. Vazquez & Bazzano Ans. to Third Am. Compl. | No |
| 114.50 | 09/19/2012 | C | MOTION TO SEAL DOCUMENT NEW | Yes |
| 115.00 | 09/19/2012 | C | ORDER SEALING FILE OR DOCUMENT NEW RESULT: Order 9/19/2012 HON A PECK | Yes |
| 116.00 | 09/21/2012 | C | ORDER NEW RESULT: Order 9/21/2012 HON A PECK | No |
| 117.00 | 09/21/2012 | C | JUDGMENT AFTER COMPLETED TRIAL TO THE COURT WITH NO JURY NEW RESULT: HON A PECK | No |

| Individually Scheduled Court Dates as of 09/20/2012 | | | | |
|--|------|------|-------------------|--------|
| HHD-CV12-6034951-S - MCGEE, JR, BRANDON L. v. VAZQUEZ, OLGA I., DEMOCRATIC REGISTRAR OF VOTERS Et Al | | | | |
| # | Date | Time | Event Description | Status |
| No Events Scheduled | | | | |

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