

CHAIRPERSON: Representative Michael D'Agostino.

REP. D'AGOSTINO (91ST): All right, we will call The Special Committee on Contested Elections to order and get right into our agenda with any remarks by cherished committee members. I have none. Committee members?

All right, first item on the agenda for discussion is the witness list we did receive on Tuesday, and I thank the parties for doing that. Suggested witnesses for us to talk to, as well as some documents particularly from Mr. Feehan's counsel and I want to thank them for that. So, the first thing we need to do as a committee here is just talk about on those submissions based on what we have reviewed, who do we want to talk to? And, do we want, do everybody on those lists, I had a couple of names in addition to the folks on those lists, but let's open it up for discussion with respect to witnesses. And, I will just kick it off by saying obviously I think we certainly want to talk to the Republican and Democratic Registrars of Stratford, certainly Mal Starratt, who was the Moderator at Bunnell High School that day. I think makes a lot of sense. There are some other folks to talk as well that Mr. Young's counsel suggested, most of which looked okay to me. I had some questions about rather we really needed anybody from the Secretary of State's Office or the Town Clerk's Office. So, let me open that up for further discussion. Mr. Perillo.

REP. PERILLO (113TH): Thank you Representative D'Agostino. My primary focus is I would like to keep this directly focused on individuals who have specific direct knowledge of what happened. You know, our charge is to identify what the facts are first and foremost. And, as I go through the list

of ten individuals provided by Mr. Young's folks, some of these individuals I have no idea what they would add to the discussion. You know the Registrars, to your point, obviously need to be involved. The Moderator, who documented the incident, needs to be involved. Those three individuals are very clear to me. I don't want to be in a situation where we are calling random poll workers who may have been in the building. Where we are in a situation where we have got hearsay testimony. So, I think we need to be very, very careful of that. I don't see any need to call all of these individuals. Certainly, I think we should reserve the right to speak with these folks after the fact if we get through the two Registrars and the Moderator and still have open questions. But, I just don't want this to be a free fall.

REP. D'AGOSTINO (91ST): I think that is a fair point. Any further comments? Representative Haddad.

REP. HADDAD (54TH): I'm not from Stratford. Don't know who some of these folks are. I know some of them are mentioned in The Moderator's Log book and I didn't know if somebody could, on our committee knows what some of these individual's roles were on election day. Ben Proto comes to mind first off, that is the first person on the list, is mentioned in The Moderator's Log book as, I think perhaps the first call that the Moderator made when the person was discovered. But, do we know what his role is?

REP. D'AGOSTINO (91ST): My understanding is he is an Assistant or Deputy Republican Registrar in Stratford.

REP. HADDAD (54TH): Ben Proto?

REP. D'AGOSTINO (91ST): Ben Proto. I may be wrong on that. That was based on some other documents that I had reviewed.

REP. HADDAD (54TH): Okay.

REP. D'AGOSTINO (91ST): And, for the reason you just articulated, Representative Haddad, I would put him on our list because he was and further to Representative Perillo's point. Apparently involved, got a call, it looks from the log notes maybe showed up, and so was involved in what was happening that day. So, in addition to the two Registrars and the Moderator Starratt, I would add Mr. Proto to our list because of that note in that alleged involvement.

REP. HADDAD (54TH): I agree with that. And, then the other person mentioned in the log was David Heriot, Assistant Registrar, but it doesn't, that is the person who the problem was first brought to that person's attention. He did not appear on any of the lists but I thought that might be somebody that we interview.

REP. D'AGOSTINO (91ST): He was on my list as well. Representatives Perillo and Candelora agree because of the mention of those two names in The Moderator's Log and the direct involvement and what happened that seemed to be, Mr. Proto and Mr. Heriot, although we are going to confirm that name because the notation was a little unclear, but sure, I agree with Representative Haddad that is somebody to add to our lists.

REP. HADDAD (54TH): Right. And, then in respect to the list that Mr. Young's attorneys gave us, I agree that with Representative Perillo that David Siegler is listed and Joseph Elliott is listed. I don't know what their role in this was. Neither of their

names appear in The Moderator's Log and we might reserve the ability to call them if we felt like that was necessary as we learn more about what occurred on Election Day. The only other person mentioned in the Moderators log is not mentioned by name but referred as the 120 Ballot Clerk. It is a woman, I gather from the text. And so, I don't think it's either Mr. Siegler or Mr. Elliott, but I thought perhaps that would be someone that we would want to talk to.

REP. D'AGOSTINO (91ST): I have that exact note as well, as also a 122nd Ballot Clerk mentioned as well.

REP. HADDAD (54TH): That is correct.

REP. D'AGOSTINO (91ST): A male rather than female. Again, no names but again they were obviously [laughter] directly involved with the switching of the packets, we assume unintentionally, and so, I would like to add the two of them to the list as well.

Again, consistent with Representative Perillo's statement that we focus initially on exactly what happened that day. Since we don't have names, and we are going to talk further about this about how we contact these people, we probably will need to reach to somebody at the, in Stratford either the Registrar's office or the Town Clerk's office. I am assuming the Registrars will know who the Ballot Clerks are and we can get their names, and so we will have them listed on our witness list but not by name at the moment until we figure that out.

So for right now, we have got the Democratic Registrar, the Republican Registrar, the Moderator, Mr. Proto, Mr. Heriot, and the two Clerks. One, two, three, four, five, six, seven people for

initial witness list that seems, I think, pretty comprehensive at least for our first cut and then depending on what we hear if we want to hear from other people. Anyone else you want to add to that initial witness list? Representative Candelora.

REP. CANDELORA (86TH): Thank you. I would just-- I think the list is fine. I think what I would do is maybe prioritize them in a certain order, so that we would probably want to hear from, you know, the Registrars first, the Ballot Clerks, and then sort of have the secondary lists, to hear those individuals second. In particular, I guess we mentioned the Poll Worker and the Poll Moderator, Siegler and Elliot, we are not sure why they are on this list. Correct? So, we are not including them in initial witness list? Am I correct on that?

REP. D'AGOSTINO (91ST): Siegler, we are not sure about the role. Elliott, is the Democratic Poll Moderator who was there. I don't know if Mr. Starratt, I assume, is the Republican Poll Moderator, so it might make sense to have Mr. Elliott on our list if we are calling Mr. Starratt, who again obviously his notes are the most critical here. But, it might make sense to have Mr. Elliott on our list as well if we are making sure we are getting the Moderators who were there. Again, and this is where we a little bit flying blind. We are going to know more about what every body's role was when we interview folks. But, I would include Mr. Siegler on the list. Excuse me, Mr. Elliott on the list. Mr. Siegler, though, that is just in terms of a poll worker. I think we are going to leave off for now. We don't need any poll workers just yet, unless we feel from the testimony we want to follow up with them.

REP. CANDELORA (86TH): Agreed and then just finally, I know there was a list of documents that was requested that we review, which you know, which seemed to make sense and we can make that request to the Town Clerk. I don't think probably right now it's necessary since we are not operating by rules of evidence that we need a Town Clerk per se to be here, but we should just make that request of The City to provide those documents.

REP. D'AGOSTINO (91ST): And, I think we have everything that was referenced, particularly by Mr. Feehan, we should have in our packets. Now we have copies and I think further to what you just said, but not necessarily to the no operating by the rules of evidence, when the Registrars come in we can ask them to confirm that these are true and correct copies of whatever it is that we have and I think we want to review some of those documents with them. I just want to make one footnote to that, when we do ask Mr. Starratt to come, I do agree with the suggestion from Young's counsel that we get a copy or that Mr. Starratt bring his original log book, because the notes are, they do cut off at the bottom a little bit, so when we make that request for him to appear we'd ask that he bring his, assuming that he still has custody of them or whoever has custody of them, to bring the original logs. And, we can also ask for originals of the, if we need them, from the Registrars or the Town Clerk of the documents that we have, but let's see if the folks are able just to confirm that what we have are indeed true and correct and accurate copies.

REP. HADDAD (54TH): Just to add to that, I agree with the note about The Moderator's Log. But, as I look at the exhibits I actually think that they are not complete. They appear to be the moderator return format just for the precinct in question and

the same goes for the tape returns. I think at a minimum our committee should be in possession of a complete set of election results both on Election Day and after the recanvas, just so that we are making sure that we are touching those bases.

REP. D'AGOSTINO (91ST): That is a great point and I think that we can request that from the Registrars to bring, assuming they are the ones that has custody of it or if it is the Town Clerk. I agree with Representative Candelora, I don't think we necessarily need the Town Clerk to appear, but certainly that we would get that full set and it is a great suggestion.

REP. HADDAD (54TH): And, just on that, to go back to the witness list one more time. I am uncertain, because he gets referred to in different ways and different documents. Mel Starratt, I think is the Moderator at the polling location. Is there a Head Moderator, as well, who is different?

REP. D'AGOSTINO (91ST): For the overall election?

REP. HADDAD (54TH): Yeah, for the overall election. And, that would be the person that would be responsible for compiling the results from various precincts and submitting that to the Secretary of State's Office. So, I think that it would be that person who would be attesting to the final results of the election. I think. And so, I think that we might want to talk to that person as well.

REP. CANDELORA (86TH): We could get this confirmed, I don't know if we have an attorney here to confirm this, but I think it's the Registrars that certify the election. So, I think those are the individuals that oversee the overall election and overseeing all the Moderators, so we probably already have them on our lists.

REP. D'AGOSTINO (91ST): Go ahead.

REP. HADDAD (54TH): Just on that point, that maybe correct. I am just looking at, for example; exhibit four which is the Head Moderator return format, and it may be that the head, I mean it does not say Moderators, it says Head Moderator. I just, I don't know if it just an old form that was left over from before the time that which we were given that responsibility to registered voters and these things were, and the Head Moderator was appointed by the Town Clerk, I think in recent history, so. But, we should check it. I just, I'd like, well that maybe covered with the presence of the Registrars or it maybe someone different, I'm uncertain

REP. D'AGOSTINO (91ST): Representative Candelora.

REP. CANDELORA (86TH): I think what this is; every polling place has a Head Moderator, so all these sheets, the forms that are submitted say Head Moderator because each precinct has a Head Moderator. All those go into The Town Hall where the Registrars take them, add everything up, and then certify the elections. I don't think there is a Head Moderator that oversees the election, but I think we can certainly ask that question, you know we can certainly ask that question to the Clerk and if there information is that there is some body we can certainly call them in, but I suspect it is the Clerks.

REP. D'AGOSTINO (91ST): I think that makes sense. We will bring in the Registrars, we'll ask these questions, and to the extent that we think that there is another Moderator to talk to, we can, we certainly can expand our witness list from there based on what we hear from the other folks.

(I don't know if you guys have any input or--)

LCO (TELLIERO): So, I am looking at *Section 9-150B of the Connecticut General Statutes* and it does break out a couple different sub sections where if there is central counting of the ballots, then there is a Head Moderator appointed. But, if they're just counted in there respected polling places then there's a Moderator for each of those respected polling places. And, I wasn't sure. The Secretary of State's office has said that and I guess Stratford had a Head Moderator was appointed. But again, that is something you can learn from your witnesses if that is a question you are looking to ask.

REP. D'AGOSTINO (91ST): All right. So, we'll follow up with the Registrars. I think they will be among the first people we speak to and then we can get their names; and Representative Haddad, if we decide we want to talk to that Head Moderator, we can indeed do that and get that person's identity. I mean, it sounds like, well we don't know because Mr. Starratt was the Head Moderator for the entire town or just for that location and conversely if, for example; he's the Head Moderator and there was a Republican Moderator for that particular site, we would obviously want to speak with that person as well. So, we will figure this out. And, look if in the course of our staff contacting these witnesses that information comes out, I don't see any reason why we can't just, on the fly, add that person to our witness list next week. Representative Perillo.

REP. PERILLO (113TH): I would agree that and just to reference in exhibit five on the last page there, Mr. Starratt does identify himself as Moderator District Nine, Bunnell High School.

REP. D'AGOSTINO (91ST): I see that, correct. Yeah. Without a party designation, so I think we're going

to assume it may not be the case, but because we've a Democratic Moderator, Mr. Elliott listed, that Mr. Starratt is probably the Republican and that we would just need the identity, if there was one, of the Head Moderator for the entire town and we can bring that person in, him or her.

All right, so we will start with that list: Democratic Registrar, Republican Registrar, Mr. Starratt, Mr. Proto, Mr. Heriot, the two Clerks (pending identification), and the Democratic Moderator at the site Mr. Elliott. That will be our original witness list then we can go from there. And, we'll also ask for the Registrar's Office to bring copies of the documents that we have, anything else they want us to see, and we'll ask Mr. Starratt to bring a copy, a set of his original notes from the election. And, we should also ask Mr. Elliott if he has a list of handwritten notes as well. We haven't seen those but if he has any but if he has any he should bring those as well for the Committees and a complete set of election returns from the Registrars.

Yeah. Let's just talk about that for a second, Representative Perillo; and I understand you point certainly but look our focus certainly is the core focus is what happened that day. I would like us to, as Representative Haddad mentioned, get the full set of returns both from the original election and the recanvas, because the numbers did change and ultimately I think this committee is going to come down to the numbers; so, I think I want us to have within our charge a view of what happened in pollistically (phonetic) here because we are going to need to eventually drill down into if something happened here, assuming it did; how did it, and did it impact the election results and of course part of that calculus is what were the election results how

did we get there to that particular number. So, we'll ask indeed for that full set. Sound good?

So, that is our witness list. Any other, we talked about those particular sets of documents, any other documents we want to request in this initial sort of slew of materials? It is going to give us a lot to digest, I think at first. And, we can always expand it.

The other item on our agenda. So, originally today we had thought we may want to hear from parties and there was some scheduling conflicts. I want to just discuss this a little bit more with The Committee. I don't feel too strongly about this, but I am of the view that it might be helpful before we even hear from the witnesses to get a brief presentation particularly from Mr. Feehan's counsel, 15 minutes whatever it is we decide to limit, just an overview of what each of them think happened because it might help in context our questioning of the witnesses. We are under a little bit of a time crunch. I don't feel incredibly strongly about that. I do want to hear from the parties eventually, but I tend to think that it might be helpful to reserve a first half-hour or 15 mins each, ten minutes each if we want to do that; just a brief presentation from the parties before we get into witness testimony. Is there a consensus on that? How do we feel about that?

REP. CANDELORA (86TH): I certainly wouldn't object to asking the question. I think we had the complaint before, so I am more interested trying to get to the witnesses, but if you would like to offer them to come in on that same day to give a 10 minute presentation before we question witnesses. I would not have a problem that.

REP. D'AGOSTINO (91ST): I think ten minutes each to the side is fine. It's really a summary of what they think happened, if they think there is anything particular we want to hone in on. I am open to taking written submissions as well. It would supplement whatever their ten minute presentation is going to be and we can look at that beforehand. Anything that helps us put things in context helps us direct our questioning a bit, I'd like to do. So, I think we're going to talk about scheduling, but whatever we schedule for that first meeting I think our direction will be to counsel and the parties to be prepared to just to do ten minutes each, we'll hold you to that. If there is any other material you want us to consider beforehand; send it in. The Committee will take it, but the parties should be prepared for a ten minute presentation before we get to witnesses on each side. And, they don't have to take the full ten minutes.

Scheduling, now this is obvious. Well actually before we get to scheduling let's just talk, also just about the witnesses and how we are going to get them here. We talked about this a little bit before we started. I don't, I am uncomfortable with The Committee contacting witnesses outside of this setting. So, we think it would be helpful to have nonpartisan staff contact these witnesses directly. We'd ask them to research; obviously it should be not too difficult to find numbers for these folks particularly The Registrars and maybe that can lead to some other contact information. Have them contact the witnesses directly, hopefully today to get started on the process, make sure they are available. I would like to avoid the need for subpoenas, but I would like to discuss that even if we have; let's say somebody agrees voluntarily to come, do we want to back stop their appearance with

a subpoena to make sure they come? I just want to have that conversation about how we want to proceed here in terms of contacting the witnesses and making sure they are available.

REP. CANDELORA (86TH): So, I would just suggest that, you know, we pick a meeting time that is convenient for us that we all can get together and meet. I sort of feel like we do need to issue subpoenas because for two reasons. One, if individuals don't show up now we're left with, you know we are up against a deadline, and we're left with then re-juggling and trying to get them in here and it really disrupts the orderly function, I think, of this committee.

The second piece is, you know we have a request for documents and it sort of gives them cover if they're forced to come here and provide those documents. Even if they willingly want to be here as a witness, given the fact that, you know, the city has representation as well, I just think that opportunity should be there where anybody is sort of given cover that they are required to be here, as opposed to them necessarily voluntarily coming and then bringing the documents. I think it is a little bit loose for our process. So, that's, you know, that's just what I would that suggest we do.

REP. D'AGOSTINO (91ST): Representative Perillo would you add to that?

REP. PERILLO (113TH): No, I see Representative Candelora's point just to ensure that we move this process along. And, the other concern is, and I think would be benefited by subpoenas are the Registrars, who assumingly get paid to do this, that's a no brainer. But, we've got moderators and poll workers on this list who, you know, that just helped out for a day and have other lives and other

jobs and whatnot. So, it might be harder to get them here. So, I think they have to go back to their employer and say well I can't show up on work on Wednesday because. It may be nice if they had a piece of paper.

REP. D'AGOSTINO (91ST): Right. It's a good point. I think what I am envisioning is; we set the dates, we'll probably pick a couple blocks of time see when people are available to come, hopefully they are all willing to come voluntarily, and then we send out the subpoena that really confirms and gives them the cover that your, that you've mentioned Representative Candelora. Obviously, if somebody is not willing to come the subpoena is there for that very purpose. But, if we can get them to agree, it would pre-schedule them, and we could just issue the subpoena as sort of a documentary confirmation. We'll do it that way. So, I think that is how we will proceed.

Let's pick some blocks of time next week. I suggest that we find at least a couple of days, maybe even three blocks of time that work because we have a number of witnesses to schedule and we do want to make sure it's, if possible, convenient for all of them in addition to us. So, how are we doing? I know obviously Monday is a holiday. Tuesday there is a House session, which I don't think is expected to go long, so we could have Tuesday morning, and I don't know, possibly the afternoon. But, certainly a block of time like from 9:00 a.m. to 12:00 p.m. on Tuesday morning. Wednesday, I've got the morning but can't do the afternoon. Thursday is relatively clear for me all day and Friday afternoon.

REP. CANDELORA (86TH): So, Tuesday might be difficult but I think, you know, we are all

available to work around. Thursday and Friday, I'm also completely available.

REP. PERILLO (113TH): Thank you. Thursday is tough because of a conflict with another committee on which I'm Ranking Member, but it is what it is. We'll make it work.

REP. D'AGOSTINO (91ST): What time is that meeting?

REP. PERILLO (113TH): Executive nominations start on 11:00 a.m.

REP. D'AGOSTINO (91ST): I've got the same so I just figured we would work through it, you know, and figure out what we need to do.

REP. HADDAD (54TH): I'm free for all the time periods at The Chair mentioned, with the possible exception of a committee meeting on Thursday, but it's a committee I chair. I don't anticipate the meeting will go more than 15 minutes.

REP. D'AGOSTINO (91ST): On Thursday?

REP. HADDAD (54TH): Yeah.

REP. D'AGOSTINO (91ST): Okay. So, what do we want to do? Do you wanna do, how is Wednesday morning for folks or do you just want to do Thursday, Friday? Okay. Why don't we do a block of time Wednesday morning from like 9:00 a.m. to 12:00 p.m., a block of time Thursday, that means at 11:00 a.m. Executive Nominations. Do you know when your meeting might be Greg?

REP. HADDAD (54TH): It is scheduled for noon, but again if we could just recess for a brief minute then--

REP. D'AGOSTINO (91ST): You wanna do 1:00 p.m. to 5:00 p.m. on Thursday?

REP. HADDAD (54TH): Sure.

REP. D'AGOSTINO (91ST): And, then just, I've got something on Friday morning. I'm sorry. You wanna do 1:00 p.m. to 5:00 p.m. on Friday?

REP. HADDAD (54TH): Sure.

REP. D'AGOSTINO (91ST): That gives us three decent blocks of time. Do we wanna, since Thursday is not bad, well we've got the Exec Noms. Schedule a little bit larger block of time on Thursday? Just to be safe. So, 9:00 a.m. to 12:00 p.m. on Wednesday.

REP. HADDAD (54TH): Don't worry about the conflict.

REP. D'AGOSTINO (91ST): 10:00 a.m. to 5:00 p.m. on Thursday?

REP. HADDAD (54TH): (laugh) That's fine.

REP. D'AGOSTINO (91ST): And, then Friday 1:00 p.m. to 5:00 p.m. if necessary. All right, why don't we do that and again the parties should be prepared for the first 20 minutes on Wednesday at 9:00 for their presentations. And again, based on schedules I know it would be nice to hear from the Registrars first. If for some reason that can't happen, we'll discuss among the committee how we want to proceed on Thursday if they're both available, on Wednesday if they're available Thursday morning. Maybe we just talk about documents or get documents confirmed on Wednesday since that's a shorter block of time. But, let's see how we do with the witnesses and with the documents and subpoenas with those particular blocks of time. Again, Wednesday 9:00 a.m. to 12:00 p.m., Thursday 10:00 a.m. to 5:00 p.m., Friday 1:00 p.m. to 5:00 p.m. and see how we schedule from there. All right.

Anything else? Other items for the Committee?

REP. PERILLO (113TH): Before we adjourn, can we just read through your list of witness again, so we are all on the same page.

REP. D'AGOSTINO (91ST): Sure, that's a great idea. [throat clearing] So, we've got the Democratic, I may not have names here, but the Democratic Registrar, the Republican Registrar, Mr. Starratt the Head Moderator, we think, Republican at the site. Mr. Proto, Mr. Heriot, David Heriot, again we are going to confirm the spelling there. The 120th Ballot Clerk, the 122nd Ballot Clerk at the site, Mr. Elliott the Democratic Moderator. And then pending other identification, that is our starting point for this particular witnesses. One, two, three, four, five, six, seven, eight.

Yeah. I am told that Mr. Young's attorneys can't do Wednesday. I would ask the parties to really, they gotta make time for presentations, so go ahead.

REP. CANDELORA (86TH): And, I think that just accents why we really are going to need to do subpoenas, because if we try to accommodate people's schedules, it's just not gonna work for us, unfortunately.

REP. D'AGOSTINO (91ST): I think what we'll do is, again I would like to hear from (inaudible-00:31:14) from the parties, so why don't we, we'll keep Wednesday from 9:00 a.m. to 12:00 p.m. If we can get the two Registrars on Wednesday that would be great, and then we'll just plan on the ten minutes each from the parties on Thursday morning at 10:00 a.m. Why don't we do that? Again, I would just like to have them as context here through the whole process so we'll do that, and we'll go from there.

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Other items for the committee? Motion to adjourn?

UNKNOWN: I will.

REP. D'AGOSTINO (91ST): Second?

UNKNOWN: Aye.

REP. D'AGOSTINO (91ST): All those in favor, Aye.
Motion Carries. Thank you.