

CHAIRPERSON: Rep. Michael D'Agostino

MEMBERS: Haddad, Perillo, Candelora

REP. D'AGOSTINO (91ST): Okay. I'm going to ask the two registrars to rise and be sworn in, please. You guys raise your right hand for me. Do you swear or affirm as the case may be that the information you will provide to this committee will be the truth, the whole truth, and nothing but the truth so help you God under penalty of perjury?

LOU DECILIO: I do.

RICK MARCONE: I do.

REP. D'AGOSTINO (91ST): Thank you, gentlemen. All right, you've identified yourselves for the record. I just want to get a little more background information as we get going with respect to each of you. Mr. Marcone, you're the Democratic registrar of voters. How long have you held that position?

RICK MARCONE: I'm in my tenth year.

REP. D'AGOSTINO (91ST): And is that a -- Obviously, it's an elected position.

RICK MARCONE: It's an elected position, yes, sir.

REP. D'AGOSTINO (91ST): And is that your full-time job?

RICK MARCONE: Yes, it is.

REP. D'AGOSTINO (91ST): Okay. Mr. Decilio, same question; how long have you been a registrar?

LOU DECILIO: Since 2005.

REP. D'AGOSTINO (91ST): And again, elected position?

LOU DECILIO: It is.

REP. D'AGOSTINO (91ST): And is that your full-time job?

LOU DECILIO: It is.

REP. D'AGOSTINO (91ST): All right. Prior to becoming the registrar, what did you do?

LOU DECILIO: I was a -- I owned my own welding business.

REP. D'AGOSTINO (91ST): Mr. Marccone, same question for you. Prior to becoming a registrar, what did you do?

RICK MARCONE: I was a service tech for a coffee company.

REP. D'AGOSTINO (91ST): With respect to the registrar's office in Stratford, does it sit at Town Hall?

RICK MARCONE: Yes, it is.

REP. D'AGOSTINO (91ST): What kind of staff do you have? Can you just describe the staffing of the office to us?

RICK MARCONE: We each -- We each have one assigned deputy registrar and we each have one full-time assistant.

REP. D'AGOSTINO (91ST): Who is your deputy and your assistant?

RICK MARCONE: My deputy is Mr. Frank Bevacqua and my assistant is Judy Scala.

REP. D'AGOSTINO (91ST): And Mr. DeCilio?

LOU DECILIO: My deputy is Ben Proto and my assistant is Paul Mathewson.

REP. D'AGOSTINO (91ST): How long have you each had those two assistants?

LOU DECILIO: Paul was actually the assistant before me, so he's been there -- he's probably -- he's got the seniority in the whole group of us and Ben, I want to say for about eight to ten years.

REP. D'AGOSTINO (91ST): And the assistant registrars are appointed by the registrars?

RICK MARCONE: That is correct.

REP. D'AGOSTINO (91ST): Those are full-time jobs as well?

RICK MARCONE: They are.

REP. D'AGOSTINO (91ST): All right, any questions from the members with respect to background? All right. Look, obviously we want to get into what happened on election day in the 120th, that's why we're here. We've got some specific questions with respect to the results, but I think maybe the best thing to do is to start with each of you with an overview of your recollections and perceptions of what happened that day with respect to the 120th. If we could hear from Mr. Decilio.

LOU DECILIO: Sure. Approximately 2:30 in the afternoon, my deputy received a call from Bunnell High School saying that there was an issue with some of the ballots being distributed improperly. He went up to Bunnell High School because I was -- I was actually at another polling location coming back

to Town Hall. When I came back, this is when I was informed of this issue. So Ben went up there to check out to make sure everything was, you know, correct at this time. When he got there, he instructed the moderator, Mal, to make sure -- Mal Starratt, to make sure that everything was documented in place and initially we weren't -- we didn't understand how many ballots were mis-distributed because of the fact that, you know, there was a -- each ballot has a -- a stack of ballots has about a hundred ballots in them and we were initially told through a phone call that we had a handful of ballots that were distributed. When Ben got up there, he made sure everything was okay and again we proceeded with the election. Now that we knew that there was an issue, it was documented and the proper ballots were then being distributed based on Mr. Proto's going up there and just checking out the situation.

REP. D'AGOSTINO (91ST): We've got Mr. Proto on our list, but just to get some more clarification, so he got a call from whom?

LOU DECILIO: From the moderator, Mal Starratt.

REP. D'AGOSTINO (91ST): Mr. Starratt, yeah, okay. And then Mr. Proto called you?

LOU DECILIO: No, I was actually walking in the office and he was getting off the phone and that's when he informed me that --

REP. D'AGOSTINO (91ST): Mr. Proto was at the registrar's office?

LOU DECILIO: He was at the registrar's office, exactly.

REP. D'AGOSTINO (91ST): And he went down there?

LOU DECILIO: Yes.

REP. D'AGOSTINO (91ST): Okay.

LOU DECILIO: I was at another location on my way back from that location.

REP. D'AGOSTINO (91ST): Mr. Marcone, were you part of these conversations?

RICK MARCONE: It was my recollection, when I came back in, Ben was already on his way up to Bunnell and Lou informed me what had happened.

REP. D'AGOSTINO (91ST): Where were you that day?

RICK MARCONE: I was bringing other supplies to other polling locations, same thing or whatever. We, you know, if you -- you've all been elected officials, so you know hectic, especially this last election can be or whatever, so between the phones and bringing supplies back to the polling locations, we were pretty busy, also assisting in the EDR locations.

REP. D'AGOSTINO (91ST): Election day registrations. Did -- I'm curious why just the Republican assistant registrar was sent. Did you think to send your assistant down as well?

RICK MARCONE: I did not. Like I said, Ben was already on his way. We were pretty confident. We trust the people within our office that they react in a nonpartisan way, plus, you know, once he got up there, there's people from both parties. The assistant registrars are there or whatever to oversee what's going on, as well.

REP. D'AGOSTINO (91ST): Okay, all right. We're going to spend some time, obviously, talking about those results, how we can sort of dissect them and get into the numbers, but just the lead up to that, I just want to probe into that a little bit. In terms of the ballots and the preparation and setting the stage for that day, can you walk us through in particular how the ballots are received into your office and then how they're distributed out to the polling locations and in particular the Bunnell location. And by the way, just real quick, we're going to refer to Bunnell as the Bunnell location, the Bunnell district. It's got a specific district number for record-keeping purposes. Can you just confirm what that is?

LOU DECILIO: Well, there's two districts at Bunnell High School. One is -- it's 090-01 and 090-21.

REP. D'AGOSTINO (91ST): And 01 is the 120th?

LOU DECILIO: 01 is the 120th, 21 is the 122nd.

REP. D'AGOSTINO (91ST): And I don't want to digress, but do we know why -- what the origin of those codes are?

LOU DECILIO: Those codes were there before we took office, so I think it was when they transitioned to whatever the old system the state used to use or the town used to use to the CVRS system. The people before us put those codes in. Ninth district, that's the 090, it's the 9th District at Bunnell High School.

REP. D'AGOSTINO (91ST): All right. So when we see 090-01, that's the 120th and 090-21, that's the 122nd?

LOU DECILIO: So the 0 -- the first digit on the last two digits is always the last digit of the state rep district and the last digit to the far right is the last digit in the state senate district.

REP. D'AGOSTINO (91ST): Okay, gotcha, all right. And just going back to my question on the ballots and just preparation for that day, walk us through the process of how those ballots are collected and then distributed.

LOU DECILIO: Right. So we receive our ballots from Atkins Printing. They're stored in a storage -- secured storage area in Stratford Town Hall. We then determine, based on the number of voters and the percentage turnout that we are required to report to the Secretary of State, how many ballots will be distributed to each location. We personally go out, along with a crew the day before the elections to set up our locations. With that, we also distribute the proper ballots that we've determined will be necessary at those locations. Those ballots are in boxes that are labeled. They are in piles that we separate to make sure that there's a distinction between one district to another and just to give you, you know, a little background also, we have ten polling locations in Stratford. Eight of those ten locations have multiple districts within them, only two of them are singular districts, so each one of these locations we've dealt with before, we've dealt with since, you know, for about six to eight years, where they've had multiple polling locations at the district, so when we go there, everything is separated and labeled and at the same time, we also, you know,

there's tables that are set up for checkers. We also label those tables, 120th, 122nd.

In particular Bunnell High School; two years ago during the presidential election, if you look at the number of registered voters in Bunnell High School in particular, the 120th has more registered voters than the 122nd, so it was determined that we should split the 120th. Once you walked into the location, you had the 120th assembly and the 122nd assembly, but once you got in the particular line for the 120th, it was then split by street name just so that way, you know, we were always hearing that people don't like to wait in lines and the line for the 120th is always a little longer than the 122nd, so we did that to try, you know, to help out with the wait time, but those -- once those ballots are in the election -- we have election cabinets that are locked and sealed. Once they're locked -- Once those ballots are in that election box, they're locked.

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

LOU DECILIO: On site, and then that evening when a moderator comes to pick up those supplies, we give them the keys to that election cabinet as well as the official checklists.

REP. D'AGOSTINO (91ST): All right, so let's just break that up a little bit. So Mr. Marcone, if you disagree with anything or want to add anything.

RICK MARCONE: No, it's --

REP. D'AGOSTINO (91ST): So I'm envisioning when these things come in from the printer, what, they're in boxes?

RICK MARCONE: Yes, they are.

REP. D'AGOSTINO (91ST): And the packets of ballots, how are they wrapped?

LOU DECILIO: We actually have -- We actually brought just some samples just to show you. So these were the labels that we actually --

REP. D'AGOSTINO (91ST): These were wrapped? Thank you.

LOU DECILIO: That is actually a packet of ballots, an unused packet of ballots from this past election.

REP. D'AGOSTINO (91ST): Is there a set amount per packet?

LOU DECILIO: Usually like they say there's 100 in a packet, but we have had some where there's been 101 and some with 99, so it all depends on the --

REP. D'AGOSTINO (91ST): But generally 100?

LOU DECILIO: Yeah, 100, 100, it's just assumed there's 100.

REP. D'AGOSTINO (91ST): And are the boxes labeled when you get them by district?

LOU DECILIO: They are.

REP. D'AGOSTINO (91ST): They are.

LOU DECILIO: They are labeled by the, again, and not by Bunnell or anything like that, but by the 120th or the 21st Senatorial and 23rd Senatorial, so they are labeled that way, yes.

REP. D'AGOSTINO (91ST): All right, and how -- roughly how many in a box, how many packets in a box?

LOU DECILIO: Between -- It depends. The boxes come in all different sizes, so I -- You know, it could be upwards of 1,500 to 700, depending on the size of the box.

RICK MARCONE: Depending on how the printer boxes it.

LOU DECILIO: Right, right.

REP. D'AGOSTINO (91ST): So you get those boxes in separate from that, you've already looked at past results and the registration in each district and determined --

LOU DECILIO: Yes.

REP. D'AGOSTINO (91ST): -- a number of ballots per.

RICK MARCONE: Yes.

LOU DECILIO: Correct.

REP. D'AGOSTINO (91ST): Per location?

LOU DECILIO: That's correct.

REP. D'AGOSTINO (91ST): So for the 120th at Bunnell, do you know off the top of your head what the -- what the anticipated number of voters was?

LOU DECILIO: I believe that the number of registered voters for Bunnell -- for the 120th alone -- and I will say Bunnell, I'm just saying the 120th in general because these ballots are interchangeable between anyone that has the 120th Assembly District, so there was like -- I want to say there was 15,900 registered voters and we ordered around 13,900 ballots.

REP. D'AGOSTINO (91ST): For the 120th as a whole?

LOU DECILIO: As a whole.

REP. D'AGOSTINO (91ST): Do you -- Do you break -- How do you break them up on a district level?

LOU DECILIO: So what we do is we look at the returns from the prior -- previous elections, the voter turnout and we then estimate if it's normally in a governor's year, it's usually about a 50 percent turnout town wide, but in Burnell, it's a little higher, so what we've done is we take that number, we average it, and then we add 10, 20 percent to it just to make sure we're not cutting it too close, so.

RICK MARCONE: We anticipated a higher turnout being an open seat or whatever for governor and the excitement of people coming out to vote, so we ordered about 80 percent is what we ordered, I think.

REP. D'AGOSTINO (91ST): So 090-01, if you don't know it now, but it would be useful to know how many -- how many ballots you --

LOU DECILIO: I can get you that number. I didn't bring that particular number.

REP. D'AGOSTINO (91ST): Yeah, based on that anticipated turnout, you had a certain number of ballots that you delivered to that location?

LOU DECILIO: Yes.

REP. D'AGOSTINO (91ST): And they all go over the night before?

LOU DECILIO: Yes.

REP. D'AGOSTINO (91ST): And that's a van, a truck, how's that?

LOU DECILIO: It's -- Rick and I stack them in a car or whether he's driving or I'm driving and we drive them up there together and we unload them together.

RICK MARCONE: Right.

REP. D'AGOSTINO (91ST): And I guess just for the record, at Bunnell at the high school, is it in the caf, the gym?

LOU DECILIO: It's in the gymnasium.

REP. D'AGOSTINO (91ST): It's in the gym. And the secured location is what, a locker?

LOU DECILIO: It is a big, blue election locker. Specifically the school allow us a very, you know, they work with us. They allow us to keep these election lockers. They are -- And I those election lockers, there's the backup battery for the optical scan machines, just a big black boxes that deposit the ballots, and any other supplies, extension cords, signage that we keep in that box, but when we go there on election day is when we put in the optical scan machines and we put in the ballots.

REP. D'AGOSTINO (91ST): Okay. So that's the physical delivery of the ballots the night before. Let's talk a little bit about the other pieces of it, the training and the lead up to that. So you've got particular people assigned to that location for election day, right?

LOU DECILIO: Correct.

REP. D'AGOSTINO (91ST): Who was assigned to that location for election day, moderators, registrars, etc.?

RICK MARCONE: There's one moderator, there's two assistant registrars, and then there's a ballot clerk for each line and then there's two official checkers.

LOU DECILIO: Each line, yeah, and then there's also an optimal scan machine tender and anybody else that we may in particular, based on the voter turnout we're estimating, sometimes we throw in a few extra people there for floaters to help assist voters that may not know what district they're in or anything like that, so this time we did not have those floaters.

REP. D'AGOSTINO (91ST): So the moderator, again Mr. Starratt, is there. He's assigned to that location all day?

LOU DECILIO: Correct.

REP. D'AGOSTINO (91ST): We're going to talk to him later, but you can tell us. Is he a veteran at that location?

LOU DECILIO: He is. He's been working there since I've been registrar.

REP. D'AGOSTINO (91ST): And he's Republican, Democrat, nonpartisan?

LOU DECILIO: He's the -- Well, he's the -- He is a registered Republican, but again, as Mr. Marccone said, we have confidence in all of our election officials. They're very good people.

REP. D'AGOSTINO (91ST): In other locations of the moderators, is it a split? Are they Democrat, Republican?

RICK MARCONE: We try to split it evenly. It's something like -- You'll find sometimes it's just hard to get people, but we get qualified moderators and try to get them half and half, five Democrat, five Republican, but it's not always the case.

REP. D'AGOSTINO (91ST): And are there assistant registrars assigned to the location?

LOU DECILIO: Yes.

REP. D'AGOSTINO (91ST): Throughout the day or is part of a sweep throughout the day?

LOU DECILIO: So because we are a single polling location, a municipality, the state statues say that the assistant registrars are there representing myself and Rick as registrars, so they are -- they are our eyes and ears at those locations since we can't be everywhere.

REP. D'AGOSTINO (91ST): Who are the assistant registrars that were assigned to Bunnell?

LOU DECILIO: Dave Heriot and Joe Collier.

REP. D'AGOSTINO (91ST): Which one is which party?

LOU DECILIO: Dave Heriot was the Republican and Joe Collier was the Democrat.

REP. D'AGOSTINO (91ST): And they're on our witness list as well. And they are -- Are they deputized on election day as assistant registrars.

LOU DECILIO: All of our poll workers take an oath of office when we train them.

REP. D'AGOSTINO (91ST): All right. And then you mentioned the ballot clerks for each line and I'm assuming, but correct me if I'm wrong, that -- so

again, you mentioned you had two lines for the 120th?

LOU DECILIO: Yes, right.

REP. D'AGOSTINO (91ST): And a, am I correct, an A through an L and an M through a Z?

LOU DECILIO: I believe A through L and M through Z, yes.

REP. D'AGOSTINO (91ST): And then what, a single line for the 122nd?

LOU DECILIO: 122nd, yes.

REP. D'AGOSTINO (91ST): Okay. So who were the ballot clerks that day?

LOU DECILIO: Larabe Shaundhay was one of them and Rick, do you have --

RICK MARCONE: Daniel Dejunio (ph) was one and then there's another gentleman on the list, Peter Rusatsky.

REP. D'AGOSTINO (91ST): Did you know which ones were assigned to the two 120th ones?

LOU DECILIO: So let me preface it by saying this, when we train our poll workers, the moderator, when we hand over the keys to the moderator, they're in charge of those locations and we always preface it by saying you may be initially assigned to a location or a particular job, but if a moderator comes in and feels you're better needed in another area, they have the authority to move you around only because we've had, in the past, somebody forgets their hearing aids and they're an official checker, somebody forgets their glasses and they're an official checker, so we give them the flexibility

to move the poll workers around and throughout the day, you know, nobody is expected to sit there from 6 a.m. until 8 p.m. without getting up, so that would probably be a better question to the moderator, Mal, because again, we weren't there.

REP. D'AGOSTINO (91ST): What is the -- What is the role of a ballot clerk?

LOU DECILIO: The ballot clerk is to hand out the ballot when somebody checks through the line and is being checked off the list, so their, again, their job is to hand out one ballot per person and offer them a privacy sleeve if they so choose to take one and a privacy sleeve is something that they can put their -- an electorate can put their ballot in so that way after they completed their ballot, they can walk up to the optical scan machine and place that through the machine without anybody potentially looking at their ballot.

REP. D'AGOSTINO (91ST): Do the ballot clerks have access to the secured ballot chest or locker?

LOU DECILIO: So the keys to the locker, there's only one set of keys handed out to the moderators. The moderators have those keys. Nobody should have access besides the moderator or the assistant registrar.

REP. D'AGOSTINO (91ST): And I assume the ballot clerks here were high school students?

LOU DECILIO: Two of them were, yes, two of them were.

REP. D'AGOSTINO (91ST): And then you said two official checkers, so talk about who they were and what they do.

LOU DECILIO: So there's two official checkers per line, so there was actually six official checkers there, and the official checkers are there when someone comes in, they ask them to present some sort of identification so they can be checked off the official checklist that they receive. Once they find their name on the list, they're -- we use highlighters so that way you're not crossing off names so that way you can always just see who was there, and they use a ruler, highlighter, check off the name, and once that person is checked off, they proceed right at the end of the table, same table, maybe, you know, from here to Mr. Marccone is where the ballot clerk is so the ballot clerk is aware of who's coming through the line and who's being checked off before they're handed a ballot.

REP. D'AGOSTINO (91ST): Do we know who the ballot checkers were -- Excuse me, the official checkers were?

RICK MARCONE: Well, I can tell you Christine Ingmanson was one.

REP. D'AGOSTINO (91ST): Please just spell the names if you've got it. Maybe at a break, we can get it to our clerk.

RICK MARCONE: I believe it's I-N-G-M-A-N-S-O-N, Christine, David Siegler, S-I-E-G-L-E-R, and Deborah McCord, M-C-C-O-R-D. Those are the three that I --

LOU DECILIO: And my three were Robert Sheridan, SHERIDAN, Tom Debernardo, D-E-B-E-R-N-A-R-D-O, and Michele Degirolamo, D-E-G-I-R-O-L-A-M-O.

REP. D'AGOSTINO (91ST): Thank you, gentlemen, and with respect to the assignments for particular

lines, is it the same answer? Talk to the moderator?

LOU DECILIO: Yes.

REP. D'AGOSTINO (91ST): And -- Well, I'll come back to it. And then you said there were some folks assigned for the optical scan machine as well? It's a separate assignment?

LOU DECILIO: Yes.

REP. D'AGOSTINO (91ST): How many people?

RICK MARCONE: Just one.

LOU DECILIO: One person, yeah, right.

REP. D'AGOSTINO (91ST): So with respect to the checkers, it's six, it's three Democrat, three Republican. And is the expectation for each line there will be a Democrat and a Republican working together to confirm the check?

LOU DECILIO: Yes, exactly. It's, again, when we do our training, we make sure that, you know, we try to evenly split it and sometimes it's hard to find, you know, all Republicans or all Democrats to, you know, to work, so we do have -- these people could be unaffiliated voters as well, so the mix -- we try to mix it up as well as we can, but at the same time, you know, they do take an oath of office and we do emphasize the need for nonpartisan, you know, leave -- we say leave your political hats at the door when you walk through that door on election day because you're there to make sure people come in and out at a smooth pace and no political activity.

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

REP. HADDAD (54TH): Yeah, just a couple of followup questions. I just want to understand the physical layout. So when you walk in, you said there were three tables, two for the 120th and one for the 122nd. You also said there's three ballot clerks, so once you check in at a table, are you assigned to a specific ballot clerk or are there -- is there one person handing out ballots for the 120th or are there two people handing out ballots?

RICK MARCONE: One for each table.

REP. HADDAD (54TH): One for each table. And are the -- how are they segregated? Are -- Is there -- Are there ropes? Are there barriers?

LOU DECILIO: There are stanchions along with yellow caution tape that we purchase at Home Depot and again, we don't put the tables -- Right when you walk through the polling location at Bunnell High School, there's a demonstrator's table where the sample ballots and all the instructions are located and we never put the check-in tables right after that. We always make people walk 20 to 30 feet just to kind of give them some separation. They can see the layout and some of them do know what district they belong in and some of them with that confused look. I do believe that one of the assistant registrars was there to sort through who went where in the lines, but again, that would be another question for Mr. Starratt. So that's the layout of -- And again, when you go to the table, there's the two official checkers and right at the end of the table, just picture a folding table, a six foot folding table, where you have the two assistant -- the two official checkers and right at the end of

that table facing the short end as people walk in is the ballot clerk.

REP. HADDAD (54TH): Right. And so the ballot clerk has a stack of ballots in front of him or her, they come in packs of 100. Do you typically have just one packet or are there multiple packets?

LOU DECILIO: No, we only assign -- We instruct them to assign one packet per table and then when that packet runs low, they are to notify the assistant registrar or the moderator to -- that they're running low on ballots.

REP. HADDAD (54TH): So then the assistant registrar or the moderator takes their keys and goes over to the ballot locker and unlocks it and takes out a package and delivers that to the ballot clerk?

LOU DECILIO: Yes.

REP. HADDAD (54TH): Right. And just one followup question on the packet over there. That packet that you just showed us has a label on it?

LOU DECILIO: Yes, it does.

REP. HADDAD (54TH): It says 120. Who puts those labels on it?

LOU DECILIO: Myself and Mr. Marccone.

REP. HADDAD (54TH): So when you get the ballots from the printer, you check -- they're divided by boxes, but presumably you pull out each packet, you look to see that it's the correct ballot and you label it by -- with the correct number?

LOU DECILIO: Absolutely. We actually check every box to make sure that those ballots that are labeled in that box are pertaining to that box, absolutely.

REP. HADDAD (54TH): Right. And so it's the moderator's responsibility when they get -- The ballots are stored in the same locker, the 120th and the 122nd, right? So the moderator or the assistant registrar voter's responsibility when they take the ballots out of the locker to make sure they're the appropriate ballots and then they deliver them to the ballot clerk and the ballot clerk presumably would also check?

LOU DECILIO: Absolutely, yes, that's the presumption.

REP. HADDAD (54TH): Right, thank you.

LOU DECILIO: So again, those particular -- The way those are labeled there, when Mr. Marccone and I deliver them, we -- obviously we knew that there were two lines, so we separated them by about two or three feet the ballots that are in the bin. The bins are like six feet long as well, so the bottom of the bin, the only thing on the bottom of the bin were stacks of ballots and on the tops of each one of those stacks of ballots were those labels, along with the boxes that were labeled as well.

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

REP. PERILLO (113TH): Thank you. And so just to clarify, so there's about 100 ballots in this, they're wrapped, every single one of them?

LOU DECILIO: Every single one of them.

REP. PERILLO (113TH): With elastic bands and a yellow piece of paper?

LOU DECILIO: No, no, no, so they're all wrapped and if you notice on the top corner where it's labeled the 120th, it should say Third Congressional 21st

Senatorial, so each one of those ballots are checked by Mr. Marccone and I when we put them in the bin and then the top one is the one we put on with a label.

REP. PERILLO (113TH): So there are 20 of these. Only the top one has --

LOU DECILIO: Right.

RICK MARCONE: Correct.

LOU DECILIO: But we also, when we take them and we look at them in the box, because the boxes are labeled, so we make sure that we put them back in the box and we put -- so the boxes are labeled as well, so the boxes are labeled and then the top one is labeled because again, if I need 1,400 ballots at Bunnell High School and a box only has 1,100, I need to take 300 out of another box and that's kind of the presumption of that top -- so you'll have a full box of 1,100 say, again, and it -- we talked earlier about the different numbers in each box and then the 300 will be on top with an elastic band with that label on it.

REP. PERILLO (113TH): So -- But absent this yellow piece of paper, the only two ways I could tell which ballot this was is if I read the district number --

LOU DECILIO: Exactly.

REP. PERILLO (113TH): -- or knew who the candidates were and noticed them being correct or incorrect?

LOU DECILIO: Yes.

REP. PERILLO (113TH): Okay. Thank you.

REP. D'AGOSTINO (91ST): So I'm just kind of trying to visualize it myself and I'm having a little difficulty now. So when the moderator or assistant

registrar walks over to that storage, that locker, he or she sees what? A bin?

RICK MARCONE: No, like I said, it's about six foot. It's a big, blue bin with metal doors with a key. They open it up and on one side, there would be a stack of ballots for the 120th and on the other side would be for the 122nd, separated probably by about four feet or so, stacked that way.

REP. D'AGOSTINO (91ST): Are there particular instructions given about who can rip open a pack or is that not part of the training?

LOU DECILIO: Not so much who can rip open, but we do -- we do give the instructions of who should have access to that blue bin, which is, again, the assistant registrars or the moderator.

REP. D'AGOSTINO (91ST): Okay, All right. So again, the ballot clerk says I'm running low, the assistant registrar or moderator goes over, grabs the ballot, gives them to the ballot clerk?

LOU DECILIO: That should -- Yeah, that's the way it should be. You're absolutely right.

REP. D'AGOSTINO (91ST): Do you know -- Do you have a number of how many unused ballots there were for the 120th?

LOU DECILIO: I do not have that off the top of my head, no.

REP. D'AGOSTINO (91ST): Can you get that?

LOU DECILIO: I could get that, yeah.

REP. D'AGOSTINO (91ST): You were talking a little earlier about training. I just want to make sure we close the loop on that. What is involved in the

training for the moderators, ballot clerks, assistant registrars to work that day?

LOU DECILIO: So about a week before the election, we have a meeting at Town Hall and we -- through a letter, we notify everybody that, you know, this is a required meeting that, you know, you need to attend and from there, we go through the -- what they should expect on election day, the things they should -- the procedures they should go through if somebody comes to the polling location, some of the things we always encounter and again, you're going to have people in the wrong line because they're not aware if they're in the 122nd or the 120th. You have some people that, you know, live across the street from a polling location, think they vote there, but the way the lines are drawn, they have to vote somewhere else, so, you know, you get a lot of people that show up to the wrong locations that are then instructed that you need to -- one of the assistant registrars will call Town Hall and we will instruct you as to where they go. You are not to tell them, you know, assume where they go because we don't want them sending them off to another location.

And again, it's about we talk about each one of the jobs that they'll be doing and the expectations from the jobs, what those particular people are going to encounter from the ballot clerk to the -- to the official checkers to the assistant registrars to the -- to the optical scan machine tender. Each one of them has a unique job because they're going to encounter different things. Again, the -- I can go through each one if you like, kind of give you the spiel I give to the training, I give to the electors or to the --

REP. D'AGOSTINO (91ST): I am interested in the checkers instructions and the ballot clerk instructions, the checkers in particular.

LOU DECILIO: So the checkers are instructed, when someone approaches them, to ask for some sort of ID and they present ID. The checker will check the ID and then they will look for their name on the list and if they find their name, let's assume they find their name on the list, they will then take the ruler and check it off, check that person's name off the list. Now, again, when we have the two checkers sitting there, they're both verifying what each other is doing and then the -- after that person is officially checked off the list, they'll walk two feet to the end of the table where the ballot clerk should be watching who's coming through that list, again, because some people come in with their kids, you know.

They've been instructed one ballot per person, so they hand them their ballot and then that person proceeds to the area where they can fill in that ballot. If they make a mistake, they'll come and they'll say I made a mistake, the assistant registrars or the moderator will walk them over to their line and the ballot clerk will spoil that particular ballot and issue them another one. So that's the ballot -- The ballot clerk's responsibility is to issue ballots and to also reissue them if somebody needs a new ballot because they made a mistake on the ballot or for whatever reason they choose.

REP. D'AGOSTINO (91ST): With respect to the moderators and his or her training, I understand Mr.

Starratt is kind of a veteran at the location, but what's involved with the moderator training?

LOU DECILIO: So the moderators are certified. They have to go for certification every two years and so they go through like a three-hour course of certification.

REP. D'AGOSTINO (91ST): By the Secretary of State's office or your office?

LOU DECILIO: It used to be four years by the Secretary of State's office. The moderators, you know, Rick and I are actually certified moderator trainers for the State of Connecticut and we just became them about a year ago, but there's about ten of them in the state to certify training, and these moderators have been -- Again, most of our moderators are seasoned. These aren't really -- I think the newest one we have is maybe four years, but most of the other ones have been there quite a long time, so their training is again, there's a course that they go through that they have to pass a test afterwards and they become certified.

REP. D'AGOSTINO (91ST): Is there any training or instructions with respect to the logging or signing out about -- Well, maybe that's not them at all, are ballots -- When you take them out of the locker each time, are they signed out? Is there a log of that?

LOU DECILIO: There is not.

REP. D'AGOSTINO (91ST): There is not, okay. What about more generally when they're received at the location and then at the end of the day, is there some sort of log of that?

LOU DECILIO: There is, on the moderator -- The moderator return here, which is -- this is for Bunnell's, the original, there is a, right here, a report of pre-election tabulator memory testing cards and I can give you this for a copy if you'd like.

REP. D'AGOSTINO (91ST): Yeah, if we could get a copy of that, that would be great.

LOU DECILIO: Certifications for opening the polls, official checker certificates, and also the ballot log worksheet, which basically is a total number of ballot packages received at the polls, you know, and then if there's any during the day, so right from here, it says total number of packages, this is for the 120th, total number of packages received at the polls, opening the polls with 13. Total number of packages opened during the election was 11, so.

REP. D'AGOSTINO (91ST): This is -- Each moderator gets this set of documents?

LOU DECILIO: Right.

REP. D'AGOSTINO (91ST): They fill it out during the day?

LOU DECILIO: Yes.

REP. D'AGOSTINO (91ST): And then what, return it?

LOU DECILIO: At the end of the night when they come in with their -- the used optical scan machine that they used for the election and their results, they bring this --

REP. D'AGOSTINO (91ST): If you can give that to our clerk.

LOU DECILIO: We have a copy for you or would you like the original to make a copy?

REP. D'AGOSTINO (91ST): Why don't you grab the original, yeah.

LOU DECILIO: You got it.

REP. D'AGOSTINO (91ST): And why don't we, Adam, just for our record-keeping purposes, why don't we just make sure we have a note that we just sort of marked for identification as one, two, three, the 120th, the 122nd, and the third will be we're calling this -- this is the moderator, the Bunnell moderators --

LOU DECILIO: Moderator -- The moderator return.

REP. D'AGOSTINO (91ST): The moderator return.

LOU DECILIO: Right.

REP. HADDAD (54TH): One quick followup, you just said that return indicates there were 11 packets of ballots opened?

LOU DECILIO: Yeah, that's what it said, yeah.

REP. HADDAD (54TH): Does it distinguish between the 120th and 122nd?

LOU DECILIO: Yes, that particular sheet I was reading was 120th, but the 122nd is included in that return, so you can -- And one of the things, you know, that does happen during the day, I mean, we get what's called hourly counts. We require our moderators or someone from that location to call us up and let us know how many have checked through those particular -- that particular polling location so we can keep tabs on the ballots to make sure that, you know, if one place is running low on

ballots that we can maybe borrow from another location and bring them there just for that particular reason so we don't ever run out. Again, a lot of it is -- We don't order 100 percent of the ballots so we're trying to save a little bit of money, so we, you know, we always order -- we always have plenty, it's just a matter of making sure that each location has the required amount of ballots.

REP. HADDAD (54TH): Just a followup on that, so roughly hourly they call your office?

LOU DECILIO: Every -- Yeah, roughly hourly.

REP. HADDAD (54TH): And do you keep a record of that?

LOU DECILIO: Yes, yes, the hourly count.

REP. HADDAD (54TH): Right, yeah, could we get a copy of that as well?

REP. CANDELORA (86TH): And the moderator tabulators that they provide at the end, is that something unique to Stratford or does every town do that?

LOU DECILIO: Every town has a moderator return of some sort. They may set it up a little differently, but every town has a moderator return.

REP. CANDELORA (86TH): And do you as a matter of course because you have so many multiple districts in one polling place, do you sort of reconcile each election cycle if the ballots are sort of matched as a matter of course or do you just take in that information and file it away?

LOU DECILIO: I'm not -- What do you mean?

REP. CANDELORA (86TH): I know in this situation and I think we'll get to it later, but there sort of was

a reconciliation done to determine ballots versus voters that were checked in for each race. Do you reconcile that at all for any races or just that happened because you had heard this issue occurred?

LOU DECILIO: We normally do reconcile every race, yes, so this one obviously in particular and we can get into the time line if you like when it's appropriate for you guys to tell you again what our time line was and how we went through the reconciliation. If you want me to go through that now, I can do that.

REP. CANDELORA (86TH): I think not yet, but I just -- just to pin this down, so when the moderator sheets are handed into you, just as a matter of course for every election cycle, just to be clear, you know, Bunnell versus another school, another polling place, you normally reconcile ballots to votes for each polling location?

LOU DECILIO: Yes, we do. We don't do it the night of the election, though.

REP. CANDELORA (86TH): Right.

LOU DECILIO: We do it when we're double checking the numbers.

RICK MARCONE: If I may, we're also required, obviously, shortly after the election to input who voted, so we compare the lists of, you know, who voted for each location against the hourly counts and that's kind of the way we can reconcile if the numbers match up, as well.

REP. CANDELORA (86TH): And what's the purpose of reconciliation? Is it required by statute or is something that Stratford does on its own?

LOU DECILIO: I don't know if it's required by statute, but it's just something that you want to do to make sure that the results are accurate.

REP. CANDELORA (86TH): So regardless of when you were alerted, whether or not you were alerted, you would have gone through an exercise for each polling place of reconciliation regardless?

LOU DECILIO: Yes.

REP. CANDELORA (86TH): Okay. Thank you.

REP. D'AGOSTINO (91ST): We'll talk about that some more, but is that reconciliation, the standard reconciliation you just described, an actual comparison of machine vote total versus number of having checked as voted or is a different kind of reconciliation?

LOU DECILIO: That is the exact reconciliation, yes. It is the machine vote total versus the number of people that voted that were checked off the list.

REP. D'AGOSTINO (91ST): All right, so that's probably a good transition before we get into the time line the sources of those two pieces of data.

LOU DECILIO: Yes.

REP. D'AGOSTINO (91ST): Let's start with the number of having actually voted, the machine total that's self-explanatory. It comes from the machine?

LOU DECILIO: Right, it comes from the election results, you know, the tapes that are printed on the election results, the number of ballots that are going through for the 120th District, you know, at the time of that election, it said 1,499. That was the number of ballots that went through the machine.

REP. D'AGOSTINO (91ST): Went through the machine, and to that total is added absentees?

LOU DECILIO: That's in addition to that total of 1,499 is absentees, yes.

REP. D'AGOSTINO (91ST): The machine total, the absentee number, obviously maintained by your offices?

LOU DECILIO: We do it essentially counting, so we do do counting absentees in Town Hall.

REP. D'AGOSTINO (91ST): That was my question, so it's essentially counted by Town Hall. When is that done?

LOU DECILIO: Throughout the day on election day.

REP. D'AGOSTINO (91ST): Throughout the day on election day?

LOU DECILIO: Yes.

REP. D'AGOSTINO (91ST): But any work on that before?

LOU DECILIO: The only work on that before is that we do receive a report from the town clerk's office as to the ballots that were received prior to because when we print our official checklist and we print them off, usually the Sunday before the election, and on those lists, you'll have a little A next to the name.

REP. D'AGOSTINO (91ST): I was going to get to that, okay, all right. Well, yeah, I want -- I'll come back to that, so you've got the machine total, absentees, and then election day registration?

LOU DECILIO: So the election day registration is just the total number that we don't have. Again, there's not a list to go by for election day registration. These are people that walk off the streets and register that day.

REP. D'AGOSTINO (91ST): Sure, all right. So let me make sure the committee is satisfied with that. I mean, I feel that -- those numbers are sort of hard numbers. The machine number is the machine number and absent a problem with the machine, which we don't -- you can tell us, I assume there were no issues with machines?

LOU DECILIO: None. Well, not at --

REP. D'AGOSTINO (91ST): Not at that location.

LOU DECILIO: Yeah, there's always issues with a machine here and there, but not at that location.

REP. D'AGOSTINO (91ST): We have no reason to doubt the machine totals at Bunnell?

LOU DECILIO: No.

REP. D'AGOSTINO (91ST): And then we've got absentee totals, which we'll talk about, and EDR totals, but again, the absentee totals are done at our offices?

LOU DECILIO: Yes.

REP. D'AGOSTINO (91ST): Counted there. So part of the math here is obviously comparing that number with the number of having checked as voted, so let's talk about this source of that and we were just hearing how you guys do that reconciliation with it, so how is the number of having checked as voted calculated?

LOU DECILIO: The number of checked as having voted is again, these are the official checklists, this is for the 122nd, this is for the 120th, the -- as you can see, they're color coded, there would be pinkish, that would be absentee ballot voters, the yellow are the ones that voted in person, and at the end of the night, the official checkers manually count page by page to get their total number of people coming in in person and then they write that total at the last -- on the last page here and again you see your numbers here and they sign it.

REP. D'AGOSTINO (91ST): We are going to want to give those to our -- those are the original copies of the official checklists for

LOU DECILIO: I have copies of them, too, and again you do need a color copier to copy these.

REP. D'AGOSTINO (91ST): We'd like to get those because we've got some -- we've got some more copies. All right, so I want to break that down a little bit before we get into the actual -- the numbers. So describe for us how those official checklists are put together.

RICK MARCONE: So we, like Mr. DeCilio said, on Sunday we come in and open the state system. We make a list for each polling location of active and inactive voters and any lists that are provided, we make copies for the original, we make copies for our office, and we actually started making emergency copies, God forbid something should happen the morning of elections so that we have a backup to, you know, if something happens to the moderator.

So those lists are generated off the CVRS, the Connecticut State Voter Registration System, and we

do that Sunday morning and as that's printed off as you saw the black letter A's, those are the absentee ballots that have been returned already by the voter to the town clerk and then obviously on election day, there's other AB's that come in which we call in and those lists are updated at the polling location to make sure that nobody has voted -- tried to vote in person and via absentee ballot.

REP. D'AGOSTINO (91ST): How are you -- How is the A put on the checklist? Do you do that? You get data from the town clerk and then --

RICK MARCONE: On -- Like I said, the preprinted list has the black A on it. She gets absentee ballots on election day up until 8 o'clock. She can receive those ballots and can be counted. We get those and we have to physically call each polling location and at that point in time, you'll see some will actually have a red A or pink A where the line is crossed off. Those are AB's that come in on election day.

REP. D'AGOSTINO (91ST): So when you print the list on Sunday, the list that's generated already has the AB's because they've been inputted into the system or are you doing that?

RICK MARCONE: No, no, those are -- those that have already been received are -- we're not doing those. The clerk does that. The clerk has that.

REP. D'AGOSTINO (91ST): So the list that's generated on Sunday has the A for absentee where somebody's already voted and that record has come in?

RICK MARCONE: That is correct.

REP. D'AGOSTINO (91ST): And again with respect to Bunnell, you knew you were already dividing it into two lists and it's by street?

RICK MARCONE: Yes. So we actually had two lists, but actually three lists. For 120, we -- because of the lines, we had a 120 line and when they broke off to 120, then they were split by A through L and M through Z or whatever. At 122nd, there was just one line, one list A through Z.

REP. D'AGOSTINO (91ST): So two voter checklists for the 120th?

RICK MARCONE: Yes.

REP. D'AGOSTINO (91ST): Divided as you described?

RICK MARCONE: Correct.

REP. D'AGOSTINO (91ST): And again, just with respect to the AB's that come in Sunday through Tuesday, how is the checklist updated?

RICK MARCONE: Okay, so we receive affidavits from the town clerk that she has received AB's throughout the day. We verify the count. We sign off that her numbers are correct and then myself or Lou will -- or sometimes we'll have our absentee ballot team call the -- each polling location, get a hold of the moderator. They'll write down the information and make sure that the names are crossed off their list at the polling location.

REP. D'AGOSTINO (91ST): With respect to the 120th at Bunnell, do we know how many additional AB's were crossed off, if any, from Sunday to Tuesday?

RICK MARCONE: The only way we would look is if you look at the list and you would see a non-black A

that was not, you know, if it was handwritten with a pink or red A, then you would know that came in during election day.

REP. D'AGOSTINO (91ST): Or the Monday before.

RICK MARCONE: Or the Monday before, right.

REP. D'AGOSTINO (91ST): And just jumping ahead here and again, we'll get into what happened that day, but then at the end of election day, that checklist, after it's been gone through and the highlighted names are the folks who voted in person and you've got the AB names crossed as well, it is the responsibility of the checkers to count the number of people as having voted?

LOU DECILIO: Yes.

REP. D'AGOSTINO (91ST): And they sign at the back their count?

LOU DECILIO: Yes, they do.

REP. D'AGOSTINO (91ST): All right. Independent of what happened this day, is there any backstop or double check of that count by your office on a normal election cycle?

LOU DECILIO: The only thing that we potentially do -- I mean, we don't go through each one and count. We happened to do the Bunnell for obvious reasons, but we don't normally go through and count each one. We usually take the word of the official checkers that that's the number that had come through and when we enter the, you know, the who voted into the state system, you know, we can tell based on the, you know, our hourly count or, again, on the official checklist based on how many people we've entered, you know, usually it matches, one or two

off only because of the fact that when somebody moves from one town to another, all that election data goes with them and it's kind of a -- a little bit of a flaw in the system.

RICK MARCONE: If I may, just to clarify regarding the absentee ballot mark-offs or whatever, you know, all of the in-person voters should be highlighted in the yellow and all of the AB voters should be crossed off in pink, just so they're all separated that way.

REP. D'AGOSTINO (91ST): We've seen copies of the checklists. Thank you for bringing the originals. We did want to get copies of the actual originals and we may sort of hold the originals. I know that they have to be back in your custody, but for purposes -- we may want to actually physically take a look at the original checklists if we can. So this may be a good time to just talk about some of the different versions of that count. I mean, speaking for myself, I feel like I've pretty good confidence level in a machine count, the number of absentees, etc., it's really that the number of checked as having voted number and I've seen different numbers, so I want to bring up, if we could, what you just had up, the -- what appears to be an official list that's reported to the Secretary of State for the returns for Stratford. This is just -- This is the first page of it. The Secretary of State's office, Town of Stratford election results by voting district, and then you -- it's somewhat -- these are long spreadsheets and unfortunately they're broken up, but if you go to page 15 of 17, which I think is 37 on the PDF, and we just scroll down there a little bit and just look right there -- Can you blow up the top left a little

bit? Just blow it up a little bit more. If you scroll down to the bottom it should give you -- There you go, blow it up just a little bit more.

All right, so you see it says on the top row there, stats, number of names on registry, number checked as having voted, number of overseas voted, and then if you go across to the right, you've got those particular results per district, right? And unfortunately, it doesn't translate through, so everybody just sort of keep in mind again we've got stats here on the top, number of names on the registry, number checked as having voted, number of overseas voters, and below that, stats per polling place, machine total, absentee total, EDR total, and total votes and so if we bring up the results for Bunnell, which is page 39 -- okay, and we see there on the -- that one -- the second one in, District 90-1 Bunnell, there you go, you can get it all on one page there, all right.

So again, the top -- this is from this report that's generated to the Secretary of State's office. The top there, the 2,453 is the -- again, going back to the reference that you can't see, it's the number on the registry. Do you have any reason to doubt that number?

LOU DECILIO: No.

REP. D'AGOSTINO (91ST): Okay. And I'm going to come back to the 1,572. Below that, we have the first line at 1,499, the machine total that you were talking about before, again generated from the tape, 67 appears to be our count for absentees and 6 for EDR for at least -- again, this is prior to any kind of re-canvass, a report of 1,572 as having voted via

machine, absentee, and EDR. You both have confidence in those numbers?

LOU DECILIO: Based on that, yes.

REP. D'AGOSTINO (91ST): It's the -- And think this is where it may be just -- you just have to explain it. This may not be what we think we're looking at. The line number checked as having voted, the second line from the top, it says 1,572, is that number on this sheet an official number reflecting the checkers' count on the hand checklist?

LOU DECILIO: It is not.

REP. D'AGOSTINO (91ST): Okay, all right. That's helpful because we were trying to figure it out. What is that 1,572 on this list?

LOU DECILIO: That 1,572 is a product of the 1,499 ballots that went through the machine, the 67 absentee ballots, and the six EDR votes cast for that particular race.

REP. D'AGOSTINO (91ST): All right. That's helpful because that was confusing us and why there was this sort of correlation between the numbers below and the numbers above.

REP. HADDAD (54TH): So I'm -- Just so I want to make sure I understand, so you're saying that when you add the number from the machine total, the absentee ballots, and the EDR votes to 1,572 that that number automatically gets translated to the -- to the top table as the number of --

LOU DECILIO: It does.

REP. HADDAD (54TH): So move over one column because there the numbers don't equal. Here, the

number of absentee ballots -- of machine cast, absentee ballots, and EDR equals 1,136, but the number checked on the top is 138 and similarly in the next column, those numbers are not the same, so I'm -- and they're not the same on the first column for Chapel Street's total, so what's going on here?

LOU DECILIO: The only thing I can say is the EMS system, there was an issue, and I'm not sure when this particular report was printed, but there was an issue with the system, the unknown votes. Mr. Feehan was endorsed by the -- or was cross-endorsed by the independent party, so when somebody filled in the bubble for Mr. Feehan as a Republican and Mr. Feehan as an independent, it's called an unknown vote and that unknown vote is then distributed based on the percentage of Republican to independent to that particular candidate.

I did notice there was a lot of -- if you looked at any race where there was a cross-endorsed, you'll find these particular addition errors all over the system and that's the only explanation I can possibly have for it. I mean, that's speculative, but that's, you know, again, because what we're -- the 1,499, I think, what is important to remember is that 1,499 are the ballots cast for that particular polling location for that particular race. That number doesn't just include Jim Feehan and Phil Young and Prez Palmer, but it also includes blanks. The people that, you know, decided not to vote for that race at all and that's how we know that that particular number, the 1,499, that's the amount of ballots that passed through the machine.

REP. HADDAD (54TH): Right. I guess I'm not questioning whether or not the 1,499 is the number

of ballots that passed through the machine, I guess I'm confused by why --

LOU DECILIO: The only other thing I can --

REP. HADDAD (54TH): -- the number, the checklist, the number, the number checked, 1,572, is identical to the number of ballots counted.

LOU DECILIO: The only other thing -- Sorry.

REP. HADDAD (54TH): I don't understand what that checklist number is. You had just said it was the addition of those numbers.

LOU DECILIO: Yes.

REP. HADDAD (54TH): But that doesn't seem to be the case for the other -- and we're not talking about a particular race here. We're just talking about the number of ballots cast.

LOU DECILIO: The only other thing I can possibly think of is that, you know, when absentee ballots are received, that particular person that sends in an absentee ballot is checked off as having voted. There are ballots that are rejected because the inner envelope or something was done -- not done correctly so therefore -- although they are checked off as having voted, none -- that ballot did not count in any particular race or to anybody.

REP. HADDAD (54TH): So I'm just going to ask one last question, I guess, because I understand what you just said, but does the 1,572 in the top ballot indicate a count that was generated in your town of the number of people who voted based on the checklists?

LOU DECILIO: So it incorporates the number of people that voted based on -- the two numbers that are off of a checklist are the absentee ballots and the 1,499. The EDR again are not on any list at all. These are people that have come through during the day, so they're not, you know, we don't know whether we're going to get one or a hundred, so that's not on any particular list at all, but apparently again, it's the wording, checked as having voted, so I would assume that they are checked as having voted since they did come in that day, register, and then cast their ballot in EDR, but they're not on any list.

REP. CANDELORA (86TH): So the document that we're looking at here is not a document that you've created?

LOU DECILIO: It is not.

REP. CANDELORA (86TH): So neither the town of Stratford or any of the officials in Stratford create this document?

LOU DECILIO: No.

REP. CANDELORA (86TH): Now my understanding, this document is created by the Secretary of State?

LOU DECILIO: It was a system implemented by the Secretary of State's office, yes.

REP. CANDELORA (86TH): Do you know why we have the top rows, the numbers we're referring to versus just reporting, you know, the bottom rows, which seem to indicate -- the bottom rows there, the 1,499, if I'm reading this, seems to be the ballots that are put in the machine, the 67 is the absentee ballot, and then the last number six are the EDRs. So those

three numbers, I'm assuming the Secretary of State got those numbers and the 1,572 on the bottom from some document that you submit to the Secretary of State?

LOU DECILIO: It's when we input the data to, you know, as to -- there's another -- there's another screen here where it had -- it lists all the candidates and by location. You have to go in each location and then based on these tapes, we're importing that data into the -- into the -- that particular screen and then that filters into this.

REP. CANDELORA (86TH): Filters into it, so that top number is not a number that Stratford generates. It's something that generated.

LOU DECILIO: The very top number is. That's the number of registered voters, so we do -- we do input that particular number to, you know, basically saying this is our starting point. We have 2,000 -- sorry, I have a hard time reading that, 2,453 voters to start with and that's where we are.

REP. CANDELORA (86TH): So the numbers that are submitted and I'm familiar with the form and I was trying to look for it, but when you certify the election, you provide these numbers to the Secretary of State. One of those numbers I think you're pointing to is the 2,453 is the number of people that have voted in that polling place. How the Secretary of State extrapolates it and creates this document, you're not familiar with?

LOU DECILIO: No.

REP. CANDELORA (86TH): Okay, so --

LOU DECILIO: The 2,453 is not the number that voted. That's the number that potentially can vote, registered voters.

REP. CANDELORA (86TH): Right, correct, okay. And my guess is from looking at this, for the Secretary of State purposes, that's probably the numbers they go off to figure out the percentage of voter turnout would be my guess.

LOU DECILIO: That would be my guess as well.

REP. CANDELORA (86TH): So we're not necessarily using it -- when we talked about that reconciliation sheet that you do after the election to determine the number of people that have voted for a district race in a particular precinct, when you create that document, that's not a document that you submit to the Secretary of State?

LOU DECILIO: Can you just repeat that one more time?

REP. CANDELORA (86TH): So the document we talked before about how you reconcile the number of people who have voted in a particular race, so for Bunnell in particular, you would tally up the number of people who voted for state rep in the 122nd, the number of people who voted in the 120th off the checklist versus the number of ballots cast in each district. When you do that reconciliation, is that information automatically submitted to the Secretary of State?

LOU DECILIO: Not during our reconciliation. Again, if there's a -- There's a time period after we submit the results that we can amend and if we do find like a vote or two here or there that we need to change and amend the results, then we can do

that, and we have amended returns in the past, so that's again, due to the time constraints of inputting the data and then submitting something on election night, that's initially what we do, and then we do through everything and double check and if there's -- again, we put provisions into place to make sure there's not keystroke errors and everything like that, but when we double check the numbers, if we're, you know, sometimes the sixes on these tapes here, it's like cash register, a six looks like a zero, a zero looks like a six, and it's the way you input it, or it looks like an eight, so are the types of things we double check when we do a reconciliation.

REP. CANDELORA (86TH): And do you know when you -- when you do that reconciliation, do these numbers get updated by the Secretary of State, so this report right here would reflect any changes subsequently? Do you know?

LOU DECILIO: Yes, because what we do is we have to request it amended and then once we get approval for the amended report by this EMS system, we can then go in and change those numbers and then resend to the Secretary of State so that report would be updated through their system.

REP. CANDELORA (86TH): And do we know if this document we have here, has this document been updated?

LOU DECILIO: I can tell you again, one of the things I looked at we found which is odd was that the fact that those unknown votes when you look at -- and I can't remember exactly what page it was on, it didn't add up and it just looked wrong because it didn't add up. When I went back in, they must have

-- everybody must have been having a problem. I do believe the Secretary of State corrected that unknown portion, but I don't know -- you know, I don't know to what extent they made any adjustments to this system.

REP. CANDELORA (86TH): Okay. Thank you.

REP. D'AGOSTINO (91ST): I apologize, but I think it's important to figure out because ultimately what I think we're trying to figure out is do we have an official number for the people -- for the people who are checked as having voted off the checklist and right now, this would seem to be the only number, official number, that we have, putting aside for the moment of actually going through and counting them and looking at the back here, so in terms of -- and maybe we just need to go to the Secretary of State's office with respect to the data input here, but the -- but as Representative Candelora was saying, the numbers, certainly on the bottom chart, are input by the registrar's office.

LOU DECILIO: Yes.

REP. D'AGOSTINO (91ST): The top number, the people registered in the area, the 2,453, is also input. Do we know if the 1,572 is input or is it generated by an Excel calculation because to Representative Haddad's point, if it's generated by a calculation, something's off and that maybe we're just not seeing another input into that calculation or if it's hand input in there, it just might be operator error. Do you know with respect to that one, 1,572, is that a calculation generated automatically by a formula, a software program, or is it hand input?

LOU DECILIO: I'm not sure. I'm not sure.

REP. D'AGOSTINO (91ST): So you -- you have at the registrar's office, what, a program, something at the Secretary of State's office that lets you access -- lets you input this data?

LOU DECILIO: Yes.

REP. D'AGOSTINO (91ST): And is that on both of your machines or just one?

RICK MARCONE: No, on both of our machines. It's the EMS system or whatever and there are three or four different pages that we go through on election night. They want, you know, details from the tapes, then there's a statistical sheet that they want put in that breaks down all of the different Abs and EDRs.

REP. D'AGOSTINO (91ST): Were these numbers input into that system on election night?

LOU DECILIO: Yeah, I'm not sure which -- the top number -- Yeah, all the numbers were inputted into the system on election night into Wednesday.

REP. D'AGOSTINO (91ST): Do you both have a record of who did which districts?

LOU DECILIO: So the way we -- The way we do this is we have a four-person team, including myself and Mr. Marcone, the head moderator, and the deputy head moderator and how we alleviate some of the errors is we don't have different people doing different locations. We all do the location at the same time and how this works is myself and Mr. Marcone are more familiar with the election management system than even the head moderator and the deputy head moderator are, so what happens is I sit behind a keyboard. I have a background in accounting, so

keyboard punching is fairly simple for me. Mr. Marcone reads off the tape to me to actually -- and what we have is behind him is the deputy head moderator making sure what Mr. Marcone is saying out loud is accurate. I have my head moderator, who is again, we're sitting no farther than we are right here, as I'm hearing what they're saying, I'm inputting and the head moderator is over my shoulder looking at the screen making sure I'm inputting what they're saying, so it helps with again --

REP. D'AGOSTINO (91ST): This is location by location?

LOU DECILIO: Every location, all four of us have done together.

REP. D'AGOSTINO (91ST): And I can see, again sort of going back to source material, where the source material for each of these things will come from except for the number checked for having voted. That second one from the top, do we think it comes from the back sheet at each location with the count, do we think it comes from somebody just trying to do on the fly math adding the bottom together, how is that -- how is that -- who's reading to you that second number?

LOU DECILIO: So a lot of -- Again, I don't know if that second number is a calculation or it's something that we input. I'm -- I don't -- Again, it's a very extensive -- I mean, if you look at the report here, I mean, this is a report -- You know, and when you look into each of our -- When you go into the master screen to input, you have to actually go into each location individually and do all that stuff, so I mean, what I'm -- I'm unaware of whether that is a feed, I mean, or it's something

that we input and again, just to go back to what we talked about before, why is there a difference there. I'm speculating on a few different areas, but the difference is, you know, either the absentee ballots that were rejected or the unknown votes and those are the only two, but I can tell you that we double checked out input numbers and every number that came off these particular tapes were inputted correctly.

REP. D'AGOSTINO (91ST): Yeah, I don't doubt the tape number because they kind of are what they are. It really is that second number that's part of -- Eventually when we try to figure out a delta here that we're subtracting from and we may just have to ask the Secretary of State's office to explain the system to us a little bit more, if you start looking into that and I'm looking over at somebody from the Secretary of State's office. All right, and again, we need to get into -- we'll take a break and then get into what happened that day a little further, but with respect to these checklists, so you've given us the official checklists. We talked about how these are generated and at the end of what is this original one, we have total checked as having voted by machine 1,575?

LOU DECILIO: Yes.

REP. D'AGOSTINO (91ST): That's not -- You also names on the list 2,447, which is different from that number. Is that -- Is that -- Can you explain to me, total checked is having voted by machine?

LOU DECILIO: So again, I think it's a semantic with wording. Those are the people who voted in person. So those are the numbers that when they checked -- when they counted up those yellow lines, that's

1,575, and again, I guess, you know, when you look at that and then you look at the tape of the number of ballots that went through the machine, that's when you come up with the 1,499 and there's the difference of 76. Now when you look at the Bunnell High School for the 122nd, you find the complete opposite. You find that, you know, 1,031 people voted in person at Bunnell High School based on the ballots that were put in the machine, yet only 954 people were checked off, off the checklist.

REP. D'AGOSTINO (91ST): I'm just trying -- and we'll get into those specifics, I'm just trying to really get into the source of the -- of the number of checked as having voted and one of the things we're going to just sort of arrive at is what is our source for that and what is that number because we've got a 1,572 here, we've got a 1,575 here, and then maybe these push it a little bit more, so I just want to make sure we're getting the source material correct. So ultimately, though, these checklists, the two checklists for Bunnell, should be the source of the number of having voted that day in person, the yellow people?

LOU DECILIO: Yes.

REP. D'AGOSTINO (91ST): So it should be a matter of just going through and adding up on each page how many people are checked as having voted.

LOU DECILIO: Exactly, correct.

REP. D'AGOSTINO (91ST): And there's an assumption in that, right, that the checkers did their job. There could be some error with respect to that?

LOU DECILIO: Right.

REP. D'AGOSTINO (91ST): All right, but ultimately that's the source, regardless of whatever is on here or wherever else, even at the end, the actual yellow people checked off of the number of checked is having voted in person that day?

LOU DECILIO: Exactly correct. Maybe that's a good place to take a break unless you specific questions on that and just sort of get into that day.

REP. CANDELORA (86TH): I have one.

REP. D'AGOSTINO (91ST): Yeah, please.

REP. CANDELORA (86TH): Just one question on this document. So the official checklists that are created at the end of the night, the worksheet at the end that we're looking at, that tally is done by the official checker at the end of the night, so that was submitted to you?

LOU DECILIO: Exactly, checkers.

REP. CANDELORA (86TH): The checkers, right, the two, so they'll sit there and count through my hand and then write it down?

LOU DECILIO: Yeah.

REP. CANDELORA (86TH): And then the total -- Okay, and so that total, the total checked as voting by machine, are these generated by looking at these people in yellow?

LOU DECILIO: Exactly.

REP. CANDELORA (86TH): And then when you're doing your reconciliation after everything is submitted, do you double check these counts?

LOU DECILIO: Yes. Well, again, we don't physically count each one of the people in there, but we -- it's like sort of a summary check only because when we input the data as to who voted, I mean, again, sometimes we're spot on, sometimes we're one or two off because people do move out and again, that data comes with them so they no longer appear on the list to be able to check them off as to having voted, so there's -- so there's issues with, you know, being spot on and obviously, you know, for this particular reason is we're looking at the 120th and 122nd and we see the glaring difference between the number of people checked off and the number of people pushing their ballots through the machines.

RICK MARCONE: Okay, and just to clarify that we -- on those official checklists, we count those yellow cross-offs individually and we swap, so we made sure our numbers came up the same. That's how we cross-checked each other or whatever.

REP. D'AGOSTINO (91ST): Yeah, I want to get -- Aside from that, is there any official report to the Secretary of State of the number checked as having voted by you two? Is there a document aside from --

LOU DECILIO: It's when we input the data, so those numbers are reported that way.

REP. D'AGOSTINO (91ST): But that hasn't been done yet?

LOU DECILIO: What, for the --

REP. D'AGOSTINO (91ST): The number checked as having voted based off -- the count off of these two documents, is there an official report of that to the Secretary of State?

LOU DECILIO: For those particular documents, it would -- I would say not an official report to it, but again, it's inputted into the calculations when you're doing your moderator return at the end of the night, the head moderator return, yeah.

REP. D'AGOSTINO (91ST): Because then that's that number, the 1,572?

LOU DECILIO: The 1.572 what was obviously reported to the Secretary of State's office that night, not that number.

REP. D'AGOSTINO (91ST): Not that number?

LOU DECILIO: Not that number there, right.

REP. D'AGOSTINO (91ST): So there hasn't been any addendum by your office to the Secretary of State's office?

LOU DECILIO: No we had to go through the re-canvass of this and then --

REP. D'AGOSTINO (91ST): And now we're in this process.

LOU DECILIO: And now we're in this process here.

REP. D'AGOSTINO (91ST): That's what I wanted to make sure of, that there was no here it is, we've both signed off on it, we both agree, this is the number based on our review of this. There's no sort of a -- We're going to do that.

LOU DECILIO: Right. We were instructed after we became aware of this to go forward with a re-canvass and again, re-canvassing is counting our ballots that we received, so that's what we did. We counted the ballots that were cast for that particular race again and we actually did go through audits on a few

other polling locations in town after we went through the re-canvass.

REP. D'AGOSTINO (91ST): Because again, we've got these two pieces of data that are critical, right, the number of checked as having voted and the number who actually did for the 120th.

LOU DECILIO: Yes, exactly.

REP. D'AGOSTINO (91ST): And again, the number of checked as having voted is off of this and let me just sort of jump ahead, you both say you've gotten together, you've reviewed this, you've looked at it, and you both agree that there's a number of having voted off of this, the yellow lines that are crossed off, what is that number?

LOU DECILIO: For the 120th, we had 1,575 people having voted, having been checked off.

REP. D'AGOSTINO (91ST): You both agree?

LOU DECILIO: Yeah.

RICK MARCONE: Yes.

REP. D'AGOSTINO (91ST): And that's based on?

LOU DECILIO: Those lists right there. I did provide, I know you guys have this, this is a just an Excel sheet that I put together and the left hand column is the page that's applicable to the official checklist and obviously the 120th and 122nd is the number of names that we agreed that were checked off as having voted in person.

REP. D'AGOSTINO (91ST): Let's make that just sort of clear for the record. This is the -- It's marked as an Exhibit 6, I think from Mr. Feehan's attorney's underlying lawsuit, Bunnell High School,

120th and 122nd official checklist versus election day/re-canvass with the totals, so this document was created --

LOU DECILIO: I created this document.

REP. D'AGOSTINO (91ST): You created this document?

LOU DECILIO: Yes.

REP. D'AGOSTINO (91ST): It's probably worth having it. I'm just getting a copy of theirs just so we have that for the record, that this is a document that you created, that you both have signed off on.

RICK MARCONE: We both agreed to it, yes.

REP. D'AGOSTINO (91ST): All right, why don't we take five minutes. We'll take a five-minute break.

(BREAK)

REP. D'AGOSTINO (91ST): Just a couple quick followups from where we left off, I just want to make sure we've got it on the record just for the chain of custody of these original checklists post-election day. Have they been in your office since then?

RICK MARCONE: No, actually, after the day after, the town clerk is the official keeper of the documents, so we had to request those from her to bring them up.

REP. D'AGOSTINO (91ST): These have been with the town clerk's office?

RICK MARCONE: Okay.

REP. D'AGOSTINO (91ST): Had anybody else had access to them from election day to today or requested them as far as you know?

LOU DECILIO: I'm not aware of it other than just us being able to enter that date into the system as to the who voted portion and that was it.

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

LOU DECILIO: No, we don't enter the who -- Like again, it's taking those -- that list that you're manually going through each person at a time and checking off a box if they voted and that's done -- that was done like maybe a week after the election.

REP. D'AGOSTINO (91ST): And we've got the list of -- this is the checklist of people who voted. On here, there's a note that there was added. Is that an EDR?

LOU DECILIO: No, EDR does not get added to the last. That one added, there may be an add-on sheet in the -- in the front of one of those that a name was added.

REP. D'AGOSTINO (91ST): From the inactive list?

LOU DECILIO: I could have been from the inactive list.

REP. D'AGOSTINO (91ST): EDRs are done centrally at the registrar's office?

LOU DECILIO: No, they're done -- or they're done at Town Hall, as well, upstairs in the council's chambers.

REP. D'AGOSTINO (91ST): It wouldn't have been -- somebody who came in and voted on election day and it's not on this list?

LOU DECILIO: No, not at all.

REP. D'AGOSTINO (91ST): Okay, that's important to note. Okay, great. So talk to us about that day. We started off with that. Let's get into it a little bit more, you know, what exactly you did from the moment you got the call to eventually ending up with generating that spreadsheet with the 1,575 on it.

LOU DECILIO: So the time line is, again, my deputy registrar, Ben Proto, received a call saying that there was an issue with ballots at Bunnell High School. When I came into the office, he informed me of the issue. I instructed him to go up to Bunnell High School and just make sure everything was corrected and running smooth again. He did that and then that evening, we began the long process of entering the data and we were able to get all the election -- besides the questions that were on the ballot, we were able to get all the election data in by 3:30 a.m. We then went home because we were up for almost 24 hours. We got some sleep. We came back in the next morning and we started entering all the question data, so technically when we submitted our first report to the Secretary of State, it didn't include any of the questions on it, so later that day when we finished inputting the data of the questions, we were able to then send the report to the Secretary of State's office.

We were aware at that point that there was a close race, enough to automatically trigger a re-canvass of the vote. Initially, the difference in the 120th race was 18 votes, so we began and again, this is already Wednesday afternoon. We began the process of understanding what we had to do to conduct the re-canvass and scheduling, you know, the council chambers and everything like that. Thursday morning

is when we started double checking all of our numbers, going through everything, and determining, you know, not just that particular race, but every race at the same time, juggling, you know, getting the re-canvass in the works for the following week. We realized that there was an issue when -- what we did is we said okay, we heard about an issue. We weren't sure of the impact of the issue or the extent of it, so literally Friday morning is when we requested the official checklists and Mr. Marcone and I, I know we had this conversation before, we went through and, you know, I would check a page, he would check a page, then we, you know, a list and then we switched them off and again, you know, counting individual lines. Sometimes we were off a little bit, but we did it. We kept checking until we were agreed upon the number on each page.

And so when we realized the extent, because not only did we have to do that with 120th District, we had to do it with 122nd. When we realized the extent of it is when we contacted the Secretary of State's office and requested just basically asking them do we -- should we going through the re-canvass now that we have this issue and they instructed us yes, go through with the re-canvass. Right after that is when we immediately notified the two candidates that there was an issue, so it wasn't until Friday that we were able to really pinpoint, you know, exactly the magnitude of what happened.

REP. D'AGOSTINO (91ST): You generated this spreadsheet when?

LOU DECILIO: On Friday.

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

LOU DECILIO: Yeah.

REP. D'AGOSTINO (91ST): So just unpacking what you just sort of described, Mr. Proto gets the call again from Mr. Starratt. Did he report back to you that day, election day, about what had happened?

LOU DECILIO: You're saying --

REP. D'AGOSTINO (91ST): Mr. Proto.

LOU DECILIO: He said that there was a mix up.

REP. D'AGOSTINO (91ST): Did he -- What did he -- How did he explain it?

LOU DECILIO: He basically said the ballots were improperly handed out. Again, we weren't under -- we didn't understand the extent or the amount of the ballots that were handed out at that time.

REP. D'AGOSTINO (91ST): Mr. Marcone, are you part of these conversations?

RICK MARCONE: I was when Ben returned. Okay, because by the time Ben got up there, Mal Starratt had corrected the problem, so like Mr. DeCilio said, we weren't sure the extent or the numbers or whatever until we got into it days afterwards, actually counting.

REP. D'AGOSTINO (91ST): Do you have any different recollection of the conversation, about what was reported?

RICK MARCONE: No, I'm in total agreement. That's what had happened, whatever, you know, we got this phone call.

REP. D'AGOSTINO (91ST): When did the call come in, do you know?

LOU DECILIO: That would be something that Mr. Proto could probably answer. I don't know exactly.

REP. D'AGOSTINO (91ST): All right. And were there any instructions given, either from yourself or through Mr. Proto to preserve -- I mean, what was the reaction to this, I guess. I know you had a lot going on that day, but what there any sort of instructions or anything with respect to this particular issue?

LOU DECILIO: I don't think we really gave any specific instructions. I mean, the moderators, you know, again were trained to deal with certain situations and again, I'm speculating, obviously that the situation was dealt with by removing the ballots from the wrong line and putting the proper ballots there.

REP. D'AGOSTINO (91ST): So no further, at least from the two of you, no further investigation with respect to the issue that day on election day?

RICK MARCONE: No.

LOU DECILIO: No.

REP. D'AGOSTINO (91ST): And walk me through the process of -- on that Friday. You said you were realizing that there was an issue. How -- Did you interview Mr. Starratt, Mr. Proto any further?

LOU DECILIO: We did -- What happened was we did call after reviewing Mal's -- Mal Starratt's moderator diary, we reviewed it, we called him to figure out exactly, you know, the extent. You know, initially I heard it was a handful and then again you read the diary and it says a little different. There was like 15 or I can't remember the exact

verbiage, but again, if there's 15 left over, then that means if you're just saying that 100 are in a ballot and, you know, that's where you realize that maybe this is a bigger problem than we initially anticipated or thought of.

And so that's when we decided the only way we're going to get to this, because our numbers weren't going to -- you're not going to look at just the ballots that went through the machine and say this is it. You have to look at the voters that were checked off the list of having voted in person and so that's when we began the process of counting the pages and making sure that -- Again, we each took a book, we counted them, we had a number. When we switched them off, we counted them, we had a number and we were off one or two, so then we went through individually and counted one by one, page by page, and you know, and we went through that process. It took us a few hours to just make sure that we agreed upon every person that was initially checked off the list and that's when we came up -- I put this spreadsheet together just to be able to compare and then we realized and that's when we made the call to the Secretary of State and that's also when we -- when we were told to go forward with the recount or the re-canvass. That's when we also wanted to make sure we were open about it and told the candidates of the issue.

RICK MARCONE: Yeah, as you look through those lists, you can see -- you'll be able to see some of the difficulties and some of the yellow cross-offs are very distinct and some of them you'll scan right over and have to go back and say wait a minute, this guy -- this name was checked off, so you can see where some of the numbers could change, at least

that night after a ballot clerk or a checker has been there 14 or 16 hours or whatever.

REP. D'AGOSTINO (91ST): Was there a packet preserved? In other words, was there an open packet of 100 that was the problem packet and we've saved, okay, there's 15 left in this packet of 100. Does that exist?

LOU DECILIO: I'm not aware if it does exist. I mean, again, speculating, I don't know.

REP. D'AGOSTINO (91ST): All right. You mentioned Mr. Starratt's notes. Are the moderators -- I just want to establish chain of custody with respect to those notes. So those were returned to the registrar's office, each moderator on election day?

RICK MARCONE: Yes.

LOU DECILIO: Yes.

REP. D'AGOSTINO (91ST): How are they preserved?

RICK MARCONE: They're both put into our locked location at Town Hall. We have a room and -- a room that's locked and a cabinet that's locked due to the volume, but we make sure that we put the moderators' logs and those types of things into a locked cabinet inside of a locked room.

REP. D'AGOSTINO (91ST): You looked at Mr. Starratt's notes and then you had a conversation with him. Was that by phone or in person?

LOU DECILIO: It was by phone. It was by phone, yeah.

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

LOU DECILIO: I want to say -- I want to say it was Friday morning.

REP. D'AGOSTINO (91ST): Did he have a sense of the volume?

LOU DECILIO: I'm not aware.

REP. D'AGOSTINO (91ST): Okay. Going back to something you said earlier, do you have -- do you have a -- Well, we'll have to establish a time frame. You've got records of the hourly vote count at the district, right, at that location?

LOU DECILIO: Yes.

REP. D'AGOSTINO (91ST): That you'll get to us. How did you inform the candidates?

LOU DECILIO: Phone call.

REP. D'AGOSTINO (91ST): To each of them personally?

LOU DECILIO: I -- Yes, exactly. I called Jim Feehan, who was the Republican candidate, and I called Phil Young.

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

LOU DECILIO: Yeah, on Friday. And we do have an independent -- there was a petition in candidate, Prez Palmer, who was also involved and we informed him as well.

REP. D'AGOSTINO (91ST): Was this spreadsheet sent to anybody? Sent to the candidates?

LOU DECILIO: It was sent to the candidates, I believe. It was definitely sent to the -- to the attorneys that were, you know, again, feels like ground hog day because we're starting all over from

square one here, but this was provided to the -- Mr. Young in person and to Mr. Feehan.

REP. D'AGOSTINO (91ST): Did the re-canvass -- it think they said re-canvass, now did the re-canvass impact the calculation of the number checked as having voted?

LOU DECILIO: So if you look --

REP. D'AGOSTINO (91ST): Not who actually voted, but the number of checked as having voted. Has this number been static since you did it on Friday?

LOU DECILIO: Yes, absolutely, because again, we don't -- Again, the re-canvass is just counting the ballots we have on hand. It's not -- It's not saying who ultimately came in to vote because that is something we don't -- Again, I mean, I would be great to be able to identify the 70 something people who received the wrong ballot, but that's virtually impossible, so during our re-canvass, there's not a re-canvass of the people that came through the Bunnell location as a re-canvass of the vote.

REP. D'AGOSTINO (91ST): And again you did that calculation on that Friday for not just the 120th, but also the 122nd?

LOU DECILIO: Yes.

REP. D'AGOSTINO (91ST): And again, that's what's reflected here on what we'll call the registrar's checklist report, for lack of a better -- Okay, Jason.

REP. PERILLO (113TH): All right, just a quick question. I'm probably going to ask the obvious, but could you just explain why you couldn't identify those 75 individuals, why that can't be done?

LOU DECILIO: Well, first of all, the ballots aren't signed or whatever, so you couldn't -- and because the ballots are funneled into one tabulator, we just -- there's real known time, you know, there's no stamp really on the ballots. There's no real name associated with a ballot.

REP. PERILLO (113TH): That's what I thought. I just wanted to get that on the record.

REP. PERILLO (113TH): That's an important question. Thank you, Jason.

LOU DECILIO: The ballots don't fall -- When they fall into the black boxes, they don't fall nice and neat. They're everywhere as well and even if you knew the last 75 people that had voted, you probably couldn't tell, you know, again, just what Mr. Marcone said, you don't know what time, from how long it took them to fill out their ballot while they were sitting down. As they check in, they don't place those ballots in the machine, you know, in the same order they checked in. Some are a lot quicker than others and some like to sit there and, you know, take their time, so.

REP. D'AGOSTINO (91ST): I can't remember if I asked this, who was the head moderator for the election?

LOU DECILIO: The head moderator for the town was Beth Boda, Elizabeth Boda.

REP. D'AGOSTINO (91ST): And the deputy head moderator?

RICK MARCONE: That was Kenneth Caserta. I think he's on your list.

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

REP. CANDELORA (86TH): I just want to back up for one second and sort of and piggyback on what Representative Perillo has said. In terms of ascertaining those 75 to also just put on the record, you hand out the privacy sleeves.

RICK MARCONE: They're offered.

REP. CANDELORA (86TH): They're offered and the reason behind that, I guess, if we can just put that on the record.

RICK MARCONE: The reason we offer it is to help provide security for the ballot so nobody -- you're protecting the person's integrity in voting privately.

LOU DECILIO: Right, their right to privacy and some take the privacy sleeve and use them and some don't care who sees how they vote, so it's just offered as an option if they want to use it.

REP. CANDELORA (86TH): Because I do, you know, in this situation, if you had 30 people in the room and 15 might have had incorrect ballots, do you think you might have had the ability to say everybody in the room stop, let me look at your ballots, do you have that ability?

LOU DECILIO: No.

REP. CANDELORA (86TH): Right, so I just wanted to make that clear as well. I think there has just been some discussion and comments made of why can't you just find these people and have them tell us, you know, how they voted and I think it's just important for everybody to know that that's part of our problem with the voting process, is every vote

is protected by law, its privacy is protected.
Thank you.

REP. D'AGOSTINO (91ST): Yeah, that's an important point, thank you. Just a couple questions on the re-canvass, I just want to make sure I understand that process as well. Is that -- Because I've got a report of it signed by Mr. Krekoska.

LOU DECILIO: John Krekoska, yes.

REP. D'AGOSTINO (91ST): Krekoska. So is the re-canvass, did you two ever see that? Did Mr. krekoska? How does that work?

LOU DECILIO: Mr. Krekoska oversees it. We did participate, we were there, but again, when the moderators are there, technically they're in charge, even though, you know, people think we're the registrars, we appointed them, but once we hand them that responsibility and the process begins, they're the ones in charge.

REP. D'AGOSTINO (91ST): All right. So if we have questions about the results of the re-canvass, we should direct them there?

LOU DECILIO: I mean, we could definitely help with that. I mean, John's great at what he does and it was really a smooth process given the undertaking of manually counting each ballot and then going, you know, sorting them to determine which ones should be hand counted and which ones can go through the machine, so again, I mean, yeah, he would be a guy to help determine that, but when you look at the results, you know, it looks pretty -- the hand count, the recount kind of confirms the result based on -- the vote did change by five, but it's the way people check off their ballots that they were able

to hand count and, you know, not filling out their ballot properly.

REP. D'AGOSTINO (91ST): Was the final decision whether to add a vote to a candidate's total or subtract a vote from a candidate's total made by the moderator, by you, how does that -- where does that authority lie?

RICK MARCONE: Well, as the counters are going through or whatever, they'll set aside questionable ballots and then if they can't decide definitely, definitively that this goes to this candidate and this goes to that candidate, then it is the moderator who makes the final decision.

REP. D'AGOSTINO (91ST): Mr. Krekoska?

RICK MARCONE: Yes.

REP. D'AGOSTINO (91ST): That's what I wanted to know.

REP. HADDAD (54TH): Just on that point, is it the moderator that's also setting the standard by which you use to decide whether or not you're going to hand count the ballot as opposed to feed it through the machine? In other words, can you tell us anything about the guidance that folks had for determining whether or not you should just feed it into the machine or not?

LOU DECILIO: There was a re-canvass packet that states issues that shows -- like it seems pretty simplistic, but it shows a properly filled out ballot and an improperly filled out ballot and an improperly filled out ballot could be an x over the oval or a check over the oval, but it is the determination of the two counters whether they

believe of enough of the bubble was filled to go through the machine or should it just be hand counted and we told of them to error on the side of caution and if you -- even if you're second guessing whether it would, put it to the side and just hand count it just to make sure that, you know, the ballot, you know, if it wasn't counted by the machine for whatever reason that you're putting it through again and it may not be counted again, so anything that was close, we kind of said just error on the side of caution.

REP. HADDAD (54TH): Right, and so the reason to hand count wasn't because there was a doubt in voter intent. It was because there was a doubt whether or not the machine would read a half filled in bubble?

LOU DECILIO: Exactly.

REP. HADDAD (54TH): All right.

REP. D'AGOSTINO (91ST): Aside from interviewing Mr. Starratt, did you take any steps to talk to anybody else involved, checkers, ballot clerks, etc.?

LOU DECILIO: We did talk to the assistant registrars there, as well, Dave Heriot and Joe Collier, just to kind of get their feel as to what, you know, what happened actually, and again, I think Mr. Starratt did a great job of, you know, putting everything on paper and again it was one of the voters that came up and notified him that the packet was -- or the person that they were voting on -- that wanted to vote on wasn't on their ballot.

REP. D'AGOSTINO (91ST): When did you interview --

LOU DECILIO: That was all -- That was all done on Friday, as well.

REP. D'AGOSTINO (91ST): What did they tell you?

LOU DECILIO: They said -- One of them said that he was appointed by Mr. Starratt to sort through the voters as they walk through the door 120th and 122nd and the other one was assisting, making phone calls, and again they were aware of a situation, but when you have a chance to interview them, I'm sure they'll give you their take on it.

REP. D'AGOSTINO (91ST): Is that your recollection, Mr. Marccone?

RICK MARCONE: That's exactly what we talked to them about and that's my understanding as well.

REP. D'AGOSTINO (91ST): To your knowledge, were any of the candidates alerted of an issue on election day -- of the issue on election day?

RICK MARCONE: To the best of my knowledge, no, they were not on election day, no.

LOU DECILIO: Not by us. Now I know Mr. Feehan had unofficial checkers there, but he was not -- there was no -- nobody was notified of an issue by our office or by the polling location, I believe, so.

REP. HADDAD (54TH): Just following up what you just said, you said Mr. Feehan had unofficial checkers?

LOU DECILIO: Yes.

REP. HADDAD (54TH): Which means that in addition to the staff that you placed in the polling sites, candidates have the ability to post observers, really is what they are, right? They sit -- They sit near the check table and the ballot table?

LOU DECILIO: They sit near the check table and they have their own lists the candidates develop just to

see who comes through as well so they can -- you know, usually what happens is the candidates then pull the papers and they start making phone calls to get their vote out, so there were unofficial checkers at that location at the time.

REP. HADDAD (54TH): Right. And then just a followup on another thing just in terms of notes or records of observations, in all of your interviews, were you taking notes? Did -- Was anybody other than the moderator, Mal Starratt, asked to take notes about what happened?

LOU DECILIO: We did not take -- I did not take any notes. Again, what's in Mal's diary was basically what was said, so I didn't feel the need to take any notes.

REP. HADDAD (54TH): Did you as part of your sort of investigation compile a narrative or report other than the analysis of the checklist?

LOU DECILIO: No.

REP. HADDAD (54TH): All right.

REP. PERILLO (113TH): It looks like we may be coming to some conclusion or concluding the questions, so I just want to try and tie a bow around this a little bit. So are you both comfortable that the machine totals that you used in your reconciliation were accurate?

LOU DECILIO: Yes.

RICK MARCONE: I am, absolutely.

REP. PERILLO (113TH): And you're both familiar with these checklists?

LOU DECILIO: Yes.

REP. PERILLO (113TH): So you're familiar with these checklists?

RICK MARCONE: Absolutely.

REP. PERILLO (113TH): You're confident, you're both confident that they have been checked off appropriately, that the counts are accurate. Is that correct?

RICK MARCONE: Yes.

LOU DECILIO: Yes.

REP. PERILLO (113TH): Okay. And you're both familiar with this reconciliation?

RICK MARCONE: Yes.

LOU DECILIO: Yes.

REP. PERILLO (113TH): And you're both confident that this reconciliation is accurate?

LOU DECILIO: Yes.

RICK MARCONE: Absolutely, yes.

REP. PERILLO (113TH): Now this reconciliation indicates that 76 voters from the 120th District voted with a ballot from the 122nd District. That's what this indicates.

LOU DECILIO: Yes.

REP. PERILLO (113TH): And you're both confident that that's accurate?

LOU DECILIO: Yes.

RICK MARCONE: Yes.

REP. PERILLO (113TH): So I'll just take that to the next step, are you both confident that 76

individuals from the 120th voted with the ballot from the 122nd?

RICK MARCONE: Yes.

LOU DECILIO: Yes.

REP. PERILLO (113TH): Thank you.

REP. HADDAD (54TH): Just to follow up on that one point, this is not a big issue, but it just might clarify some issue.

REP. D'AGOSTINO (91ST): Did you have something else to say?

RICK MARCONE: If I may, just to follow up once again, just to be perfectly clear, I'm confident that those ballots were incorrectly issued. Whether or not they voted in the 120th or not or whatever, you know, I can't say that for sure.

REP. HADDAD (54TH): Fair. Thank you for clarifying that.

REP. PERILLO (113TH): And I'm sorry, just to clarify what you just said, you're saying by voted, you don't know if they marked a vote for either of their candidates listed on their ballot?

RICK MARCONE: Correct. We know those ballots went in incorrectly, but we don't know, obviously, they might have voted all for one candidate, they might not have voted for either candidate. I don't -- We don't -- We can't tell that.

REP. HADDAD (54TH): Right. So on -- and it's just a small item, on your official checklist, your analysis of the checklist, you indicate that there's 76 -- a difference of 76 in the 120th, but 77 in the

122nd, what -- why would those numbers not be the same?

LOU DECILIO: That's something that again, when you look at the official checklists and you can see the yellow highlighters, maybe somewhere along the line somebody was missed and that's the only explanation I have. In a perfect world, obviously, they would be the same number, but for whatever reason, when you look -- personally look at those lists, you can see how sometimes it's questionable to see whether a line was drawn through somebody or not, so that would be only explanation.

REP. HADDAD (54TH): Okay.

REP. CANDELORA (86TH): Yeah, and I think to that point, when I was reading the head monitor's log and I could ask him these questions well, he seemed to indicate there's roughly 15 ballots that were left in the packet and we seem to be talking about a vote of 76 to 77, yet, you know, 100 from 15 ends up being 85, so we could be dealing with the same situation here, as well. Correct? I mean, there could be a little bit of a variance?

LOU DECILIO: Yes.

REP. CANDELORA (86TH): So we're somewhere right now between 76 and 85 potentially?

LOU DECILIO: I -- Again, I mean, that's a question -- I'm not aware if they individually counted the ballots that were left. We could be also, again, there were, again, during the process of having somebody spoil a ballot because they made a mistake or they wanted a new ballot, you know, that ballot could have been taken out of that particular file. There are all sorts of reasons of why that number,

but these are the numbers based on, again, the official checklist and the things that came off the votes from the machine. That's what I -- That's what we focused on.

REP. CANDELORA (86TH): Thank you.

REP. D'AGOSTINO (91ST): I just want to double check, where are the leftover ballots?

LOU DECILIO: They are in our -- They're still locked up in a room, but we do have -- again, unused ballots after an election can be destroyed, so --

REP. D'AGOSTINO (91ST): Don't do that.

LOU DECILIO: Well, no, what I'm saying is when our -- what happens is our crew goes out to break down the locations the next day and all those ballots are taken out of -- the unused ballots are taken out of those locations and they're put in a room and they just stack them up in one pile, so I can determine based on -- based on the amount of ballots we've distributed to those locations and then you, you know, through math you deduct how many ballots were used and that will tell us how many ballots were leftover at those locations and that's basically the only way -- You're not going to be able to look at -- If you're getting out and looking at those particular ballots at Bunnell, I don't think we can do that.

REP. D'AGOSTINO (91ST): You just can't pull them out of the pile?

LOU DECILIO: Because I don't know which pile they were in. They're all in one pile now.

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

REP. PERILLO (113TH): Thank you, just some questions.

RICK MARCONE: If I may, just to be perfectly clear on this document once again, okay, so that we can notice that --

REP. PERILLO (113TH): I'm sorry, which document?

RICK MARCONE: This is the document, I believe you called it Bunnell High School 120th, 122nd Registrar --

REP. D'AGOSTINO (91ST): The Registrar's version of --

RICK MARCONE: Bingo. All right, we'll go with that. All right, just to make sure that we're talking the same numbers, we're saying that we know 1,499 ballots were cast because that's what's off of the tape and we're saying that a total of 1,575 members were crossed off the list, just to make sure that it's not confused, and then on the same exact line on 122nd, that 954 names were crossed off, yet 1,031 votes were cast, so just to make it clear.

REP. D'AGOSTINO (91ST): Thank you. Representative Perillo.

REP. PERILLO (113TH): Thank you. So, I mean, you mentioned that you have eight polling places where -- that are split where there's different ballots used?

LOU DECILIO: Yes.

REP. PERILLO (113TH): Has any thought been given to perhaps color coding the ballots so that this doesn't happen?

LOU DECILIO: Interesting you should ask that because we've always had color coded ballots. This particular time, the ballots were delayed to us because of the AMiGo Party not getting their candidate, their lieutenant governor candidate, in time, so when we received our ballots and we opened them, they were not color coded and we had one day to test the machines based on state statute, they had to be tested a certain amount of days -- ten days before the election and so literally we took those ballots and we said -- and we were confident in our crews because they -- prior to color coding, we used to give them the same color, white ballots and nothing like this ever happened. It was just an unfortunate incident that they didn't come color coded this time and I can tell you, obviously if I could turn back the clock, I wouldn't thrown \$5,000 dollars of ballots away to make sure they were color coded, but we were confident that once we had our training session and we emphasized and we labeled that something like this wouldn't happen. Unfortunately it did.

REP. HADDAD (54TH): I was just looking at the moderator's report from Bunnell High School and there's a certificate for opening the polls and I just want to ask, it says ballot packages received, 24 and a half. Am I to belief reading this then that not all of the ballots are distributed in a full package of 100, that sometimes they are broken packages of 100 that are delivered to polling sites?

RICK MARCONE: I think what that number indicates is the original delivery was 24 complete packages and as the day went on and we saw that, you know, Bunnell High School was pretty busy that we had had an open pack in our office that we take apart

because we have to test ballots for the machine and we have to use the actual ballots, so we had that open package of ballots that was sent up to Bunnell's just as a precaution to make sure they didn't run out of ballots before 8 o'clock.

REP. HADDAD (54TH): So I guess I'll just ask you a more general question then, this says certificate for opening of the polls. Is this not something they would complete at the beginning of the day?

LOU DECILIO: That's probably a question better for the moderator there. I mean, it can be because there's another -- there's other paperwork that we do tell them they can complete before the day's end, so it's possible that he didn't do that.

REP. HADDAD (54TH): So I guess regardless of whether or not it's the beginning of their day or later in the day, there are instances when half packages are delivered to the polls?

LOU DECILIO: Yes.

REP. HADDAD (54TH): Broken packages?

LOU DECILIO: Right. So what happens is we don't like to deliver any half packages or any unopened packages to the polls, so when we do our test stacks, we have to pull out a certain amount of ballots out of the test -- out of a complete package, so what we do is we keep those packages locked in our -- in our room at Town Hall in a case that's also locked and if -- as we're monitoring again, the hourly count and we saw that the turnout was very high, we decided let's just take the 50 or so ballots or the half of pack and bring them up to Bunnell just to make sure that, you know, come 7:30 we're not hey, we're down to two ballots here. We

wanted to make sure there were enough ballots everywhere, so it was just a, you know, we don't like to do that, but it was just the turnout volume was just we wanted to do it as a precaution.

REP. HADDAD (54TH): And I guess I'm asking the question just -- because I want to make sure I completely understand, so there are instances when the ballot clerk is handed less than 100 ballots?

LOU DECILIO: I would assume, but that would be something again that the moderators -- we usually tell them to go through the full packages before you, you know, issue any of the ones that are open, but again, the open ones are there towards the end of the day for reserves, really. It's not -- It's not anything that -- Now, where it's the moderator grabs that unopened package and puts it on the table, I'm not aware because again we're not there.

REP. HADDAD (54TH): Thank you.

REP. D'AGOSTINO (91ST): Just to follow up on that, there's another page for each district that lists the number of ballot packages received, the opening number of packages received after the opening and it looks one and a half were given to the 122nd during the day, although unfortunately on the page that represented what Haddad was referring to, on the bottom it's supposed to -- there is supposed to be a list of officials delivering supplies and that's not filled out, but we'll have to ask Mr. Starratt. It might just be an oversight. It probably should have been reflected on there if that is indeed what happened. You have -- Are there any other original documents you brought with you today? The tape I think I saw.

LOU DECILIO: We have the tapes, yeah.

REP. D'AGOSTINO (91ST): All right, why don't we take that. We're going to just hang on for right now to the -- certainly to the checklist and the moderator return. We've made copies. If we can take the tape, we're going to keep these in our custody, we're going to deal with your town clerk and the Secretary of State to make sure we've got a pristine chain of custody in all of these things because we know you're going to need them back, but we would like to hang on to those originals for right now so the committee can complete its work. I think you were going to get us the hourly returns for the district. If there's anything else we need from you, we'll contact town council and let you know, but we appreciate you both being here today and taking the time for a few hours with us. Final questions?

REP. HADDAD (54TH): Yeah, and I -- I'm sorry, this moderator return, I was looking through the package and on page five, there's a page -- Do you have a copy of this in front of you? When would this have been completed?

RICK MARCONE: I'm sorry, I didn't hear the question.

REP. HADDAD (54TH): There's a -- In the moderator's packet on page five, there's a list of things. I mean, it says November 6th, but I'm not sure if that refers to the election date or the date they might have completed the form, but when would this have been --

RICK MARCONE: This would have been done election day.

REP. HADDAD (54TH): On election day at the end of the night?

RICK MARCONE: Right.

REP. HADDAD (54TH): Right, and so -- and it's signed by -- again, the people who sign this are who? Can you identify the people who sign this?

LOU DECILIO: I --

REP. HADDAD (54TH): It looks like it's Robert Sheridan.

LOU DECILIO: I see Robert Sheridan, I see that one. That's an official checker and I'm assuming the assistant registrars, you know, the two assistant registrars there. One does look like Dave, but I can't tell. The writing is not the best.

REP. HADDAD (54TH): Right. And so it says the number of names checked on the official list as having voted in person 1,575?

LOU DECILIO: Yes.

REP. HADDAD (54TH): How would they have arrived at that number?

LOU DECILIO: By counting those names, the yellow checks, those are the people -- those are the people on the official checklist that voted in person.

REP. HADDAD (54TH): Right. And so that would include both the machine count and presumably the absentee count?

LOU DECILIO: No, no.

REP. HADDAD (54TH): It wouldn't include the absentee count?

LOU DECILIO: It would not.

REP. HADDAD (54TH): Then why -- Well, I'm just curious as to why it says 1,575 t--

LOU DECILIO: Because that's the number of names checked off the list of having come in to vote.

REP. HADDAD (54TH): In the 120th?

LOU DECILIO: In the 120th.

REP. HADDAD (54TH): They counted 1,575?

LOU DECILIO: Yep.

REP. HADDAD (54TH): Okay, I understand. Thank you.

REP. D'AGOSTINO (91ST): Do you have a question?

REP. CANDELORA (86TH): Just on that point, I think when they're going through the list, are they counting the AB's as well or are they --

LOU DECILIO: They do.

REP. CANDELORA (86TH): And that's why we have 1,575?

LOU DECILIO: No, the AB's aren't included in that number. The AB's are not included in that number.

REP. CANDELORA (86TH): Okay.

LOU DECILIO: Those are the people who have voted in person. I'm trying to see here, hold on. If you look in the back of the official checklist there, you'll see the number of names having checked off in person and then you'll see the number of names have voting by absentee ballot, which is a separate line item on that.

REP. CANDELORA (86TH): Sixty-five, right. Okay, thank you.

LOU DECILIO: Okay.

REP. D'AGOSTINO (91ST): Thank you, gentlemen.

LOU DECILIO: Thank you.

REP. D'AGOSTINO (91ST): We'll recess until 1:00. I'm sorry, we'll recess until 1:15 p.m.

(RECESS)

REP. D'AGOSTINO (91ST): We will reconvene around 1:20 and I think we have Mr. Starratt, so will you stand and raise your right hand, sir. Do you swear or affirm as the case may be that the information you will provide to this committee will be the truth, the whole truth, and nothing but the truth so help you God under penalty of perjury?

MALCOLM STARRATT: I will.

REP. D'AGOSTINO (91ST): Thank you, you can sit down. Will you state your name?

MALCOLM STARRATT: Yes, Malcolm Starratt.

REP. D'AGOSTINO (91ST): Starratt, I want to make sure I pronounce correctly. Thank you for being here, Mr. Starratt. I understand you were the head moderator appointed at the Bunnell district.

MALCOLM STARRATT: The moderator for the Bunnell area. The head moderator is higher than my pay grade, so.

REP. D'AGOSTINO (91ST): All right. Give us a little bit of background about yourself. Do you work, are you retired?

MALCOLM STARRATT: I'm retired. I worked in the human resources business. I put in about 30 some years in that type of operation as the director of personnel and human resources, whatever you want to call it these days, and I've been doing this election business since about 1997, getting it to this moderator situation, passed the test, and I've been doing that since the 2000 election, so it's about 18 years or so, in various areas, mostly with Bunnell, which is I don't know, 12 to 14 years something like that.

REP. D'AGOSTINO (91ST): Is that your home district?

MALCOLM STARRATT: Yes, it is. I'm also a voter there, so.

REP. D'AGOSTINO (91ST): Yeah, so you've been the moderator at Bunnell for 12 to 14 years?

MALCOLM STARRATT: About that, yeah.

REP. D'AGOSTINO (91ST): And before, a moderator at other districts?

MALCOLM STARRATT: Various other areas and various other actual positions. Sometimes something would come up, somebody couldn't make it, I'd fill in as a checker, I'd fill in as a ballot clerk or, you know, whatever else.

REP. D'AGOSTINO (91ST): That's important. So you've held those various roles throughout your career?

MALCOLM STARRATT: That was before I became moderator. I started out as a checker and then, you know, did various other jobs. Checker is the most important to me, as a matter of fact. I believe that's, you know, that's where all the numbers come

from and that's very important that the people in that particular position do an accurate job.

REP. D'AGOSTINO (91ST): And you've also served as a ballot clerk?

MALCOLM STARRATT: And a ballot clerk as somebody that's directed as soon as you come in and as an assistant registrar, so I've gone through, you know, pretty much all the positions, so I know what is required of them so I can also train the people that come in. The people that we've had have been there a little above four years, but every so often, we get newbies that come in and we have to, you know, train them along and make sure that they know what the job is all about.

REP. D'AGOSTINO (91ST): That's helpful to know that you've got that experience we may rely on. What is the last training you had as a moderator?

MALCOLM STARRATT: Back in 19 -- Well, 2000.

REP. D'AGOSTINO (91ST): Have you been recertified?

MALCOLM STARRATT: I started out, you know, as a moderator in 2000. The election process, I started out in about 1997 or so.

REP. D'AGOSTINO (91ST): When was the last -- I may not be remembering that right -- Is there certification to be a moderator?

MALCOLM STARRATT: Yeah, about a year ago.

REP. D'AGOSTINO (91ST): About a year ago, okay, and that was with the Secretary of State's office?

MALCOLM STARRATT: No, that was with the home -- homegrown people.

REP. D'AGOSTINO (91ST): The registrars?

MALCOLM STARRATT: The registrars, they are certified to go through the training.

REP. D'AGOSTINO (91ST): All right, so they're the ones --

MALCOLM STARRATT: By the state, so.

REP. D'AGOSTINO (91ST): So they train -- they give you the certification?

MALCOLM STARRATT: They trained me and I got my certificate, so I'm all set.

REP. D'AGOSTINO (91ST): Okay. And that was about a year ago? All right. And leading into this election, you expected to be the moderator at Bunnell as you had been in the past?

MALCOLM STARRATT: Yes.

REP. D'AGOSTINO (91ST): So let's talk about that day and the lead-up to the events concerning the ballots. I think you were in the room when the registrars were testifying. Can you just start us maybe the night before? Were you there the night before when the ballots were coming in and getting placed? Are you part of that process?

MALCOLM STARRATT: No.

REP. D'AGOSTINO (91ST): Your --

MALCOLM STARRATT: My starting time would be about 5 o'clock in the morning.

REP. D'AGOSTINO (91ST): All right.

MALCOLM STARRATT: At Bunnell.

REP. D'AGOSTINO (91ST): What do you do when you get there at 5:00?

MALCOLM STARRATT: Set up the machine, the election whatever you want to call that.

REP. D'AGOSTINO (91ST): And the ballots are already there?

MALCOLM STARRATT: The ballots are in the blue case.

REP. D'AGOSTINO (91ST): The -- And I just want to make sure we've got -- we've got the names. I just want to make sure we've got them or have you give them to us, so that day at Bunnell, there was you as the moderator, Mr. Heriot as the assistant registrar Republican?

MALCOLM STARRATT: Yes.

REP. D'AGOSTINO (91ST): Mr. Collier as the assistant registrar of the Democrat?

MALCOLM STARRATT: Yes.

REP. D'AGOSTINO (91ST): The ballot clerks, so you recall who they were?

MALCOLM STARRATT: I'd have to go back in my little thing there and see if I've got that. Ballot clerks were Peter Rusatsky, if it's here, it was here anyway, Daniel Dejunio (ph), and there was one more on the other side, Larabe Shaundhay, I can't pronounce it. It's spelled S-H-A-U-N-D-H-A-Y, that's the last name, Larabe, L-A-R-A-B-E, first name.

REP. D'AGOSTINO (91ST): And do you know which of those ballot clerks was assigned to the 120th?

MALCOLM STARRATT: Larabe Shaundhay was the young lady who was giving out the long ballots.

REP. D'AGOSTINO (91ST): And who was the other ballot clerk for the 120th?

MALCOLM STARRATT: Mr. Rusatsky.

REP. D'AGOSTINO (91ST): Okay. Do you have the names of the checkers on that list, as well?

MALCOLM STARRATT: No, I'm sorry.

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

MALCOLM STARRATT: He was at the 120, Daniel, you were in 120, right? No, okay, wrong one. Peter, Peter Rusatsky, yes, he was in the 120, then Daniel Dejunno (ph) as 122.

REP. D'AGOSTINO (91ST): Okay. And who were the checkers that day?

MALCOLM STARRATT: Checkers, Jay Siegler, S-I-E-G-L-E-R, Christine Ingmanson, Deborah McCord, Bob Sheridan, Tom Debernardo.

REP. D'AGOSTINO (91ST): Do you know which ones were for the 120th?

MALCOLM STARRATT: I'm not sure where I actually put all of them. I know Christine was in 120 and I believe Tom Debernardo was in there, Deborah McCord I believe was there.

REP. D'AGOSTINO (91ST): For the 120th?

MALCOLM STARRATT: And Dave Siegler is in 120, yeah.

REP. D'AGOSTINO (91ST): Can I ask you, Adam, can you just get a copy of that just so we have -- We're just going to take it and make a copy of that list

so we've got the names and the spellings for our records and we'll give that back to you. All right, so did you train the ballot clerks and the checkers?

MALCOLM STARRATT: Yeah, we had a meeting at the beginning before we even started the election. I had a group meeting.

REP. D'AGOSTINO (91ST): That day?

MALCOLM STARRATT: That day in the morning and we -- one of the things that I emphasized in that meeting was that we had ballots that basically were not different colored and they might get mixed up. The reason that I stated that was because in our training, which was about a week before, the registrars emphasized that there might be a problem, so we emphasized look at the top of the ballot. It states which district it is, 120 or 122, and the other things, basically the other people hear that because every so often somebody has to fill in because somebody takes a break or whatever like this, so it's very important.

The other thing was that it was a two-sided ballot and we told the ballot clerks to say look at the other side -- look at the other -- they're going to -- I -- they're going to repeat this all day, so just say it and that's what they had to do basically for the ballot clerks, anyway.

REP. D'AGOSTINO (91ST): At that location, who had access to the locker of ballots to give the ballots to the ballot clerks? Is that just you, is that you and the assistant registrar?

MALCOLM STARRATT: The assistant registrar, Mr. Collier, and myself. I handed out the ballots, the initial ones to get them started and a few times

thereafter. Mostly Mr. Colier was the one that went in there and got the ballots and issued them off, issued them to the ballot clerks.

REP. D'AGOSTINO (91ST): All right, so let's talk about how this incident arose and how you recorded it. We've got your notes and we can go through those, but why don't we just start with your recollection of what happened.

MALCOLM STARRATT: Okay, well, if you don't mind if I refer to my --

REP. D'AGOSTINO (91ST): Please do.

MALCOLM STARRATT: Okay. Basically, about 2:35 in the afternoon, a voter approached Mr. Heriot, who is assistant registrar, and told him his candidate for the state rep was not on his ballot. Dave called me over and the voter explained what was happening. He showed me his ballot. I asked permission first because I don't -- because it's a security situation and I don't want them -- unless they say I can do that and his ballot was for 122 and he said he was handed his ballot from the table belonging to District 120. The situation was corrected by giving him a new ballot. Mr. Rusatsky, I went over to his area and picked out a ballot, which was 120, he was the other 120 ballot clerk, picked out a ballot, went over to the voter, gave him the new ballot, we retrieved the other one, and I said you're all set to vote and he looked at it and I said do you see your candidates on this ballot and he said yes, yes, I do. I said okay, go to it and go vote and at that particular time, I went -- actually I stopped the line from going on any further at that particular point because it was necessary. If not, they would have gotten 122's ballot.

So I stopped that and I went over to the ballot clerk and I said do you -- let me see your ballots that you're handing out and she showed me and gave them to me and I thumbed through them real quick and they were all 122s and I said did you look at these when you first got these ballots? And she said no, I just started handing them out and I says what did I actually tell you in the morning. I says we had a training early and I says look at this, this is the most important type of thing, when you get the ballots, look at the district that you're in. you're in 120. I says this one is 122, you know, it's -- you should have looked and I says next time, I says, you know, you're going to stay here now, but you're, you know, you're going to still hand out the ballots. Make sure you see that it's 120, not 122, and it will show you right on the top of the ballot, so I emphasized that twice in one day to the ballot clerks.

And I also went over to the other ballot clerks and I says be careful, be careful because this is a problem that has come up and we're not going to have this happen anymore today, so that's what happened, and then I took the spoiled ballot and gave it to Mr. Collier. He spoiled the ballot, put it into the spoiled ballot envelope and that's where we were and then a little while later, got everything moving again and then I called the registrar's office, got ahold of Mr. Ben Proto and told him what the situation was. I initially called for Lou DiCilio who is the registrar of voters. He was not in at that particular time, neither was Rick Marcone at that time, so Ben Proto was sort of the next on the ladder to explain what actually happened and within probably 45 minutes to an hour, Mr. Proto came up

and I discussed the whole thing with him, how it worked and everything like this.

He suggested that I put it on the moderator's log and I already knew that, but he suggested that because that's his duty to make sure everything is in order. Okay, I think that's basically it.

REP. D'AGOSTINO (91ST): Just going to that moment when you were looking at the ballot clerk. I just want you to describe that scene. So the ballot clerk is there with the ballots. Does she have an open packet, a stack, what does she have in front of her?

MALCOLM STARRATT: An open packet.

REP. D'AGOSTINO (91ST): An open packet?

MALCOLM STARRATT: Yeah.

REP. D'AGOSTINO (91ST): Okay.

MALCOLM STARRATT: And again, I went over and looked at it and I sort of went through it and I saw, you know, about how much was left. I estimated at that point, I did not count, I estimated and I put that down I estimated, or it's an approximately situation, of 15 ballots. I didn't get the exact amount because I did not count them.

REP. D'AGOSTINO (91ST): It's important. Thank you for that clarification. What happened to those ballots?

MALCOLM STARRATT: I took them and I gave them to the ballot clerk in 122 for his use.

REP. D'AGOSTINO (91ST): Okay. So those were not preserved, they were given --

MALCOLM STARRATT: They were not preserved, no. They were used in the process.

REP. D'AGOSTINO (91ST): All right. And then, what ballots were the -- what ballots were given to the 120th clerk at that time?

MALCOLM STARRATT: We went up to the -- into the blue container, pulled out the 120, which was marked in there, two boxes, one was 120, one box is 122, so we pull out the 120. I looked at this one very hard and made sure that this is the 120. I actually opened it, flipped through them to see, you know, that it -- and I said you look at these, too. You make sure -- see this number over here? It's 120, that's what you're concerned with.

REP. D'AGOSTINO (91ST): And conversely on the 122nd side, there were ballots that that ballot clerk were using that were 120? Is that right?

MALCOLM STARRATT: No.

REP. D'AGOSTINO (91ST): No? Okay.

MALCOLM STARRATT: He had no problem.

REP. D'AGOSTINO (91ST): He was fine?

MALCOLM STARRATT: He had no problem.

REP. D'AGOSTINO (91ST): Okay. I mean, it seems like from what we heard, there's different things that could have happened along the way. I'm just curious what your opinion is and it's just that since there were bins that were marked 120th or 122nd, do you think you or somebody else grabbed the wrong packet and gave it to the ballot clerk? Do you think that the wrong packets were in the bins? What do you -- How do you think that this happened?

MALCOLM STARRATT: I don't know. I had -- My first thing was, you know, in the printing, that was a possibility that they stuffed this in there in between everything else and that might be one of the problems. Oh, yeah, I thought well, maybe I might have. The other assistant registrar might have. It's unknown.

REP. D'AGOSTINO (91ST): What was the -- What was the activity like at that point in time when this happened?

MALCOLM STARRATT: Heavy. It was very heavy.

REP. D'AGOSTINO (91ST): It was pretty heavy?

MALCOLM STARRATT: Heavy, yes. Right around that time, it got very hairy right around the lunch time or 1:00, 1:30, people taking lunch or something just to come in and vote.

REP. D'AGOSTINO (91ST): Do you have a sense of, given the flow and the activity that day and your estimation of how many were left, how long that the wrong ballots might have been used?

MALCOLM STARRATT: It went pretty fast. It went pretty fast. Most of the day, there were very few, you know, in between. There was a flow all the time, sometimes a little bit slower, but quite a few times during the day, that loaded up and that's one of the things as I held things up, but I didn't want to hold it up that long because that's my job is to make sure that there's an even flow going through there. People have the experience of voting because they're there, they deserve to be able to vote if they're qualified, so that's my job.

REP. D'AGOSTINO (91ST): Sure.

MALCOLM STARRATT: To make sure that and basically to continue the flow because you can get some people agitated. They say oh, I had to wait forever, but.

REP. D'AGOSTINO (91ST): Do you have -- I've got your original notes here. Do you have a copy of your notes?

MALCOLM STARRATT: Yes, I do.

REP. D'AGOSTINO (91ST): We did see that the time had been crossed out and then written on the top at the entry there. Can you just explain the black-out there?

MALCOLM STARRATT: Yes. Yes, I can. I started something on a new -- something new into this particular area and put the -- put the date and the time. I remembered what it was. It was the swearing in of Larabe Shaundhay as the ballot clerk. She did not get sworn in during the training time and that's what we usually do, make sure that everybody takes the oath of office, and I was going to put that in there and then I said if you look at the moderator return, second page, there's her swearing in information.

REP. D'AGOSTINO (91ST): So you were starting a different entry there and then --

MALCOLM STARRATT: And then I said no, I don't have to. It's already in the official documents.

REP. D'AGOSTINO (91ST): And then you said you used that entry to start this new entry with respect to what happened?

MALCOLM STARRATT: Yep.

REP. D'AGOSTINO (91ST): How did you confirm the time? Did you log the time when it was happening? How did you just confirm when this was happening, the 2:30 time frame?

MALCOLM STARRATT: Well, the 2:35 is probably an estimate of maybe ten minutes difference, but I did not look at the clock directly at that time, but when -- after I got through, I looked at the clock and saw approximately what time and I gave ten minutes probably for that.

REP. D'AGOSTINO (91ST): Fair enough.

MALCOLM STARRATT: That's an approximate time, but you know, you're not going to be totally exact I think on something like that.

REP. D'AGOSTINO (91ST): Fair enough. That's helpful, it's a helpful clarification. You mentioned you called the registrar's office and got a hold of Mr. Proto who came down. What did he say to you when he came down? What were his instructions, if any?

MALCOLM STARRATT: Well, he basically came in and says, you know, what happened and went through the story with him exactly as I've done here and basically he says well, we'll have to see if, you know, the numbers are going to have to show up probably at the end of the election, you know, in the evening or the next day or whatever and he says there's probably going to be a difference in the numbers in the two districts.

REP. D'AGOSTINO (91ST): He was anticipating that already?

MALCOLM STARRATT: Yeah, that was anticipation, which he knows. He's been there a long time to be able to say hey, this is a possibility and then he recommended that I put this in writing and I did.

REP. D'AGOSTINO (91ST): When it was happening, were any of the candidates around or any of the --

MALCOLM STARRATT: Candidates? No, we don't let them in.

REP. D'AGOSTINO (91ST): Oh, sure, obviously. I'm sorry, my mistake. What about their -- What about their checkers? The candidate checkers?

MALCOLM STARRATT: The checkers, they didn't have any, 122 did not have any, the 120 did, they were there. We sometimes say if you don't hear the name, you don't hear the number, it's your problem because you're an unofficial checker. We've got the official document that we have to make sure if correct, so if you use -- if you don't get it, then, you know.

REP. D'AGOSTINO (91ST): Did both candidates have unofficial checkers, or just one?

MALCOLM STARRATT: No, it was just one. It was the Republican.

REP. D'AGOSTINO (91ST): All right. Did -- Do you know who that was?

MALCOLM STARRATT: I don't remember.

REP. D'AGOSTINO (91ST): It's okay if you don't. Did that person say anything about this incident or was aware -- to your knowledge, was he or she aware of this incident?

MALCOLM STARRATT: I think one of them was right next to the young lady who was the ballot clerk and I think it was O'Brien. What's his first name? Bill O'Brien was one of the unofficial checkers and he heard me.

REP. D'AGOSTINO (91ST): Okay, all right. I would imagine most people there at the time probably knew because you had stopped the line.

MALCOLM STARRATT: He was right next to her, so. Everybody who was on that checker's table heard me because well, realistically some of them, as you know people take a break, they fill in some way or I'll fill in or the assistant registrars will fill in, but sometimes they take care of themselves. They've been there for a long time. They've done this. They automatically fill in and take care of everything.

REP. D'AGOSTINO (91ST): Were your checkers that day, your official checkers that day, experienced checkers who have worked there before?

MALCOLM STARRATT: Yes, yes. In the meeting we had in the morning, I had all the checkers stand together and I then assigned their positions, which table they're going to, so that's what I did in the morning for them.

REP. D'AGOSTINO (91ST): And the 120th had the two tables, right?

MALCOLM STARRATT: The two tables, correct.

REP. D'AGOSTINO (91ST): And we've got your moderator return form for that day. You've got a copy of that with you? This is your with the -- you pointed to the second page of that?

MALCOLM STARRATT: I have it right here, yes.

REP. D'AGOSTINO (91ST): Just a couple of questions on this, as well, so this is -- just walk me through this. How is this given to you, when do you fill it out?

MALCOLM STARRATT: It's given to me. This is in the book. I receive the book during the training and that gives me a week to look it over to see what has to be done, it gives me my training time also, and that, as I say, that is given to me along with the rest of the information in a little binder and so -- and if there's any changes or something like this, I get a chance to question it to see if, you know, what the situation is, why there was a change and all that sort of thing.

REP. D'AGOSTINO (91ST): And when do you -- when do you fill it out, at the end of the day?

MALCOLM STARRATT: At the end of the day. Some of this stuff is, you know, like you're going in or, you know, opening the polls, so what do you do? You open the polls and you get your signatures and the whole thing. The rest of them, some of the things are the memory card numbers, the tabulator carrying case numbers, I put those in ahead of time.

REP. D'AGOSTINO (91ST): Sure.

MALCOLM STARRATT: That has nothing to do, basically, with the numbers as such.

REP. D'AGOSTINO (91ST): And when do you -- when you're done with it and you filled it out at the end of the day, do you retain it or do you give it to someone?

MALCOLM STARRATT: I go down to the registrar's office and hand everything in to them.

REP. D'AGOSTINO (91ST): I think we're going to -- I'm sure my colleagues will have some questions, but why don't we turn to page five, which is of particular interest. This is marked as page 5, the moderator return sheet, Bunnell --

MALCOLM STARRATT: Okay.

REP. D'AGOSTINO (91ST): -- It's handwritten 120th-21st, and this has the two totals, total number of names on the official checklist at the close of the polls 2,447 and then below that total number of names checked on the official checklist as having voted in person 1,575. Can you confirm for me how you got those two numbers, what the sources were for those two numbers?

MALCOLM STARRATT: The checkers do this. I check the machine to make sure that number corresponds to what they have here and then I make sure that they give me that number so I can put it into the record and what happened was that I had one in the 120th district, I had one person that I gave the job of putting both the A through M and L through Z numbers together and we give that into the registrar's office hour upon hour.

REP. D'AGOSTINO (91ST): So I've got the --

MALCOLM STARRATT: She was in charge of that for the 120th.

REP. D'AGOSTINO (91ST): And who was that?

MALCOLM STARRATT: Chris Ingmanson, whatever her name is, Christine -- you've got my list.

REP. D'AGOSTINO (91ST): Do we have that? Is Adam making copies of that list? I assume the second page of Christine Ingmanson?

MALCOLM STARRATT: Yes, that's the one.

REP. D'AGOSTINO (91ST): And that's an official checker for the 120th?

MALCOLM STARRATT: 120th A through M area. She's been with me a long time. She's very good, accurate.

REP. D'AGOSTINO (91ST): And the other official checker for the 120th is -- was Siegler?

MALCOLM STARRATT: Larabe, whatever her name is, that's the young lady.

REP. D'AGOSTINO (91ST): One of the official checkers? So there would be two official checkers for the 120th, right? One is Christine?

MALCOLM STARRATT: There's two for each table. I think I gave those to you.

REP. D'AGOSTINO (91ST): So two for each table, so I'm sorry, who are our official checkers for the two 120th tables?

MALCOLM STARRATT: I believe it was Bob Sheridan.

REP. D'AGOSTINO (91ST): Okay.

MALCOLM STARRATT: One that Christine worked with the two others worked with -- worked on the other table.

REP. D'AGOSTINO (91ST): So Bob Sheridan and Christine Ingmanson are two checkers, there would be two more for the --

MALCOLM STARRATT: At one table.

REP. D'AGOSTINO (91ST): At one table and there would be two more for another table?

MALCOLM STARRATT: Two of the others were for the other table.

REP. D'AGOSTINO (91ST): And who -- do you know who they were?

MALCOLM STARRATT: I'm just trying to -- I believe it was Tom Bernardo -- DeGirolamo, I'm sorry, I gave you the wrong one for that, Marie Augustave did not show, did not arrive there. I believe we put DeGirolamo in this particular position as a checker.

REP. D'AGOSTINO (91ST): That's Michele?

MALCOLM STARRATT: Yes.

REP. D'AGOSTINO (91ST): All right.

MALCOLM STARRATT: Those were the other two.

REP. D'AGOSTINO (91ST): All right, so Bob Sheridan, Christine Ingmanson, Tom Debenardo, and Michele Degirolamo?

MALCOLM STARRATT: Yes.

REP. D'AGOSTINO (91ST): Okay. I think that's jiving with the signatures that we're seeing, too, as well. So they give you those numbers that are on page five?

MALCOLM STARRATT: Yes. Well, actually on the 120, Christine gathers everything so that we have one person in the 120 doing it and then the other checkers in 122 give me a separate number. What we do is we divide into the 120, the 122, and we give

those numbers separately and give them the total for that hour.

REP. D'AGOSTINO (91ST): Right. And on page five, this is signed by Mr. Sheridan and what's the other signature below that?

MALCOLM STARRATT: I'm trying to look at --

REP. D'AGOSTINO (91ST): I think that's Tom Debernardo.

MALCOLM STARRATT: I'm not sure exactly who that is. Yeah, I don't know.

REP. D'AGOSTINO (91ST): We think it's Mr. Debernardo, it looks like it is, and then this is also signed by the assistant registrars, Mr. Heriot and Mr. Collier?

MALCOLM STARRATT: Collier, yes.

REP. D'AGOSTINO (91ST): And this is all done at the end of the night at the location?

MALCOLM STARRATT: Yes.

REP. D'AGOSTINO (91ST): You don't -- You don't independently yourself go through and count up?

MALCOLM STARRATT: I actually put the numbers down along with the registrars. We go over that all together.

REP. D'AGOSTINO (91ST): But you don't -- you didn't go through and count?

MALCOLM STARRATT: No, no. No, no.

REP. D'AGOSTINO (91ST): You leave that to the checkers?

MALCOLM STARRATT: No, that's the checkers' responsibility and what I had them do, actually started a couple -- about last year, not last year, but the 2017 and 2018 is while -- during the first person that comes in, they've got a numbering system, they make a check system, and they add one, two, three, four, across five, and that's their system on another separate piece of paper so at the end of the hour, they'll take the number from the machine and look at theirs and it should be exactly the same.

REP. D'AGOSTINO (91ST): At each hour or at the end of the day?

MALCOLM STARRATT: Each hour and at the end of the day, they have their full count to make sure if they're on target with the machine.

REP. D'AGOSTINO (91ST): Do you know if that was done at like 3 p.m.?

MALCOLM STARRATT: Yes, it was.

REP. D'AGOSTINO (91ST): Is there a record of that?

MALCOLM STARRATT: Not really. That's a separate piece of information and I don't think it's kept.

REP. D'AGOSTINO (91ST): Sorry, so you said each hour the checkers get a report of the machine total?

MALCOLM STARRATT: Yep.

REP. D'AGOSTINO (91ST): And they compare that to their --

MALCOLM STARRATT: Existing checkoff, yes.

REP. D'AGOSTINO (91ST): -- that checkoff list?

MALCOLM STARRATT: The checkoff list. The, you know, regular checker's checkoff list, the official list.

REP. D'AGOSTINO (91ST): And they do that on a piece of paper they have?

MALCOLM STARRATT: Yeah, yeah. I'll just say they've got a counting sheet, whatever you want to call it.

REP. D'AGOSTINO (91ST): Is it a sheet from the registrar's office or just a sheet that they have?

MALCOLM STARRATT: No, no, it's a piece of loose paper, whatever it is. I give them a pad -- a paper from a pad that I have and make sure that each one of them at least has that.

REP. D'AGOSTINO (91ST): Did anybody check that around -- after this happened, did anybody check that around 3 o'clock to look at the --

MALCOLM STARRATT: We do, all through the hour.

REP. D'AGOSTINO (91ST): Do you remember --

MALCOLM STARRATT: Up until the end of the voting.

REP. D'AGOSTINO (91ST): Do you remember any discrepancy at say 3 o'clock or 4 o'clock? Between the official checklist

MALCOLM STARRATT: Not -- Yeah, well, there might be one or two because you don't catch before somebody goes into vote. There might be one or two numbers difference.

REP. CANDELORA (86TH): Just to clarify that, if you're taking the machine number, all the ballots from 122nd and the 120th are going into the same

machine, so if you're verifying that with the people who are voting, I'm assuming that the 122nd checklist is counted, the 120th is counted, added together, and then compared to the machine?

MALCOLM STARRATT: That's correct and that's given to the registrar's office.

REP. CANDELORA (86TH): So you don't --

MALCOLM STARRATT: Hour on the hour.

REP. CANDELORA (86TH): You -- There's no way -- There was no way on that day that you could have ascertained how many checked off voters for the 120th casted ballots into the machine because you used one machine. Correct?

MALCOLM STARRATT: No, just it's -- these are total numbers.

REP. CANDELORA (86TH): It's all aggregated?

MALCOLM STARRATT: So, yeah, it's total numbers, so.

REP. CANDELORA (86TH): So we had to wait until the end of the night in order to reconcile?

MALCOLM STARRATT: You have to wait until the end and the registrars -- that's how they found all this information from the official document.

REP. CANDELORA (86TH): Thank you.

REP. D'AGOSTINO (91ST): Greg, did you have a question?

REP. HADDAD (54TH): I have just one or two questions, one is you indicated just now that the cross-off is because you were about to make an entry about I guess it would be swearing in Larabe Shaundhay?

MALCOLM STARRATT: Right. That happened a little bit later, as I said, from when I swore her in to when I was going to putting that in -- it was sometime in the morning.

REP. HADDAD (54TH): Right, so at some point after polls opened --

MALCOLM STARRATT: After the polls opened, yes.

REP. HADDAD (54TH): -- you realized she hadn't been sworn in and so you swore in --

MALCOLM STARRATT: No, she got sworn in when she came in.

REP. D'AGOSTINO (91ST): Let him finish the question and then give the answer. I just want to avoid people talking over each other.

MALCOLM STARRATT: Oh, okay.

REP. D'AGOSTINO (91ST): Let him finish his question, then you give an answer, then he'll follow up.

MALCOLM STARRATT: Okay.

REP. HADDAD (54TH): Yeah, I appreciate that. I just wanted to understand like so what time do you think you swore her in?

MALCOLM STARRATT: A little bit before 6, 5:55, 5:50, somewhere around there.

REP. HADDAD (54TH): And then presumably at some later point in the day, you know, I know this first note on this page is marked down at 11:10 a.m., so at some point later in the day you thought you might want to make a note that you swore in --

MALCOLM STARRATT: Yes.

REP. HADDAD (54TH): -- Ms. Shaundhay and then decided not to?

MALCOLM STARRATT: Yes. And that was when I was writing things up, right.

REP. HADDAD (54TH): Yeah, okay.

MALCOLM STARRATT: Because the time, you don't always get the time to write it immediately because you're trying to make sure that the voting is going efficiently.

REP. HADDAD (54TH): Yeah, I understand, and then the only other thing I wanted to ask about your log entry is again, you made -- I just want to clearly understand, so Ben Proto came over about an hour after the fact, 45 minutes to an hour after you first called him?

MALCOLM STARRATT: Right.

REP. HADDAD (54TH): Is that when he suggested you should make a note of the events? But had you already made a note?

MALCOLM STARRATT: Yes, that was the time that he suggested it. Again, it's a situation as far as time is concerned. You can't always do it immediately.

REP. HADDAD (54TH): Yeah, I understand.

MALCOLM STARRATT: I mean, I knew what happened and basically I've been used to writing reports and I do it from, you know, time one to time whatever to put everything in logical order.

REP. HADDAD (54TH): And so did you make this note after he arrived or did you make this note prior to

his arrival? Well, you couldn't make it prior because you talked about talking to him.

MALCOLM STARRATT: Yeah, after.

REP. HADDAD (54TH): And the last item, one of the last item sentences here, it says that he advised the moderator to put the issue in writing which is enclosed. By enclosed, do you mean the note above or is there something else?

MALCOLM STARRATT: No, that's the whole thing.

REP. HADDAD (54TH): That's the whole thing, okay. I just wanted -- I just wanted to figure out if there was something else.

MALCOLM STARRATT: Well, that's the whole thing.

REP. HADDAD (54TH): Okay. Thank you.

REP. PERILLO (113TH): Thanks very much and again, thanks for being here today. We know it's not exactly convenient to head up to Hartford from Stratford. So just to sort of clarify, you've been doing this for a long time?

MALCOLM STARRATT: A long time.

REP. PERILLO (113TH): Very experienced?

MALCOLM STARRATT: Yes.

REP. PERILLO (113TH): And you said --

MALCOLM STARRATT: If you consider about 18 years long.

REP. PERILLO (113TH): I consider that quite a while and you mentioned that you've worked with the checkers and in this particular case, you've worked with them in the past?

MALCOLM STARRATT: I'm sorry?

REP. PERILLO (113TH): The checkers you mentioned you've worked with in the past who were at this polling place? I'm sorry, you had checkers in this polling place and I think you mentioned that you've worked with them in the past and they have experience?

MALCOLM STARRATT: Oh, yeah, most of them, I think, for at least four years.

REP. PERILLO (113TH): Okay. So do you have any reason to believe that when they counted up 1,575 voters that they got it wrong, that they made a mistake? Do you have any reason to believe that?

MALCOLM STARRATT: They counted the voters.

REP. PERILLO (113TH): They counted it? You're comfortable with that number?

MALCOLM STARRATT: I'm satisfied.

REP. PERILLO (113TH): And the number on the machine was 1,499?

MALCOLM STARRATT: Whatever was there, yeah.

REP. PERILLO (113TH): And you're comfortable that the machine was right, it was working properly that day, you have no reason to believe it was wrong?

MALCOLM STARRATT: The only thing I think I had to change was to make sure before it ran was I had to put a different totaling sheet in there.

REP. PERILLO (113TH): Got it.

MALCOLM STARRATT: It's just the way this is going to run, it's not going to -- it's not going to be

acceptable, so before everything started, I had somebody come up and put a roll of tape in there.

REP. PERILLO (113TH): Got it. So if I take the 1,575 voters and the 1,499 votes in the machine, I take that difference. It's 76 votes. Is that correct?

MALCOLM STARRATT: I guess.

REP. PERILLO (113TH): Take my word for it, it's 76 votes.

MALCOLM STARRATT: I will.

REP. PERILLO (113TH): Now -- And then you clarify, you were there and these are indeed your notes?

MALCOLM STARRATT: Yes.

REP. PERILLO (113TH): And you're confident that this event happened and though you're not exactly sure how many votes from that experience, but --

MALCOLM STARRATT: At that time -- At that time when I wrote this up, no, I didn't know the numbers. Numbers are after I've given it to the registrars and they go through and take care of that aspect of it, so.

REP. PERILLO (113TH): Right. And for this particular voter, you saw that this voter in 120th had a ballot for 122?

MALCOLM STARRATT: Yeah, one person went to the -- Mr. Heriot said, you know, I don't see my candidates on there.

REP. PERILLO (113TH): Right.

MALCOLM STARRATT: So that stopped everything and we went through a process of, you know, what's been

happening and they were giving out the 122 ballots in 120.

REP. PERILLO (113TH): Got it.

MALCOLM STARRATT: Because of him.

REP. PERILLO (113TH): Right.

MALCOLM STARRATT: That sparked the whole thing.

REP. PERILLO (113TH): Right. Thank you. I appreciate it.

REP. HADDAD (54TH): One or two more, I was just looking at the moderator returns and I understand you don't actually submit all of these. The signature on the bottom of some of them is not yours, but if I could ask you about page six, there might be more than one page six because I guess, you know, we have page six for the 120th, we have a page six for the 122nd, right, but I'm talking about page six for the 120th?

MALCOLM STARRATT: Yes, I have it.

REP. HADDAD (54TH): Right, so this indicates the total number of ballot packages that were received at the polling site at the opening of the day?

MALCOLM STARRATT: Yes.

REP. HADDAD (54TH): It says there were 13?

MALCOLM STARRATT: Yes.

REP. HADDAD (54TH): And that has the number of ballot packages opening during the election, which is 11?

MALCOLM STARRATT: Opened would be 11.

REP. HADDAD (54TH): Right, and the number of ballot packages unopened at the end of the day?

MALCOLM STARRATT: Four.

REP. HADDAD (54TH): But no additional packages were received after the opening of the polls?

MALCOLM STARRATT: Not for the 120th.

REP. HADDAD (54TH): Right, so 11 and 4 is 14. Right?

MALCOLM STARRATT: I don't know how I made a mistake, but there was -- I don't know.

REP. HADDAD (54TH): Yeah, so I mean, there's an inconsistency on the ballot log worksheet that -- I mean, is there -- maybe somebody miscounted at the beginning of the day, during the day?

MALCOLM STARRATT: Somebody gave me that number for whatever. What I did mostly is put down that number from the people who are responsible for that particular area for that.

REP. HADDAD (54TH): Right. Thank you. Oh -- yeah, no, thank you. Oh, one last thing, who, for the ballot locker, right, it's locked in between the times that you open the blue locker, right?

MALCOLM STARRATT: No.

REP. HADDAD (54TH): It's not locked? Oh, so it's open at the beginning of the day?

MALCOLM STARRATT: Being used, but it's already closed and I know who goes in there.

REP. HADDAD (54TH): Right, and the only people --

MALCOLM STARRATT: I've got a table right about here and I can see if you're at the blue box, I can see what's happening.

REP. HADDAD (54TH): Yeah.

MALCOLM STARRATT: That's my job to make sure that things go right.

REP. HADDAD (54TH): I'm sure, and so the only people going into the blue locker were yourself and the assistant registrars?

MALCOLM STARRATT: That's correct.

REP. HADDAD (54TH): Those are the authorized people?

MALCOLM STARRATT: That's correct.

REP. HADDAD (54TH): And both of the assistant registrars were authorized to replenish the ballots at the tables?

MALCOLM STARRATT: Yes, but the other assistant registrar I had going down to the beginning of the process and he was separating them. He had a complete list of the voters and he would go and find who they were and split them up to make sure that they went into the proper aisles.

REP. HADDAD (54TH): And so the -- just to understand, so the ballot clerk who's sitting at the table and handing out the ballots would not herself have been responsible for going over to the locker to retrieve a package?

MALCOLM STARRATT: No, no, no.

REP. HADDAD (54TH): All right. Thank you.

MALCOLM STARRATT: No, just the registrars, that's it, and myself.

REP. D'AGOSTINO (91ST): Thank you very much. I think that's all we have for you. I appreciate you taking the time.

MALCOLM STARRATT: I hope I gave you all you wanted.

REP. D'AGOSTINO (91ST): Well, if we have any other questions, we'll let you know. We'll take a five minute break and then have Mr. Proto come up.

(BREAK)

REP. D'AGOSTINO (91ST): Mr. Proto, could you stand and raise your right hand for me. Do you swear or affirm as the case may be that the information you will provide to this committee the truth, the whole truth, and nothing but the truth so help you God under penalty of perjury?

BEN PROTO: I do.

REP. D'AGOSTINO (91ST): State your name, please, for the record.

BEN PROTO: Benjamin Proto.

REP. D'AGOSTINO (91ST): And you are an assistant -- Well, tell us what you do for the record.

BEN PROTO: For purposes of Stratford elections, I am the Republic Deputy Registrar of Voters.

REP. D'AGOSTINO (91ST): Is that a full-time job for you?

BEN PROTO: No.

REP. D'AGOSTINO (91ST): What's your full-time job?

BEN PROTO: I'm an attorney with an office in Stratford.

REP. D'AGOSTINO (91ST): How long have you been the deputy registrar?

BEN PROTO: I think since 2007, 2008, so ten or so years.

REP. D'AGOSTINO (91ST): So awhile?

BEN PROTO: Yes.

REP. D'AGOSTINO (91ST): Tell us your recollection of what happened that day.

BEN PROTO: As a deputy registrar, my job is to assist the registrars. Our office is very nonpartisan, so if the Democrat registrar needs help, he'll ask me, the Republican registrar, he'll ask me, either of the clerks. If the -- So we all really work very closely together during election day. At the particular time in question, I was at the registrar's office. Both the Republican and the Democratic registrar were out of the office. A call came to the office from the moderator at Bunnell, Mal Starratt, who you just spoke with and he informed me that a voter had approached one of the poll workers and told the poll worker that the candidate that the candidate that he wanted to vote for state representative was not on the ballot that he had and that Mal had -- the poll worker had come to Mal with the voter. Mal talked to the voter, the voter allowed him to look at his ballot, he indicated that the candidate he wanted to vote for, he didn't say which one it was to the best of my knowledge, was not on that ballot. Mal indicated to me that he spoiled the ballot, he had the ballot -- he caused the ballot to be spoiled, went and asked

the voter which line he had been in. The voter indicated which line he had been in, which would have been the 120th District line. I think as you're already aware, there were three lines that day at Bunnell High School, one for 122 and two for 120, and that he had gotten the ballot from the ballot clerk at that table who was the ballot clerk for 120.

Mal told me that he went to the ballot clerk, asked to see the ballots. The ballots that were remaining on the table were 122 ballots. I instructed him to remove all those ballots from the table, to go to the bin, the blue bin that he was talking about, it's a cabinet actually, a blue cabinet, to take out a new packet of 120 ballots, to check all ballots to ensure that the packet that he was opening was, in fact, all 120 ballots, even if it took some time, we had to slow the line down, to give those to the clerk, to remind the clerk of her job, what she needs to do, and to notate everything into his moderator journal.

About an hour or so later, I went up to -- part of my job is I go to the various polling places throughout the day to make sure there's no problems or not missing anything or the lines or moving, so I went up to Bunnell. I spoke with the moderator and I spoke with Mr. Collier, the assistant Democratic, separately, to get their versions. Both versions were exactly the same. I reminded Mal to notate everything into his journal. I then went over and had a conversation with the ballot clerk. The ballot clerk is a young lady. She's about 16 years old, she was working for the first time. Reminded her that she needed to look at the upper right hand corner of the ballot; it would have the number in

the upper right hand corner and if she wasn't sure, the only difference on the ballot would have been the state rep race, all the other races were the same on 120th and the 122nd, to look for Mr. Young's name and Mr. Feehan's name. if those names were not on that ballot, to not give that ballot to anyone in the 120th.

REP. D'AGOSTINO (91ST): Anything else that day that you did?

BEN PROTO: In regards to this?

REP. D'AGOSTINO (91ST): Yeah.

BEN PROTO: No. Well, other than, obviously, inform the registrars of the phone call that I had received. They both were back in the office before I went up to visit the polls and specifically Bunnell. We discussed what had happened and that we were all in agreement that the only way we were going to determine what the outcome of this was, was once the polls were closed and we did the counts because of the single machine.

REP. D'AGOSTINO (91ST): You had a sense at that moment that's exactly what was going to have to happen?

BEN PROTO: Well, the question that we had was how many of the ballots that were handed out were 122? Were they all 122? Were some of them 122? Was his the only 122? And you know, we -- you had asked, I think, Mr. Starratt what he thought could have happened. One of the things that could have happened was the printer just mixed up the ballots when he put them -- when they put them together in the packaging. I don't think now looking at the numbers that was the case, but could there have been

mostly 120s and some 122s got mixed in in the separation and the sorting process at the printer because they come to us sealed, so that was a possibility.

Obviously, once we closed the polls and we did our counts at the end of the night into the very early hours of the morning, it was -- we figured out that it was more than just a couple of ballots.

REP. D'AGOSTINO (91ST): Or a sealed pack of 122s might have been put in the bin with 120s?

BEN PROTO: Exactly, so again, when we get the ballots, they come in a box, obviously. They don't ship them to us one pack at a time. The box remains in the cabinet, so a package of ballots will be taken out of the box, so if, again, if the printer printed all 122s, but somehow a packet of 122s got into the 120 box, somebody would have just grabbed the next pile, the next packet on the top, handed to the ballot clerk, whether that happened or it was taken out of the wrong pile, we'll never know.

REP. D'AGOSTINO (91ST): You have no reason to believe that there was any intentional conduct here?

BEN PROTO: Absolutely not. The Bunnell poll workers are among some of our very best. Mal's among one of our very best moderators. Mr. Collier is among one of our very best assistant registrars.

REP. D'AGOSTINO (91ST): I think we're all comfortable exonerating on the record this poor ballot clerk which was instructed now several times as to what happened.

BEN PROTO: She got the point by the middle of the day.

REP. D'AGOSTINO (91ST): Sure, sure. Did you speak to anybody else about this aside from the registrars and the poll workers that day?

BEN PROTO: No.

REP. D'AGOSTINO (91ST): All right. After that, any contact with the candidates about this?

BEN PROTO: No.

REP. D'AGOSTINO (91ST): With respect to Mr. Collier, was he asked to record his recollection at all?

BEN PROTO: No, only the moderator and to his moderator handbook and normally we would only have the moderator who's ultimately in charge of the entire polling place notate. He may get statements from Mr. Collier or from any of the other officials, but it would be the moderator who would actually write the narrative in the moderator journal.

REP. D'AGOSTINO (91ST): Were you involved at all in the subsequent recount -- recount is the wrong word, the review of the checklists later that week?

BEN PROTO: The counting of the names?

REP. D'AGOSTINO (91ST): Yes.

BEN PROTO: No, I was not.

REP. D'AGOSTINO (91ST): At any time?

BEN PROTO: No. I will apologize for that. This was a re-canvass as you know.

REP. D'AGOSTINO (91ST): We don't want to get into the re-canvass. It's a separate issue.

BEN PROTO: Yes, I was involved in the re-canvass and we did that so we can talk about that when you get to that.

REP. D'AGOSTINO (91ST): Exactly. With respect -- So before we go to the re-canvass, let me pause there and ask committee members if they have other questions for Mr. Proto about that day and his role that day.

BEN PROTO: If I can respond to something Mr. Haddad -- or Representative Haddad had asked Mal about the discrepancy in the number of ballots, there were additional ballots that were delivered to Bunnell High School during the day. I personally was asked to deliver, I believe, it was another two packets of ballots, which is how we get to the 15.

REP. HADDAD (54TH): Yeah, let's get to 15.

BEN PROTO: That's how we get to 15.

REP. HADDAD (54TH): Thank you. Just in terms of election day and frankly, I could have asked the registrar of voters when they were up here this question, but I forgot to, so I'll ask you, as a representative of that office, we've talking a lot about what happened in Bunnell, were there any issues reported from any of the other polling sites in 120?

BEN PROTO: No.

REP. HADDAD (54TH): Great. And that means there were no issues reported in any other district related to this election and reported. Do we know if the moderator logs would reveal any discrepancies in or issues that might have arisen in any of the other polling sites?

BEN PROTO: Our moderators are very good at notating when there's an issue, as I think Mal indicated, he was inclined to notate when he swore in an election official, so our moderators have been trained over the years that if something happens, regardless of how insignificant it may seem to them, to notate it. We have, obviously, in the office have no way of knowing if something happens in a polling place if they don't tell us so we can review the moderator book.

REP. HADDAD (54TH): Right. And so is it your office or the town clerk's that currently has the moderator log books for the other polling sites? Where are they?

BEN PROTO: Well, they're stored at Town Hall. They're in the sealed bags, I believe. I believe the registrars are in control of those.

REP. HADDAD (54TH): Okay. So not because I think it will reveal any issues, but because I think it helps us isolate the problem to Bunnell, I'd like to ask if we could get copies of the moderator logs for the other precincts just so that we have on record something that says that there were not issues in any of the other precincts similar to this.

BEN PROTO: Do you want the moderator logs for all ten polling places or just the polling places associated with 120?

REP. HADDAD (54TH): I think just 120.

BEN PROTO: Okay, because obviously we have three --

REP. HADDAD (54TH): I'll defer to the other members of the committee, I think just 120.

BEN PROTO: We have three state representative districts in Stratford that we deal with.

REP. HADDAD (54TH): Right, just 120. Thank you.

REP. D'AGOSTINO (91ST): So turning to the re-canvass, can you just walk us through that. I've personally never been involved in one. So what was happening here and how did this -- what was your role in it?

BEN PROTO: I was asked to participate in the re-canvass for the 120th District and I was assigned to Bunnell High School on the first day. It was a two-day -- we did it over two days, so what we do is there's a Democrat and a Republican that was assigned to each polling place and we would go through the -- first we would start with the checklists, both -- and so in Bunnell's case, it was 120 and 122, so the first thing we would do is we would count up everybody on the checklists to make sure the numbers matched and they did. We would then have to go through the ballots and because there was a single tabulator, 120 and 122 ballots were all mixed together.

When the moderators bring us back the materials, they don't separate the ballots. They just take all the ballots and put them into the ballot bag, zip it closed and then put the seal on it. So once we determined -- once we went through and did the counts, we then opened the ballot bags and we would have to separate 122 and 120 into separate piles. We would then count the 122 ballots. We would count the number of 120 ballots. Obviously there was a discrepancy at Bunnell. The other ones, to the best of my knowledge, were right on. We would then -- We put 122 aside, because we weren't re-canvassing 122,

and we would then go through and split up 120 by Mr. Young and Mr. Feehan. We would then take those ballots, once we split them up, so we would hand count them ourselves. We would then take them and put them through the machine. The hand count should obviously match in theory the machine; however you may have ballots that the machine couldn't read, those would kick out to us, and then we would hand count those against the machine count.

REP. D'AGOSTINO (91ST): Who was your Democratic counterpart assigned to 120?

BEN PROTO: I don't remember his name.

REP. D'AGOSTINO (91ST): Would the registrar's office have that?

BEN PROTO: The registrar would have that, yes.

REP. D'AGOSTINO (91ST): Okay. You obviously had not worked with that person before on an election?

BEN PROTO: No, not on -- No, he -- I believe everyone who worked the re-canvass had been an election official someplace in town. You didn't have to use the same election officials, so I believe he was an election official in a different -- at a polling place in town.

REP. D'AGOSTINO (91ST): And when did this occur, the re-canvass, what day of the week?

BEN PROTO: The election was on Tuesday. I believe the re-canvass occurred the following Tuesday or Wednesday.

REP. D'AGOSTINO (91ST): So you're going into that knowing there's also this other issue, this ballot issue?

BEN PROTO: Right. So we had -- we knew there was a ballot issue in Bunnell, but we -- and in fact I believe the registrars and you may have discussed this with them, talked to the Secretary of State about how we should proceed with 120 because of the issue there. Their instruction to us was to do the re-canvass in 120 and so we undertook the re-canvass in 120.

REP. D'AGOSTINO (91ST): Now, you mentioned you started with the checklists, right? So what did you do with these?

BEN PROTO: You would go through them and just recounted.

REP. D'AGOSTINO (91ST): Did you and your Democratic counterpart actually go through and count?

BEN PROTO: If I recall, we did. It was a while ago, so -- and we also did, I believe, one or two other polling places the next day. I think we counted them, but I don't recall precisely if we went through and counted each checked off name or if that had already been done.

REP. D'AGOSTINO (91ST): Okay. So if you did that, would you have had -- would you have a record of having done that, a worksheet, a written sheet somewhere?

BEN PROTO: There was no -- We kept no notes. It was just separating ballots, counting ballots, putting ballots in the proper order and the proper position to be counted, going through them, hand counting them, and then machine counting them.

REP. D'AGOSTINO (91ST): Was your starting point then with respect to the checklists the 1,575?

BEN PROTO: I don't recall the number.

REP. D'AGOSTINO (91ST): Okay, all right. So you start with -- you started with that, whatever that number was, and then as you described the separating the ballots and counting for the ones -- how do absentees fit into that process?

BEN PROTO: They're counted as well, so the absentees would have solved the problem if were able to do it. The absentees were a different color of ballot. They were, if I recall, a yellow ballot, so we would get the absentee ballots, were counted separately from the machine ballots. The EDR ballots were counted separately from the machine ballots and the absentee ballots. Then everything, obviously, we would aggregate the numbers together.

REP. D'AGOSTINO (91ST): Do you have any -- Did you take any notes or anything with you today of the re-canvass?

BEN PROTO: I took not notes at the re-canvass.

REP. D'AGOSTINO (91ST): Okay, all right. We have on the screen, I think this is the re-canvass results for the election, for the 120th. I don't know, if you just sort of scroll down, for example, this is this absentee ballot page and just blow that up, just give me -- give me that first page and just blow it so we can just sort of see. And then scroll down a little bit just into the sort of the -- So for example, if you scroll over the right 120th Young and the different categories for Feehan and we had some testimony to this, but you can explain just why. So Mr. Feehan was on the line for different parties?

BEN PROTO: Mr. Feehan was on the line for the Republican party and Mr. Feehan was on the line for the independent party. The unknown line is a line when the machine -- if you were to vote for Mr. Feehan on both the Republican line and the independent line, the machine knows you want to vote for Mr. Feehan, but it doesn't know which party you want to put him in, so it puts him in the unknown category for party, but he gets the vote and just so we're clear, he only gets one vote.

REP. D'AGOSTINO (91ST): So for example, on the unknowns, for example, I don't know if you go to the next page, go down where there's some numbers in the unknowns. I just want to see that. Keep going down, another one. One more, a couple more.

BEN PROTO: If you go back to that page, there was one vote for unknown for Mr. Feehan, so the likelihood is that someone colored in both bubbles for Mr. Feehan.

REP. D'AGOSTINO (91ST): And then for example above that on the independent, before he had 24 in the independent line and after the recount --

BEN PROTO: He lost a vote when we did the recount.

REP. D'AGOSTINO (91ST): And what would be the reasons why somebody would lose a vote?

BEN PROTO: It could be any number of reasons, the machine didn't count it or the machine -- for instance, there may have been a mark placed inadvertently in Mr. Feehan's box, but they didn't color in the bubble, so what ends up happening is it becomes to the discretion of the re-canvasser and to the registrars to determine between the Democrat and Republican whether or not the intent of the voter

was to cast a vote or when they were moving the pen, did they inadvertently touch the, you know, the area where the machine might have read it, so in that particular case, we probably looked at the ballot and determined that there was no intent to cast a vote, but there may have been a mark in that particular area of -- the area where the machine would read.

REP. D'AGOSTINO (91ST): Are absentees fed through the machine or are those just looked up by hand?

BEN PROTO: When we count them on election day?

REP. D'AGOSTINO (91ST): Both, on election day and on a re-canvass?

BEN PROTO: On election day, they're put through the machine. We have -- In Stratford, we have a separate polling place, which is at Stratford Town Hall, which we use for absentee ballots and we have an entire absentee ballot team, a moderator and assistant registrar, clerk, the whole bit. So those are put through the machine district by district. We get that -- When we get them from the town clerk, she has put them in envelopes for each polling place by district, so they've already been separated by the town clerk because of the way she receives them back. Those are then brought to the absentee ballot counting room and that team of people goes through and envelope by envelope will count the -- will do a machine count.

REP. D'AGOSTINO (91ST): And for the re-canvass?

BEN PROTO: I don't recall. Actually, I believe we did. They were separated out, obviously, so we would -- we would count because there might not have been, obviously, as many absentee ballots as we

would have had the polling place. In many cases, we would separate them out between Mr. Feehand and Mr. Young and hand count those because the numbers for each district would have been -- it was easier for us and quicker for us to hand count them. I don't recall if we ultimately put them through the machine, but I do know that we hand counted them.

REP. D'AGOSTINO (91ST): And those were differently color coded? Is that we --

BEN PROTO: I believe the absentee ballots were yellow or gold or goldenrod or whatever that color we use.

REP. D'AGOSTINO (91ST): I saw in the report that Mr. Young lost two on the absentees and if -- I'm struggling to understand how you can lose a vote that way. I can understand the machine losing a vote, but how do you lose a vote on an absentee? How do you negate it?

BEN PROTO: On an absentee?

REP. D'AGOSTINO (91ST): Yes.

BEN PROTO: For the same reason. They may have not -- When looking at the ballot, you have to determine whether there was an intent to cast a vote and if everybody agrees, both Democrat and Republican agrees, that there was no intention to cast a vote, that they may have just done the same thing with their pen as they were going across and the original machine may have picked it up, but the Democrat and Republican who were looking at it determined the -- they have to determine an intention. It's a very subjective process, obviously, so there would have been a determination made by the Democrat and the

Republican that there was no intent to cast a vote on that line.

REP. D'AGOSTINO (91ST): When you -- When you negate a vote, or add, but negate strikes me as a more dramatic result, when you negate a vote, is there a log that Democrat and Republican re-canvassers note, put down, write down why?

BEN PROTO: That's it. So when we do the count -- It's on the re-canvass return, so you would see -- If there's a discrepancy in the vote from the recount to the machine, then both the Democrat and the Republican had agreed to either add or subtract for whatever particular reason that particular ballot may have had.

REP. D'AGOSTINO (91ST): Yeah, I'm just wondering if there's -- because this is signed by the head moderator, if you guys submitted any kind of, you know, we took away two votes from Young on absentees because of intent, because of this, and it's signed by the two, how is that reported to Mr. Krekoska?

BEN PROTO: Verbally.

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

BEN PROTO: Yes.

REP. D'AGOSTINO (91ST): Is there any written record of it?

BEN PROTO: Not that I'm aware of.

REP. D'AGOSTINO (91ST): All right. Well, I'm asking because I had heard there was an issue at least with maybe one or two absentees with respect to an overseas vote versus absentee?

BEN PROTO: There was -- There were issues that came up on there's a difference between overseas and military and the question becomes as to whether or not -- there were a couple of questions that came up as to whether or not the person who voted, I believe it was an overseas ballot, there were one or two overseas ballots that had questions, I don't remember what the questions were on those, but ultimately those votes were counted. What we did was we went down to the town clerk to pull the application and to the registrar's to pull the card, I'm sorry, I drew a blank, the registration card and it was determined that -- I believe there were two instances, two or three instances, where they were initially put aside and not counted until we could make a determination based on the application and the registration cards and it was ultimately determined that they were eligible to vote and those votes were counted.

REP. D'AGOSTINO (91ST): And this was done subsequent to the ballot work at Bunnell or when was that done?

BEN PROTO: This was done during the re-canvass

REP. D'AGOSTINO (91ST): During the re-canvass, you and the Democrat -- your Democratic counterpart?

BEN PROTO: Well, I -- there was a Democrat and a Republican person who were responsible for the absentee ballot. I kind of oversaw their work, so they were the ones making the determination. I was more or less the guy running up and down the stairs to the town clerk's office and the registrar's office getting the cards and the applications.

REP. D'AGOSTINO (91ST): So were there separate re-canvassers, Democrat and Republican, just for absentees?

BEN PROTO: I believe so, yes.

REP. D'AGOSTINO (91ST): Just for absentees at the 120th or just absentees overall?

BEN PROTO: No, well -- Well, are you talking about the re-canvass or --

REP. D'AGOSTINO (91ST): Yeah, the re-canvass.

BEN PROTO: Well, the only re-canvass was 120. There was no re-canvass for any other

REP. D'AGOSTINO (91ST): So were there separate re-canvassers dealing with just the absentees for the 120?

BEN PROTO: Yes.

REP. D'AGOSTINO (91ST): Just the absentees?

BEN PROTO: Yes.

REP. D'AGOSTINO (91ST): Do you know who they were?

BEN PROTO: I don't.

REP. D'AGOSTINO (91ST): Where -- Physically how was this happening?

BEN PROTO: We -- The re-canvass took place in the Stratford Town Council Chambers. There were tables that were set up where the polling places were. Each polling place had a table. Again, as I said, we did this over two days. The absentees and the EDR ballots were counted on -- re-canvassed on the second day and that would have -- and the re-canvass

for the absentees and the EDR occurred in the town council chambers in full view of the public.

REP. D'AGOSTINO (91ST): So the two -- So the absentees or these particular absentees that you're talking about with the overseas, those were put aside. The Republican and the Democrat say there's an issue and then they're coming to you_

BEN PROTO: They would come to me, they would come to Mr. Marcone, they would come to Mr. DeCilio, they would come to ultimately the head moderator.

REP. D'AGOSTINO (91ST): And was that taken to the head moderator, those -- that issue of those ballots?

BEN PROTO: Yes.

REP. D'AGOSTINO (91ST): And what was -- they were counted?

BEN PROTO: They were. The ones that I recall that there were questions on, once we got the applications and the registration cards, they were counted.

REP. D'AGOSTINO (91ST): Do you know what the issue was with the two that were not counted?

BEN PROTO: I'm sorry, which two are you referring to?

REP. D'AGOSTINO (91ST): Well, there were two absentees for Mr. Young that were negated. Everything -- When I look at the re-canvass --

BEN PROTO: Is that -- Well, I'm -- Is that absentee or is that --

REP. D'AGOSTINO (91ST): Oh, I'm sorry, scroll up to the top, Adam, absentees, yeah, yeah, and the reason I'm focused on it is because when I looked at the rest of the results here, everything else was just an addition and again, that's just for my more layman's point of view, it's -- why these are the only two that were actually negated and that struck me as just something of interest why a vote would actually be --

BEN PROTO: I don't recall why a particular vote was or why there's two less votes. I can tell you that it's probably a net two because we may have found cases where he didn't get a vote or Mr. Feehan didn't get a vote that we gave them a vote and then we would have found maybe subsequently another ballot where he was given a vote or Mr. Feehan was given a vote and he shouldn't have been given a vote, so that maybe a net two reduction at the end of the day as opposed to -- I don't recall because I don't recall Lordship -- I think -- Was that Lordship or is that overall?

REP. D'AGOSTINO (91ST): This is overall.

BEN PROTO: Oh, that was overall. Again, each district is done separately, I'm sorry, each polling place is done separately and then they're aggregated at the end, so it could have been a reduction from a polling place, so it might have been one at polling place A and one at polling place Q.

REP. D'AGOSTINO (91ST): Lordship's a different polling place than Bunnell?

BEN PROTO: Lordship is a different polling place.

REP. D'AGOSTINO (91ST): Is it tracked by polling place? Can we look and find okay where the particular votes were that were negated?

BEN PROTO: You'd have to ask the registrars.

REP. D'AGOSTINO (91ST): The registrars, would they have a record of that?

BEN PROTO: You'd have to ask the registrars that.

REP. D'AGOSTINO (91ST): You're not sure?

BEN PROTO: I don't keep the records.

REP. D'AGOSTINO (91ST): And then once that decision is made, it's reported -- who reported to Mr. Krekoska?

BEN PROTO: The two clerks would have called over the head moderator and the final numbers would have been given to the head moderator.

REP. D'AGOSTINO (91ST): That day?

BEN PROTO: That day in front of -- in full view of the public.

REP. D'AGOSTINO (91ST): All right, so your role in overseeing the AB work was independent of the work that you were doing for Bunnell?

BEN PROTO: Right, so I actually counted ballots for Bunnell, separated them, touched the ballots, whereas at the absentee, there were two people who had my job, what I had at Bunnell, there were two people who were assigned to the absentees and my job was to make sure that they just kind of moved along as opposed to being a counter.

REP. D'AGOSTINO (91ST): And there's no check on that? I just -- not to make it seem partisan, but

there's no -- when those two people are reporting up, they're reporting to you, there's no sort of Democrat, Republican --

BEN PROTO: Yes, there is, Mr. Marccone and Mr. DeCilio are there.

REP. D'AGOSTINO (91ST): Office of the registrars?

BEN PROTO: Two partisan players.

REP. D'AGOSTINO (91ST): Were they -- Was that run by them, the negated votes?

BEN PROTO: If there was -- If there was a question on a ballot, one of them would have brought over and if there was -- ultimately if they couldn't decide, it would go to the head moderator.

REP. D'AGOSTINO (91ST): Were any overseas votes not counted.

BEN PROTO: I don't recall. That's possible. It's possible they were not counted. It's possible that they lost votes. It's possible they gained votes. That's the whole purpose of the re-canvass

REP. D'AGOSTINO (91ST): But if you're registered -- If you're a registered voter in town who happens to be overseas, you can vote absentee?

BEN PROTO: You would vote overseas.

REP. D'AGOSTINO (91ST): Well, if I'm going away --

BEN PROTO: It's the same concept. No, if you're going -- if -- that's different.

REP. D'AGOSTINO (91ST): Yeah.

BEN PROTO: So if you were going on vacation to France during the election, you would request an

absentee ballot before you left. If you lived in Paris as an ex-pat whose home is Stratford, you would request an overseas ballot.

REP. D'AGOSTINO (91ST): Now an ex-pat is -- So if I'm living abroad, but I still have a home or I'm still registered in Stratford, do I need the overseas ballot?

BEN PROTO: I believe that's what you apply for, because you're not absent per se, you're living overseas and you're voting, which is obviously very different than a military ballot.

REP. D'AGOSTINO (91ST): Sure. Were there any military ballots at the 120th?

BEN PROTO: I believe there were a few, not -- there were, but not more than --

REP. D'AGOSTINO (91ST): Were they all counted?

BEN PROTO: Yes, to the best of my -- every military ballot that I recall seeing was counted.

REP. D'AGOSTINO (91ST): For the 120th?

BEN PROTO: For the 120th.

REP. D'AGOSTINO (91ST): And overseas ballots you're not sure?

BEN PROTO: I believe there were questions on a couple that we ultimately resolved and counted. I don't believe that any overseas ballot was not counted, but you'd have to check the final numbers on that.

REP. HADDAD (54TH): One or two just followup questions because I'm trying to figure -- like -- so when you originally get the absentee ballots on

election day and they're counted, that's the moment the envelopes are opened and the ballots are separated from the envelope?

BEN PROTO: No, the clerk will -- the town clerk, as you know, receives the absentee ballots. The town clerk receives the absentee ballots. The town clerk will count the number of ballots for each polling place that she receives and they will all be sealed in their outer envelope. She will separate them by polling place. She will bring them to the registrar's office where a Republican and a Democrat then counts the ballots again to make sure the number of ballots that she says she's giving us are in fact the number of ballots that she is giving us. We actually sign a form that attests to the number of ballots. Those ballots are then transferred to the absentee ballot location, which is upstairs from us in Town Hall in one of our conference rooms and then the absentee ballot polling workers do the actual count, so they will open by district, they will open the outer envelope, they'll open the inner envelope, make sure the inner envelope is properly signed as it should be, so you'll have an outer envelope, an inner envelope, and then the ballot.

The outer envelope and the inner envelopes are mixed up, not together, so we can't assign a ballot to an envelope so we don't know what Mr. Dodd has voted. We mix those up and they're put aside. The ballots are then put through the machine and counted.

REP. HADDAD (54TH): Right, so that happens on election day, so then after election day, the envelopes are in one container, the ballots are in a different container?

BEN PROTO: There's a -- We have -- We put them in envelopes, big manila envelopes.

REP. HADDAD (54TH): Envelopes, right.

BEN PROTO: So we will put the outer envelopes in one envelope and those envelopes are sealed. We'll put the inner envelopes in a large manila envelope and those are sealed. The ballots by district, and each -- and again, the outer envelopes for District 1 are put in an envelope, for District 2, so each district or polling place we call them, will have their own envelope for outer, for inner, and for the ballots. So the ballots aren't all put together in one envelope. They're still separated by polling place.

REP. HADDAD (54TH): And for overseas ballots, are they similarly treated and kept separate?

BEN PROTO: They're part of -- They would be counted within the absentee ballot count.

REP. HADDAD (54TH): Do the ballots themselves look the same as an absentee ballot or can you distinguish between them?

BEN PROTO: No, they're different. The military ballot, I'm probably going to get these mixed up, one of them requires you actually have to write the candidate's name you want to vote for on the ballot. The others I recall is a ballot similar to what we're accustomed to and I don't -- I can't recall which one is which.

REP. HADDAD (54TH): So at the re-canvass, there was a question about whether or not an overseas ballot was appropriately cast. Is that the question?

BEN PROTO: Whether the person -- Whether the person had -- was entitled to cast an overseas ballot, so that ballot was put aside until we could make that determination.

REP. HADDAD (54TH): How did you know that ballot was associated with that person at the re-canvass?

BEN PROTO: Their name was on it.

REP. HADDAD (54TH): Their name was on it?

BEN PROTO: I believe their name is on the overseas ballot. They have to sign because they have to attest the ballot when they --

REP. HADDAD (54TH): On the ballot?

BEN PROTO: I believe that's correct.

REP. HADDAD (54TH): They're not anonymous?

BEN PROTO: I don't recall, but if I recall, there's -- you have to attest the ballot.

REP. HADDAD (54TH): On the ballot?

BEN PROTO: Again, I'm -- This is the first time I've done a re-canvass.

REP. HADDAD (54TH): The reason why I'm puzzled about this is because my understanding is -- I'm trying to figure out if it's just like it is for absentee ballots, by the time the re-canvass comes, there's no way to know whose ballot is whose?

BEN PROTO: Which is different --

REP. HADDAD (54TH): I mean, it's important for privacy, right?

BEN PROTO: Which is different than I believe it's the overseas ballot.

REP. HADDAD (54TH): Okay. So on the top of this form and if you can scroll down just a little bit, I think it says number of ballots rejected, it says five. Just at the top of this page, yeah, right, so there it is, it says -- so it says received, counted, and rejected and so the five rejected ballots were rejected on election day and rejected on the re-canvass, right? There's no -- You can't --

BEN PROTO: I don't mean to interrupt, but you would have to look at the election day returns to determine whether there were five rejected on election day and five rejected -- You have to compare the two returns --

REP. HADDAD (54TH): Right, and so that's one way we can determine whether or not there were any rejected ballots during the re-canvass is by comparing it to the election day results?

BEN PROTO: Right.

REP. HADDAD (54TH): Thank you.

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

REP. CANDELORA (86TH): Thank you. So just to clarify the difference between election day and the re-canvass, and this is probably more of a -- a little bit of -- sort of election law question as opposed to what actually happened on that day, but when you have a re-canvass in a district because of the margin of victory, your charge is to sort of recount every ballot, I think as you explained, where you're examining the intent of every single ballot, so there was every ballot in the 120th was examined to ascertain the intent of the voter. Correct?

BEN PROTO: Yes.

REP. CANDELORA (86TH): And so the ballots that the intent is clear are run through the machine?

BEN PROTO: Yes.

REP. CANDELORA (86TH): Okay, and then ones where there might be a question are set aside and you have a Democrat, Republican clerk that is sitting there and they ascertain if they can determine the intent of the voter. If they can, that ballot is hand counted. Correct?

BEN PROTO: Yes.

REP. CANDELORA (86TH): If there's an impasse, it then goes to the head moderator or does it go the registrars?

BEN PROTO: Ultimately, it's the head moderator, but in -- when the situation would occur, we would normally call over the registrars to get their take on it, and then finally the head moderator. We would try to put as many eyes on it as we can to come up with an appropriate determination.

REP. CANDELORA (86TH): Right, so when all those votes are collected, you then tally them and these are the sheets that we have here and so basically your tally at the end will show whether or not you respond or there might be two votes one way, three votes another way, but once that process is done, that's your certification. Correct?

BEN PROTO: The re-canvass is certified by the head moderator to the Secretary of State.

REP. CANDELORA (86TH): So that all of the disputes are sort of resolved through the counting process.

Once that certification occurs, if a week later somebody comes up and says wait a minute, I dispute something, do you have an opportunity then to re-canvass a third time?

BEN PROTO: No.

REP. CANDELORA (86TH): Okay. And I don't know if you've read the complaint that's been submitted?

BEN PROTO: No.

REP. CANDELORA (86TH): So right now, I mean, as far as I can tell, I'm not familiar with any issues with the absentee ballots and this is the first I'm hearing of questioning on it, but was your office aware of any other issues with this election other than the error that occurred at Bunnell High School?

BEN PROTO: No. To the best of my knowledge, the only issue that we were aware of was the Bunnell issue and just to be clear on the re-canvass, I've said this a few times, the re-canvass was tremendously well attended by staff members from both the House and Democrats and the House Republicans who literally stood over our shoulders to the point at times where we had to ask them to back away because we were concerned they were going to knock over the tables and there were no issues that were raised by any of the staff from either of the caucuses for any of these things.

REP. CANDELORA (86TH): And I guess even -- So, yeah, I mean, I've been to re-canvasses and certainly I'm familiar with that process and it is pretty exhausting, but I think it is pretty fairly thorough, but the issue today is regardless of what the vote total would have been, we would still be

here today to discuss the issue of what happened at Bunnell.

BEN PROTO: I would assume that if the re-canvass showed the exact same result as the machine count, which I believe was an 18-vote margin, we still -- you four would still have the great privilege of trying to figure out what happened to those roughly 75 or 76 voters.

REP. CANDELORA (86TH): I guess the point I just want to make clear is say you discovered that 300 votes were incorrectly handed out in 122nd and the margin of victory was 150 votes and there was -- therefore it fell outside of the re-canvass percentages and there was no re-canvass, I would assume that the city would be concerned that 300 ballots might have been given out incorrectly which might have put us in this position anyway to take a look at that race. Correct?

BEN PROTO: I would assume that the town would be concerned, the candidates would be concerned, this general assembly would be concerned, the Secretary of State would be concerned, particularly if it was, you know, a situation where the difference could impact the outcome. If it were the other way around where the margin was 300 votes and 150 ballots were improperly given out, well, even if all 150 were to go to the loser, they're still not going to get enough votes to win, but in your scenario, we had 300 ballots given out and 150 votes, those 300 votes could impact the outcome of the election if we knew who they were going to be voting for.

REP. CANDELORA (86TH): Yeah. Obviously, I think all of us would have rather that have happened, but okay, so just to wrap up, so when the city did their

re-canvass, the numbers we are looking at now, the certified race, are not the numbers from the first election, but the official numbers are a result of what was provided from the re-canvass?

BEN PROTO: The official numbers that I believe the secretary has reported are from the re-canvass.

REP. CANDELORA (86TH): Okay, thanks. I don't have anything else.

REP. D'AGOSTINO (91ST): And that -- the result of that re-canvass was that Mr. Jim's margin went from 18 to 13?

BEN PROTO: I believe that those numbers are correct.

REP. D'AGOSTINO (91ST): So then he lost five votes and we're in a situation where we're trying to figure if the 75, we haven't had that conversation amongst ourselves yet, but if that 75, what allocation might have gone to Mr. Young and Mr. Feehan and we're getting -- I mean, the reason for the question is that math matters, here, right?

BEN PROTO: Right, it matters.

REP. D'AGOSTINO (91ST): If you added 30 votes to Mr. Young's total, maybe we're not having this conversation, but there were five votes taken off.

BEN PROTO: There are a lot of things I don't know and you may have looked at the numbers as whether or not the difference, the five vote difference that -- from the election to the re-canvass is a result of Mr. Feehan gaining some votes and Mr. Young losing votes or if Mr. Young lost all five votes, what the combination is, so, you know, is it --

REP. D'AGOSTINO (91ST): Right, at the end of the day, it's net minus five?

BEN PROTO: It's a net minus five, right. They might not have all been five votes taken away from Mr. Young and again, I don't know the numbers. It's all in, you know, Mr. Feehan might have picked up a few votes, Mr. Young may have lost a few votes which net out to a minus five.

REP. D'AGOSTINO (91ST): Yeah, and further to the idea of just discerning the intent of the voters and making sure every vote counts to the extent that there were, from my perspective, to the extent that there might have been a decision made where a voter cast a vote, a clear vote, and the vote was negated because of a statutory interpretation because the person is overseas and doesn't get to cast the vote. I want to know that, so to your knowledge, were any votes negated, a clear vote negated, for an issue other than it couldn't be read on the machine? Was anybody negated because they were overseas and no, it shouldn't have been overseas?

BEN PROTO: Not to my knowledge.

REP. D'AGOSTINO (91ST): Was anybody negated because it was military and it shouldn't have been counted as military?

BEN PROTO: Not to my knowledge

REP. D'AGOSTINO (91ST): Well, you don't know one way or the other?

BEN PROTO: To the best of my knowledge, we counted every vote that we could count and in those, I believe there were two or three instances in regards to I believe they were overseas ballots where we

were not sure. Once we pulled the paperwork from both the town clerk and from the registrar's office, it was determined that those were legitimate ballots and they were, to the best of my recollection, they were counted.

REP. D'AGOSTINO (91ST): Okay, thank you.

BEN PROTO: Our goal was to count as many voters as we could that intended on casting a vote in that race.

REP. D'AGOSTINO (91ST): Understood. Thank you. I think we're all set with you today. Thank you very much for coming up.

BEN PROTO: You're welcome.

REP. D'AGOSTINO (91ST): Adam, just a question for you, have we heard about the head moderator, Krekoska, did he get a subpoena, do we know?

ADAM: He did, he did.

REP. D'AGOSTINO (91ST): Okay. I think we have one more witness, so I don't expect we'll take long, Mr. Rusatsky. While you're standing up, if I can just get you -- I'll swear you in. Do you swear or affirm as the case may be that the information you will provide to this committee will be the truth, the whole truth, and nothing but the truth so help you God under penalty of perjury?

PETER RUSATSKY: Yes.

REP. D'AGOSTINO (91ST): All right. Thank you for being here, sir. Can you tell us what your role was on election day in the 120th?

PETER RUSATSKY: Well, it was my very first time ever being at an election and I was a ballot clerk.

REP. D'AGOSTINO (91ST): Were you a ballot clerk for the 120th?

PETER RUSATSKY: 122nd -- or 120th, yeah.

REP. D'AGOSTINO (91ST): Do you remember which street table you had?

PETER RUSATSKY: I don't remember what the street names were.

REP. D'AGOSTINO (91ST): Okay. Were you at one table the whole day or did you --

PETER RUSATSKY: Yes, I was at one table, I mean, out of the 14-hour day, I might have been away from that table a total of 45 minutes.

REP. D'AGOSTINO (91ST): So your job was to hand the ballots to the voters as they came in?

PETER RUSATSKY: Yes, and we were given instruction to make sure we told every person that it was two-sided.

REP. D'AGOSTINO (91ST): And do you recall about instructions about making sure that it was the ballot for the 120th or the 122nd?

PETER RUSATSKY: I heard some testimony here today that is going to be in conflict with mine. First of all, I personally didn't receive training because I came on board like a day or two before the election, so I certainly wouldn't have known from training that there were two separate ballots. Because I had never done this before, I didn't even realize until the event that we're here to talk about that there were, in fact, two different ballots. I didn't even understand there were two different districts. I was just told what my job was and that's what I did.

I will say that my antennae was up and my interest was such that I was listening very keenly to everything that was going on there that morning because I certainly didn't want to miss anything and I wanted to fulfill my duty. I can also tell you that I believe I was the first person that arrived that morning because there was only one other car in the parking lot and that would have been the custodian, so I didn't miss anything. I didn't leave that gym from the moment I walked in until I sat and began to hand out the ballots.

When this incident began to unfold, and I certainly wasn't knowledgeable about what was happening, but anybody with two eyes that worked would realize something was going on and it appeared to be pretty significant. Well, I remember two things and first of all, I would like you to understand that since November 4th, I had no knowledge of this, I don't read the paper, honestly I don't get into politics, until a sheriff knocked on my door at 9 o'clock yesterday morning. I had no idea at all about this subject matter. I will say, once I realized what the particular subject matter was, I began to think through my experience that day.

Two things I remember vividly having had 24 hours to think about it and I don't exactly remember which happened first, but they were -- both happened very close together. I remember someone came over to my table and said to me make sure you check that number in the corner of that piece of paper and I remember thinking to myself, and I won't use any expletives, it would have been nice if you had told us that before. There was zero, no instruction that morning to the ballot clerks to check any numbers in the corner of that ballot. The second thing I remember

is, I remember the poor young lady who apparently was, you know, the one who was involved with this situation, I remember looking over towards her and I remember thinking to myself that young lady is going to burst into tears any moment now because whoever the people were and I don't remember who they were, but there was more than one, and obviously she was being chastised in some way and I do remember thinking to myself I hope it's not about that number in the corner of the page that nobody told us about.

Those two things I remember very clearly, having had time to think back for a day now because I realized what this subject matter was about. I heard one person say or I got the impression sitting over there that this was the third time this girl was hearing about this subject matter. Well, what I can tell you for a fact is she didn't hear about it that morning. Whether she went to training or not, I don't know. Whether this matter was discussed at that training session, I don't know, but what I do know is she didn't hear about it that morning.

REP. D'AGOSTINO (91ST): Yeah, I think we're -- I think we're all uniform in our -- in our desire to absolve the ballot clerk here of any kind of -- any kind of certainly intentional or wrongdoing.

PETER RUSATSKY: And I know that's true, I know that's true, but there's been testimony by more than one person today that that information was transferred to the ballot clerks about looking at those numbers. Being that I was so sensitive to absorbing all the instruction that day, trust me, that information was not conveyed. Now, I also want to say that it's fair to say that maybe people in hindsight believe that they did, I'm not accusing

anybody of false testimony, I'm just saying I can tell you for a fact that that instruction did not occur.

REP. D'AGOSTINO (91ST): Fair point. We appreciate you coming in and putting that on the record. With respect to the process, as well, we heard some testimony about this. I want to just get your perspective on it as well, when you needed ballots, you were running low, what was the process you followed?

PETER RUSATSKY: I agree with everything I heard today about that. You know, Mal, he's the -- whatever his title is, I mean, everybody was visible to everybody else the whole time. That blue cabinet, that was within eye sight of everybody, you know, and the process was that -- we were very busy. I think we had 800 people come through just our table. I mean, let me tell you, it was a pretty intense day, especially when you say this is double-sided 800 times, but as a matter of fact, I had to change it up a little bit, right, you know, just so I -- anyway. When we were running low and I would personally gauge it by the volume. I mean, if there was a line and I was down to say ten, I would request from Mal or Joe or you know, hey, I need some more because if it took a minute or two, I didn't want to run out.

REP. D'AGOSTINO (91ST): When you got a packet, were they opened already?

PETER RUSATSKY: You know what, I can't stake my life on this, but I don't recall personally unwrapping them because then what would I have done with the wrapper, but I can say this, they arrived at the table sealed, so either they had unwrapped

them or I did. I just don't really recall that, but they were always wrapped, yeah.

REP. D'AGOSTINO (91ST): Thank you. Other questions? I appreciate you coming up and sticking around for us. It was important to get your testimony. Thank you.

PETER RUSATSKY: You're welcome, my pleasure.

REP. D'AGOSTINO (91ST): Adam, our schedule for tomorrow is?

ADAM: We're scheduled to start at 1:00 right here in 2A.

REP. D'AGOSTINO (91ST): Okay, all right.

ADAM: And I'll be publishing an agenda later today with the exact schedule.

REP. D'AGOSTINO (91ST): Anything else from members? All right, we'll adjourn for the day. Thank you.