

## Waggner, Matthew

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**From:** Waggner, Matthew  
**Sent:** Friday, May 6, 2022 3:25 PM  
**To:** McDermott, Mark A.  
**Cc:** Lanese, Holly; Elworthy, Steve; Politi, Cathy; Browne, Betsy  
**Subject:** Status of Polling Places at of 2:30 on 5/6/22

Hello, Mr. Moderator,

I was asked to give an update on our polling place assignment process as of this afternoon. We have consensus on the location for 13 of our 17 districts, listed below. What is outstanding is as follows:

132-10: We disagree about whether a suitable location exists in district; I have proposed Pequot Library (which is in district), Steve has proposed the Senior Center (which is a location we have used historically but is outside the district.)

133-02 and 133-04: We agree that we currently have no suitable location in these districts; Steve has proposed moving these voters to Warde HS, and I have proposed keeping them at Stratfield school.

134-02: We disagree about whether a suitable location exists in this district; Steve has proposed assigning these voters to Osborn Hill School, I have proposed assigning them to North Stratfield School.

I have proposed a compromise where I would accept the proposed assignment of 133-02 and 133-04 to Warde in exchange for having 134-02 vote in-district at North Stratfield; additionally, if they believe it is important to keep 10 physical sites, that I would be willing to agree that 134-03 (serving approximately 400 voters) could also be assigned to North Stratfield on the basis that having a separate site for 400 voters is not “convenient” under 9-168b.

Anyway we’ve made good progress for a single short session and I’m open to further discussion on these districts either on a group email, privately, or on Monday. These four districts are the only ones that we would need to have action on at the proposed special meeting.

Thanks for your attention and patience in this matter and we will keep you apprised of any further progress.

Best regards

Matt Waggner

House Dist	District	Voters	Suitable location in district?	Preferred Spot
132	132-03	2129	N	Holland Hill
	132-06	850	N	Holland Hill
	132-07	2501	Y	Holland Hill
	132-08	3258	Y	FLHS
	132-09	4078	Y	Sherman
	132-10	2383	?	
133	133-02	292	N	
	133-03	1834	Y	Woods
	133-04	4142	N	
	133-05	3676	Y	FWHS
	133-06	2619	N	McKinley
	133-07	59	N	McKinley
134	134-01	4415	Y	Dwight
	134-02	3486	?	
	134-03	445	Y	Osborn Hill
	134-08	930	N	Mill Hill
	134-10	1929	Y	Mill Hill



**TOWN OF FAIRFIELD  
611 OLD POST ROAD  
FAIRFIELD, CONNECTICUT 06824  
(203) 256-3115  
(203) 256-3114 FAX**

**REGISTRARS OF VOTERS**

# Memo

To: Representative Town Meeting

From: Steve Elworthy, Republican Registrar of Voters,  
Cathy Politi, Republican Deputy Registrar of Voters

Date: Tuesday May 10, 2022

Re: Polling locations

On the afternoon of Friday May 6<sup>th</sup>, we had a discussion with Matt Waggner in regards to potential polling locations for the 2022 elections. We heard Matt out, talked about his plan, tried to come to an understanding, but at the end of our discussion, we had no final agreement with Matt on polling locations.

We take access to polling locations and ease of voting very seriously. We re-reviewed the attached email from the Secretary of State Staff Attorney, she confirms polling locations do not have to be changed for the 2022 Election cycle. The state legislature recognizes that municipalities may not complete local redistricting ahead of state elections and therefore allows for polling locations to remain the same in these instances. After giving this much thought, and even after trying to give deference to Mr. Waggner, we believe that leaving the polling locations in place as they are currently assigned will provide the least amount of voter disruption. The last thing we want to do is cause unnecessary confusion and possible voter disenfranchisement on Election Day if someone arrives at the wrong polling location.

Mr. Waggner sees it differently, and we are at a stalemate. Therefore, the decision to determine polling locations moves to the RTM. We respectfully request that you leave the polling locations in place as they are currently assigned.

Thank you.

From: **Mark McDermott** <markmcdrtm7@gmail.com>  
Date: Mon, Apr 11, 2022 at 11:21 AM  
Subject: Fwd: SOTS Opinion  
To: Karen Wackerman <karenrtm7@gmail.com>, Hal Schwartz <hal.schwartz.fairfield@gmail.com>, Karen McCormack <mccormackrtm2@gmail.com>, Pamela Iacono <pamelaiacono4fairfield@gmail.com>  
Cc: Marcy Spolyar <Marcy.Spolyar@gmail.com>, Elizabeth Zezima <lizzezimartm@gmail.com>, Cindy Perham <Cindyperhamrtm2@gmail.com>, Steele, Jeff <jrsteele@optonline.net>, Jill Vergara <jillvergara@gmail.com>

To the Redistricting Committee,

Please find below the opinion of the SOTS opinion on voting districts.

Best, Mark

----- Forwarded message -----

From: **James Baldwin** <[jbaldwin@cbklaw.net](mailto:jbaldwin@cbklaw.net)>  
Date: Mon, Apr 11, 2022 at 11:06 AM  
Subject: SOTS Opinion  
To: Mark McDermott <[markmcdrtm7@gmail.com](mailto:markmcdrtm7@gmail.com)>

Good Morning Mark:

Attached and below is the email string culminating in the opinion from the Secretary of State's attorney concerning voting districts and polling places that I mentioned at the budget hearing.

I would also like to share my opinion that Mr. Wagner's contrary interpretation seems to be based on the incorrect premise that the "voting districts" are the 10 RTM districts. For the purposes of the upcoming primary and election, those 10 locations are nothing more than polling places such that the new General Assembly lines for the 132<sup>nd</sup>, 133<sup>rd</sup>, and 134<sup>th</sup> are the only voting districts at issue.

Please share with the RTM redistricting committee members and the entire RTM as you see fit. I have already shared with the Registrars.

Best, Jim

**James T. Baldwin**  
**Town Attorney**  
**[Coles, Baldwin, Kaiser & Creager LLC](#)**  
**Attorneys and Counselors at Law**  
1 Eliot Place, 3<sup>rd</sup> Floor  
Fairfield, Connecticut 06824  
**Tel:** 203.319.0800 (Ext 302)  
**Fax:** 203.319.1210

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**From:** Carini, Aida <[Aida.Carini@ct.gov](mailto:Aida.Carini@ct.gov)>

**Sent:** Friday, April 8, 2022 4:12 PM

**To:** Waggner, Matthew <[MWaggner@fairfieldct.org](mailto:MWaggner@fairfieldct.org)>; James Baldwin <[jbaldwin@cbklaw.net](mailto:jbaldwin@cbklaw.net)>; Elworthy, Steve <[SElworthy@fairfieldct.org](mailto:SElworthy@fairfieldct.org)>

**Cc:** Browne, Betsy <[BBrowne@fairfieldct.org](mailto:BBrowne@fairfieldct.org)>; Kupchick, Brenda <[BKupchick@fairfieldct.org](mailto:BKupchick@fairfieldct.org)>

**Subject:** RE: SOTS Opinion re Split Voting Districts

Hello Jim,

We recognize the intent is to preserve the polling locations previously used in the RTMS for the past 10 years for this election cycle and that you seek to rely upon our guidance in this matter. I can confirm that my email below is issued pursuant to C.G.S. 9-3 and states:

“I can confirm that our understanding at SOTS is that Fairfield has 10 RTM districts which previously comported with the General Assembly districts as 10 single districts prior to the most recent redistricting. The legislative body has not met to change the voting districts to align with the new assembly districts and your intent is to keep the same polling locations for now which would create split voting districts for about 7 RTMS. While we do recommend aligning your RTM districts with the assembly districts perhaps for the 2023/2024 cycles- you can currently have several polling locations with split assembly districts so long as there are separate voter registries and people are provided with the correct ballot at each such location. C.G.S 9-169a lays this out. The tabulators can handle up to something like 9 different ballots so two separate ballots are not an issue for them. You are also correct that the Registrars select the polling locations so they would have to agree on the polling locations as laid out in C.G.S. 9-169. “

It is my understanding that next year your legislative body will be redrawing the RTM districts to comport with the assembly lines pursuant to your charter. Accordingly, the split voting districts will only be in effect for this election cycle and will not exist in the 2023 or 2024 cycles.

You also asked whether the split voting district polling locations would need to have separate moderators and separate tabulators in different rooms. Per C.G.S. Sec. 9-258, you will need 1 moderator per polling place regardless of whether it is a split district polling place or a single district polling place. As the tabulators are able to handle up to about 9 separate ballots. As none of the voting districts would be left without a polling location, the adjacent polling location statute is not applicable here nor is the section of that statute which states that there needs to be two separate rooms for voting.

I do hope this assists you in this matter,

Aida R. Carini  
Staff Attorney  
Connecticut Secretary of the State  
165 Capitol Avenue, Hartford, CT 06106  
[Aida.Carini@ct.gov](mailto:Aida.Carini@ct.gov)  
Phone: (860) 509-6123

**From:** Waggner, Matthew <[MWaggner@fairfieldct.org](mailto:MWaggner@fairfieldct.org)>  
**Sent:** Friday, April 8, 2022 1:13 PM  
**To:** Baldwin, James <[jbaldwin@cbklaw.net](mailto:jbaldwin@cbklaw.net)>; Elworthy, Steve <[SElworthy@fairfieldct.org](mailto:SElworthy@fairfieldct.org)>  
**Cc:** Browne, Betsy <[BBrowne@fairfieldct.org](mailto:BBrowne@fairfieldct.org)>; Kupchick, Brenda <[BKupchick@fairfieldct.org](mailto:BKupchick@fairfieldct.org)>; Carini, Aida <[Aida.Carini@ct.gov](mailto:Aida.Carini@ct.gov)>  
**Subject:** RE: SOTS Opinion re Split Voting Districts

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Thanks for providing this. The reference to 9-169a is helpful, which requires that each portion of a split district:

"shall have its own separate enrollment list, registry list, list of unaffiliated electors if required under section 9-55, and polling place, and shall for all other administrative purposes be treated as a separate voting district"

It provides for exceptions in specific types of elections:

In a municipality which elects one or more town, city or borough officers from political subdivisions at a municipal election, such municipality, for municipal elections and for town committee primaries in which the town committee members are selected from political subdivisions other than assembly or senatorial districts, may continue to use the voting districts as they existed prior to such redistricting or as they are established under section 9-169d, unless and until such voting districts are changed in accordance with the provisions of section 9-169

As Fairfield has 10 RTM districts and 17 voting districts after being divided by the state legislative redistricting, I have some followup questions:

Does the exception in 9-169a permitting us to use the districts as they existed prior to the state redistricting apply to Fairfield for the 2022 election?

Do the provisions of 9-168a, which provides that "the registrars of voters may either provide a suitable polling place therein or may, in lieu thereof, with the approval of the legislative body of the municipality, provide separate voting tabulators in the polling place of another voting district" in split districts, apply in the 2022 election?

9-168b provides that, when the Registrars agree to have the voters use a polling place in an adjacent district, that "a separate location from the existing polling place for such adjacent district shall be designated, except that a separate room within such existing polling place may be designated." Is there language in 9-169 or elsewhere that authorizes us to set aside or ignore this requirement?

I do agree that we could, if the Registrars agreed that there were no suitable locations inside one or more of these districts, have people vote at a location used by another district. I also see a provision in 9-168a(c) that would allow us to merge multiple districts at one location if we use the same ballots for those districts. I do not see language authorizing us to have different districts voting in the same room or using the same tabulators. I would appreciate receiving advice in this matter describing how these sections interact with a CGS Sec. 9-3 reference.

My primary concern is to avoid the confusion that characterized the 2018 election in the 120th district, resulting in post-election lawsuits and loss of confidence in the integrity of the election process by voters. We experienced these same problems in 2012 and 2014 and were fortunate to not have any close races, but we still had a public outcry that informs my caution here. If the Secretary of the State's office has a 9-3 opinion which explicitly authorized the same-room, same-tabulator arrangement used by Stratford that may save you the time and effort of developing something specifically for us.

I do know that the same-room organization is a long-running custom that we have used in the past, but it also appears that the law was written to prevent the exact problems caused by the arrangement being proposed here.

Matthew Waggner  
Town Of Fairfield  
Registrar Of Voters/Elections Administration  
611 Old Post Road  
Fairfield, CT 06824  
Phone (203) 256-3115  
Fax (203) 255-8200

From: James Baldwin <[jbaldwin@cbklaw.net](mailto:jbaldwin@cbklaw.net)>  
Sent: Friday, April 8, 2022 11:57 AM  
To: Waggner, Matthew <[MWaggner@fairfieldct.org](mailto:MWaggner@fairfieldct.org)>; Elworthy, Steve <[SElworthy@fairfieldct.org](mailto:SElworthy@fairfieldct.org)>  
Cc: Browne, Betsy <[BBrowne@fairfieldct.org](mailto:BBrowne@fairfieldct.org)>; Kupchick, Brenda <[BKupchick@fairfieldct.org](mailto:BKupchick@fairfieldct.org)>; Aida Carini ([aida.carini@ct.gov](mailto:aida.carini@ct.gov)) <[aida.carini@ct.gov](mailto:aida.carini@ct.gov)>  
Subject: SOTS Opinion re Split Voting Districts

Matt and Steve:

Below is the formal opinion from SOTS Attorney Carini that clearly supports maintaining the current polling locations with split districts, just as the town had done 10 years ago. Per the opinion, separate tabulators and rooms for each district are not necessary.

I hope, therefore, that the two of you can come to an agreement on the polling locations. As you know, if you cannot agree, the locations must then be decided by the RTM. In this regard, please let Betsy and me know as soon as possible.

And, as always, don't hesitate to call or email me if you have any questions or would like to discuss in more detail.

Best, Jim

James T. Baldwin

Town Attorney  
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From: Carini, Aida <<mailto:Aida.Carini@ct.gov>>  
Sent: Friday, April 8, 2022 9:44 AM  
To: James Baldwin <<mailto:jbaldwin@cbklaw.net>>  
Subject: RE: Fairfield Voter Registry Privacy Program issue

Hi Jim,

I can confirm that our understanding at SOTS is that Fairfield has 10 RTM districts which previously comported with the General Assembly districts as 10 single districts prior to the most recent redistricting. The legislative body has not met to change the voting districts to align with the new assembly districts and your intent is to keep the same polling locations for now which would create split voting districts for about 7 RTMS. While we do recommend aligning your RTM districts with the assembly districts perhaps for the 2023/2024 cycles- you can currently have several polling locations with split assembly districts so long as there are separate voter registries and people are provided with the correct ballot at each such location. C.G.S 9-169a lays this out. The tabulators can handle up to something like 9 different ballots so two separate ballots are not an issue for them.

You are also correct that the Registrars select the polling locations so they would have to agree on the polling locations as laid out in C.G.S. 9-169.

Please let me know if I can be of any further assistance in this matter. My best to you,

Aida R. Carini  
Staff Attorney  
Connecticut Secretary of the State  
165 Capitol Avenue, Hartford, CT 06106  
<mailto:Aida.Carini@ct.gov>  
Phone: (860) 509-6123

From: James Baldwin <<mailto:jbaldwin@cbklaw.net>>  
Sent: Wednesday, April 6, 2022 2:19 PM  
To: Carini, Aida <<mailto:Aida.Carini@ct.gov>>  
Subject: RE: Fairfield Voter Registry Privacy Program issue

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Aida:

I look forward to your confirmation of our understanding that it is okay to have several polling locations with split assembly districts so long as there are separate voter registries and people are provided with the correct ballot at each such location.

Per our discussion, also please confirm that we do not need separate tabulators as long as the ones used are capable of distinguishing and counting the different ballots.

Also please confirm this can be done by agreement of the registrars such that legislative approval is not necessary.

Thanks again for all your time and patience!

Best, Jim

James T. Baldwin  
Town Attorney

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