

DOCKET NO.
RETURN DATE: APRIL 21, 2015

URANIA PETIT, *both individually and in her official capacity as the City of Hartford Registrar of Voters,*

Plaintiff,

J. D. OF HARTFORD
AT HARTFORD

v.

THE CITY OF HARTFORD; COURT OF COMMON COUNCIL OF THE CITY OF HARTFORD; KYLE ANDERSON, *in his official capacity as a member of the Hartford Court of Common Council;* ALEXANDER APONTE, *in his official capacity as a member of the Hartford Court of Common Council;* JOEL CRUZ, JR., *in his official capacity as a member of the Hartford Court of Common Council;* RAUL DE JESUS, JR., *in his official capacity as a member of the Hartford Court of Common Council;* LARRY DEUTSCH, *in his official capacity as a member of the Hartford Court of Common Council;* CYNTHIA RENEE JENNINGS, *in her official capacity as a member of the Hartford Court of Common Council;* KENNETH H. KENNEDY, JR., *in his official capacity as a member of the Hartford Court of Common Council;* DAVID MACDONALD, *in his official capacity as a member of the Hartford Court of Common Council;* and SHAWN T. WOODEN, *in his official capacity as a member of the Hartford Court of Common Council,*

Defendants.

MARCH 27, 2015

COMPLAINT FOR DECLARATORY JUDGMENT AND INJUNCTION

INTRODUCTION

1. On March 9, 2015, the Court of Common Council of the City of Hartford voted 8 to 1 to approve a resolution that charges Urania Petit, the Working Families Registrar of Voters for the City of Hartford, and her fellow Registrars of Voters, with “acts or omissions constituting neglect, dereliction of official duty, incompetence, incapacity to perform official duties and/or

delinquency materially affecting [their] general character or fitness for office” and schedules a “trial” to commence on April 7, 2015, which proposes to conclude with the very same Councilmembers voting on whether to remove Ms. Petit and the other Registrars of Voters from their elected offices. *See* March 9, 2015 Resolution, a copy of which is attached hereto and incorporated herein at **Tab 1**.

2. Because those officials lack the authority to remove a duly-elected Registrar of Voters, this action seeks a declaration, pursuant to Connecticut General Statutes § 52-29 and Connecticut Practice Book § 17-54, *et seq.*, that the defendants, the City of Hartford, the Court of Common Council of the City of Hartford (“Council”), and Kyle Anderson, Alexander Aponte, Joel Cruz, Jr., Raul De Jesus, Jr., Larry Deutsch, Cynthia Renee Jennings, Kenneth H. Kennedy, Jr., David MacDonald, and Shawn T. Wooden (collectively, “Councilmembers”) are not authorized by law to remove the plaintiff, Urania Petit, the duly elected Working Families Registrar of Voters for the City of Hartford, from her elected position.

3. The Council is without the authority to remove Ms. Petit from her elected office, and thus is without the authority to conduct a hearing and vote to consider whether to remove Ms. Petit, because that authority is entrusted exclusively to the General Assembly via impeachment. *See* Conn. Const. art. IX, §§ 1-2. Any authority the Council once had through the City’s Charter to remove a duly elected official has long since been repealed. Specifically, the authority once granted by the General Assembly by special act in 1947 (“the 1947 Special Act”) amending the Charter of the City of Hartford to permit the Council to remove elected municipal officials has not had force or effect for nearly half a century. This is because, in 1959, the General Assembly gave the City of Hartford the power to repeal the 1947 Special Act by passing its own home rule ordinance. On November 7, 1967, the City of Hartford did just that. Fourteen

years later, in 1981, the General Assembly again proclaimed that any municipality that had passed a home rule ordinance prior to October 1, 1982 – which the City of Hartford had done in 1967 – had repealed any prior special act relating to its charter. Thus, any special act authority that had existed in the past to remove an elected official was gone. As if that repeal were not clear enough, in 2002, the electors of the City of Hartford approved a complete rewrite of the City Charter (“the 2002 City Charter”), which superseded and repealed the home rule ordinance that had been passed in 1967. And while the 2002 City Charter purports to empower the Council to remove an elected official, that provision, which is in any event wholly inconsistent with any such power that had been included in the 1947 Special Act, is without force.

4. When, on March 9, 2015, the Councilmembers purported to authorize a “hearing” or “trial” to determine the existence of cause for removal of the City’s three Registrars of Voters, including Mr. Petit, *see Tab 1*, they cited as authority Section 3(a) of Chapter IV of the 2002 City Charter, as well as the 1947 Special Act. In doing so, the Councilmembers arrogated to themselves a power they do not enjoy, and, in the process, have proposed to place at risk the results of an election by which Ms. Petit was duly elected to the position she holds. For all these reasons, Ms. Petit seeks a declaration holding that the defendants are without authority to hold the hearing or to vote with respect to the right of Ms. Petit to continue to hold her office for the duration of her term. Short of impeachment of Ms. Petit by the Legislature, the electors of the City of Hartford are the only ones empowered to decide at the next election whether Ms. Petit should be continued in office.

THE PARTIES

5. The plaintiff is Urania Petit, the duly elected Working Families Registrar of Voters for the City of Hartford. She was first elected to that position by the voters of the City of Hartford in November 2008. Since then, she was re-elected in November 2012, and will again be up for re-election in November 2016. She resides in Hartford, Connecticut. Ms. Petit brings this action in both her individual and official capacities.

6. Defendant City of Hartford is and was at all relevant times a municipality chartered under the laws of the State of Connecticut. By its own Charter, the City is “capable of suing and being sued.” *See* Charter of the City of Hartford, Connecticut, at Ch. I, § 1.

7. Defendant the Court of Common Council of the City of Hartford (the “Council”) is and was at all relevant times the body in which the legislative power and authority of the City of Hartford is vested. *See* Charter of the City of Hartford, Connecticut, at Ch. IV, § 1.

8. Defendant Kyle Anderson is now, and was at all relevant times related to the Council’s currently anticipated actions, a member of the Council.

9. Defendant Alexander Aponte is now, and was at all relevant times related to the Council’s currently anticipated actions, a member of the Council.

10. Defendant Joel Cruz, Jr., is now, and was at all relevant times related to the Council’s currently anticipated actions, a member of the Council.

11. Defendant Raul De Jesus, Jr., is now, and was at all relevant times related to the Council’s currently anticipated actions, a member of the Council.

12. Defendant Larry Deutsch is now, and was at all relevant times related to the Council’s currently anticipated actions, a member of the Council.

13. Defendant Cynthia Renee Jennings is now, and was at all relevant times related to the Council's currently anticipated actions, a member of the Council.

14. Defendant Kenneth H. Kennedy, Jr., is now, and was at all relevant times related to the Council's currently anticipated actions, a member of the Council.

15. Defendant David MacDonald is now, and was at all relevant times related to the Council's currently anticipated actions, a member of the Council.

16. Defendant Shawn T. Wooden is now, and was at all relevant times related to the Council's currently anticipated actions, a member of, and the President of, the Council.

**THE COUNCIL'S PRESENT ATTEMPT TO ILLEGALLY
EXERCISE A "POWER" IT DOES NOT HAVE**

17. In response to reports of problems with the November 4, 2014 General Election in the City of Hartford, the Council passed a resolution on or about November 12, 2014, "pursuant to Chapter IV Section 3(b)" of the 2002 City Charter, by which it:

- a. created a Committee of Inquiry ("the Committee") to investigate "[the Registrars of Voters and their operation of Election Cay [*sic*] 2014, to report to the Mayor and Council on their findings, and to make recommendations concerning the City of Hartford's election administration] impediments to casting ballots in the 2014 general election, any inaccuracies or delays in reporting of the vote count, and any other issue with regard to the City's administration of the 2014 general election voting process that it determines warrants examination . . ." [Outer brackets in original];
- b. authorized the Committee of Inquiry "to compel the attendance of witnesses and require the production of books and papers . . .";
- c. accepted "the offers of pro bono legal assistance from Day Pitney LLP and Shipman & Goodwin LLP and designate[d] James H. Rotondo of Day Pitney and Ross H. Garber of Shipman & Goodwin as counsel to the Committee, which counsel may be assisted in their roles by such other personnel of their law firms as they deem appropriate . . ."; and
- d. required the Committee of Inquiry to "report its findings to the Council no later than December 31, 2014," at which time the Committee would terminate.

A copy of this November 12, 2014 Resolution is attached hereto and incorporated herein at **Tab 2**.

18. The Committee of Inquiry was composed of six members of the Council, all of whom now assert that they have the power to vote to remove Ms. Petit from elected office, and all of whom are named defendants in this Complaint: Alexander Aponte, Joel Cruz, Jr., Raul De Jesus, Jr., Cynthia Renee Jennings, David MacDonald, and Shawn T. Wooden.

19. On December 22 and 23, 2014, the Committee of Inquiry took the testimony of witnesses at public hearings held at Hartford City Hall.

20. As early as the Committee of Inquiry's public hearings on December 22 and 23, 2014, certain members of the Council made statements on the record reflecting that they had prejudged the alleged conduct of the Hartford Registrars of Voters.

21. Upon information and belief, at some time after December 23, 2014, the Council extended the Committee of Inquiry's deadline for reporting its findings.

22. On or about January 16, 2015, the Council publicly released the "Committee of Inquiry Report of Factual Findings" ("January 16, 2015 COI Report"), which makes numerous allegations that are injurious to the property and/or reputation of Ms. Petit and the other Hartford Registrars of Voters, and which inaccurately stigmatizes Ms. Petit.

23. The "factual findings" and conclusions set forth in the January 16, 2015 COI Report leave no question that the six Council members who sat on the Committee of Inquiry have already prejudged Ms. Petit's conduct.

24. In addition, during and after the public release of the January 16, 2015 COI Report, several members of the Council have made public pronouncements that would lead a disinterested observer to conclude that they already have prejudged the facts at issue unfavorably to Ms. Petit.

25. Despite the defendants' clear bias, on January 26, 2015, the Council passed a resolution "in accordance with Section 3 of Chapter IV of the Charter of the City of Hartford" – not pursuant to any purported special act or authority granted by any state statute of general application – that states:

WHEREAS, The Court of Common Council (the "Council") authorized the formation of a Committee of Inquiry (the "Committee") to investigate impediments to casting ballots, any inaccuracies or delays in reporting of the vote count, and any other issue with regard to the City's administration of the November 4, 2014 general election (the "Election"); and

WHEREAS, The Committee completed its investigation and reported its findings on January 16, 2015; and

WHEREAS, Such findings detail significant failures by the Registrars of Voters to fulfill their statutory duties in connection with the Election; and

WHEREAS, The Council believes that the conduct reported by the Committee may constitute "dereliction of official duty, or incompetence" by the Hartford Registrars of Voters (the "Registrars") and may evidence "incapacity to perform official duties" by the Registrars, all within the meaning of Section 3 of Chapter IV of the Charter of the City of Hartford; now, therefore, be it

RESOLVED, That the Court of Common Council requests that the Corporation Counsel retain Ross Garber, Esq. and the law firm of Shipman & Goodwin LLP to draft charges warranted by the information gathered by the Committee in addition to such other information that counsel deems to be appropriate, against each Registrar of Voters for consideration by the Council, all in accordance with Section 3 of Chapter IV of the Charter of the City of Hartford; and be it further

RESOLVED, That the Council requests that Attorney Garber present a proposed statement of charges to the Council no later than February 9, 2015; and be it further

RESOLVED, That if the Council votes to prefer charges against one or more of the Registrars, Attorney Garber and Shipman & Goodwin LLP be retained to act as prosecuting counsel in the resulting removal proceeding.

A copy of this January 26, 2015 Resolution is attached hereto and incorporated herein at **Tab 3**.

26. Thereafter, on February 9, 2015, Attorney Ross Garber provided the Council with a draft “Resolution Adopting Articles of Removal,” which incorrectly claims that “[t]he Court of Common Council is empowered under Section 3(a) of Chapter IV of the City Charter, as authorized by Special Act No. 30 of the Connecticut General Assembly (1947), to remove elective officers upon charges preferred by a vote of a majority of the membership of the Council, and after a hearing thereon before the full Council” A copy of this draft February 9, 2015 Resolution is attached hereto and incorporated herein at **Tab 4**.

27. The draft “Resolution Adopting Articles of Removal” asserts nine (9) separate charges against Ms. Petit for “acts or omissions constituting neglect, dereliction of official duty, incompetence, dishonesty, incapacity to perform official duties and/or delinquency materially affecting her general character or fitness for office,” allegedly stemming from her work as the duly elected Working Families Registrar of Voters for the City of Hartford. *Id.* at pp. 4-5.

28. The draft “Resolution Adopting Articles of Removal” states that “Urania Petit warrants trial upon these charges.” *Id.* at p. 5.

29. The draft “Resolution Adopting Articles of Removal” also states that Ms. Petit may be removed from her elected office if seven members of the Council vote for her removal “after the presentation of evidence on these charges.” *Id.* at p. 5.

30. Then, on March 9, 2015, the Council passed a resolution charging Ms. Petit and the other Registrars of Voters of the City of Hartford “with having committed the acts and omissions set forth in the following Articles of Removal, some or all of which may constitute neglect or dereliction of official duty, incompetence, incapacity to perform official duties or delinquency materially affecting their general character or fitness for office, and warranting their removal from office.” **Tab 1**, at p. 2.

31. Like the February 9, 2015 draft “Resolution Adopting Articles of Removal,” the March 9, 2015 Resolution incorrectly claims that the Council “is empowered under Section 3(a) of Chapter IV of the City Charter, as authorized by Special Act No. 30 of the Connecticut General Assembly (1947), to remove elective officers upon charges preferred by a vote of a majority of the membership of the Council, and after a hearing thereon before the full Council” **Tab 1**, at p. 2. In fact, the Council does not have the power to remove Ms. Petit, a duly elected Registrar of Voters, from her elected office. Any action taken by the Council in an attempt to remove Ms. Petit from her elected office would be ultra vires, unauthorized, prohibited by state law, unconstitutional, and illegal.

32. Article Two of the March 9, 2015 Resolution, which recites the Council’s purported charges against Ms. Petit, states:

IT IS ALLEGED THAT URANIA PETIT, in her conduct as Working Families Registrar of Voters for the City of Hartford, committed acts or omissions constituting neglect, dereliction of official duty, incompetence, incapacity to perform official duties and/or delinquency materially affecting her general character or fitness for office, in one or more of the following ways:

- 1) Failing to sufficiently train and supervise poll workers;
- 2) Failing to ensure polling locations were properly staffed and equipped to administer the election;
- 3) Failing to properly and timely prepare the final voter registry lists;

- 4) Failing to file the final voter registry lists with the Town Clerk by October 29, 2014, as required by Conn. Gen. Stat. § 9-38;
- 5) Failing to ensure that the cross-off process would be completed in sufficient time to meet applicable statutory deadlines, despite being aware that scheduled times for conducting the cross-off had been postponed or cancelled;
- 6) Failing to provide moderators with Election Day materials by 8:00 p.m. the night before Election Day as required by Conn. Gen. Stat. § 9-259(a);
- 7) Failing to develop and implement a plan to ensure the delivery of registry books to polling places before the polls opened at 6:00 a.m. on Election Day, after moderators were sent home without registry books the night before Election Day;
- 8) Failing to open the polls by 6:00 a.m. as required by Conn. Gen. Stat. § 9-174;
- 9) Failing to thoroughly investigate, identify and correct errors in the final head moderator's return filed with the Secretary of State.

WHEREFORE, Urania Petit warrants trial upon these charges. If, after the presentation of evidence on these charges, seven members of the Council shall vote for Petit's removal, based on a finding that (i) Petit committed one or more of the foregoing acts or omissions, and (ii) such conduct constitutes dereliction of official duty, or incompetence, incapacity to perform official duties or some delinquency materially affecting Petit's general character or fitness for office, she shall be removed from office as Working Families Registrar of Voters for the City of Hartford.

See **Tab 1** (Article Two).

33. The March 9, 2015 Resolution also schedules the hearing at which the Council will hold its "trial" against the Registrars of Voters for "Tuesday, April 7, 2015, at 4:00 p.m. in the Council Chambers" and notes that the hearing "shall continue from day to day until completed, provided that the Council President, in consultation with Attorney Garber, is authorized to grant or deny requests relating to alteration of the foregoing schedule." **Tab 1**, at p. 6 (emphasis in original).

34. On or about March 13, 2015, the Council's "Prosecuting Counsel" served Ms. Petit with a "NOTICE OF CHARGES AND TIME AND PLACE OF HEARING," again incorrectly declaring that "[t]he Court of Common Council is empowered under Section 3(a) of Chapter IV of the City Charter, as authorized by [S]pecial Act No. 30 of the Connecticut General Assembly (1947), to remove elective officers by a vote of seven members of the City Council upon charges preferred by a vote of a majority of the membership of the Council, and after a hearing thereon before the full Council." A copy of this March 13, 2015 Notice is attached hereto and incorporated herein at **Tab 5**.

35. Then, having arrogated to itself a removal power it does not lawfully possess, the Council, on March 26, 2015, during a "special meeting," approved a set of wholly one-sided "Rules for Removal Proceedings," by which it purported to set forth the procedural rules for its April 7, 2015 trial of Ms. Petit. A copy of these Rules is attached hereto and incorporated herein at **Tab 6**.

36. Among other deficiencies, the March 26, 2015 "Rules for Removal Proceedings" purport to grant unprecedented, broad, unchecked, unfair, and unreasonable judicial powers to the "Presiding Officer," including:

- a. the power "to make and issue all orders, mandates, writs, and other papers or documents" [*id.* at 2];
- b. the power "to make and enforce any other regulations and orders relating to the removal trial proceedings that the Council authorizes" [*id.*];
- c. "the authority to direct the form of the Removal Proceedings and the physical layout of the Court of Common Council chamber during such Proceedings" [*id.*];
- d. the power to rule on any and all evidentiary objections, without regard to the Federal Rules of Evidence or the Connecticut Code of Evidence [*id.* at 3];
- e. the power to deny Ms. Petit her right to subpoena witnesses to the trial [*id.* at 4];

- f. the power to deny Ms. Petit her right to present any testimony or documentary evidence in her defense [*id.* at 4-5]; and
- g. “the power to decide all motions, requests, or other matters pertaining to procedure, to the Articles of Removal, or to the Removal Proceedings” [*id.* at 7];
- h. the power to deny re-direct or re-cross-examination of a witness [*id.* at 7];
- i. the power to refuse the other Councilmembers’ requests to ask questions of witnesses [*id.* at 8]; and
- j. the power to modify pre-hearing “deadlines” at his sole discretion [*id.* at 4].

37. Even though the Council’s trial of Ms. Petit is scheduled to commence on April 7, 2015, the March 26, 2015 “Rules for Removal Proceedings” require Ms. Petit to submit any requests to admit any evidence or testimony a week earlier, by March 31, 2015, without ever having had a chance to first consider the evidence to be offered against her. *Id.* at 4.

38. Furthermore, the March 26, 2015 “Rules for Removal Proceedings” require the Presiding Officer to pronounce that Ms. Petit is removed from her elected office if seven Councilmembers vote that there is sufficient evidence as to the Article of Removal against her. *Id.* at 9.

39. Despite the fact that there are nine (9) charges against Ms. Petit in Article Two of the Articles of Removal, the March 26, 2015 “Rules for Removal Proceedings” do not allow the Council to consider each charge separately, and in fact declare that “[a]n article of removal . . . is not divisible for the purpose of voting thereon at any time during the trial.” *Id.* at 8.

40. Remarkably, the defendants propose to press forward with this process fully aware of the reality that they could well be found to lack the right to proceed as they contend. That concern is recognized by none other than the Council’s own attorney. In a recent memorandum to the Councilmembers, the Council’s attorney advised that “should the Council move forward, the opinion that matters will be that of the reviewing court or courts, not mine or

[that of counsel for Ms. Petit]. The Council should certainly expect that if it takes steps to remove one or more of the Registrars, its power to do so will be contested.” Even one of the Councilmembers, Larry Deutsch, while casting his vote against the March 9, 2015 Resolution, acknowledged that the validity of the Council’s removal “power” is an unsettled legal question and that the Council was “walking on ice that’s pretty thin” by moving forward with the process to remove Ms. Petit and her fellow Registrars of Voters. That uncertainty requires this Court’s resolution. Ms. Petit further seeks injunctive relief to preserve the status quo, and to prevent the Council from acting outside its authority and causing her irreparable injury, while this Court considers this action.

FIRST COUNT **(Declaratory Judgment Against All Defendants Regarding
Preemption By The State Constitution That Prohibits The Council
From Removing An Elected Official From Her Office)**

1-40. Paragraphs 1 through 40 of the Introduction are hereby repeated and realleged as paragraphs 1 through 40 of the First Count as if fully set forth herein.

41. Impeachment is the method by which a duly elected official is properly removed from office.

42. The Constitution of Connecticut leaves little doubt that a proceeding to impeach an elected official may be brought and tried only in the General Assembly. Article Ninth, Section 1 of the State Constitution states: “The house of representatives shall have the sole power of impeaching.” (Emphasis added.) Article Ninth, Section 2 of the State Constitution states: “All impeachments shall be tried by the senate.” (Emphasis added.)

43. The Charter of the City of Hartford must not conflict with any provision of the State Constitution.

44. Chapter IV, Section 3(a) of the Charter of the City of Hartford clearly conflicts with the State Constitution, because it purports to grant power to the Council that the State Constitution grants solely to the General Assembly.

45. Where a conflict exists between a provision of the State Constitution and a provision of a city's charter, the State Constitution controls.

46. Article Ninth, Sections 1 and 2 of the State Constitution thus prohibit municipalities from taking any action to charge and remove a duly elected municipal official from office.

47. Ms. Petit brings this action seeking declaratory relief because she has both a legal and equitable interest in serving in her duly elected office, and the defendants' purported effort to hold a hearing and to thereafter vote to assess whether she can continue in that office places Ms. Petit in danger of losing that office.

48. This is a justiciable controversy where the parties' interests are adverse.

49. As set forth in this Complaint, there is an actual bona fide and substantial question or issue in dispute or substantial uncertainty of legal relations which requires settlement between the parties.

50. All persons having an interest in the subject matter of the Complaint are parties to this action or have reasonable notice of this action.

51. The determination of this controversy is capable of resulting in practical relief to Ms. Petit, because it will prevent the Council from removing her from her elected position and save her livelihood.

52. Because of the importance of this action and the unsettled issues of law that must be adjudicated for its resolution, the Court should allow Ms. Petit to proceed with her claims for

declaratory relief, even if there is another form of proceeding that can provide her with immediate redress.

SECOND COUNT (Declaratory Judgment Against All Defendants Regarding Their Lack of Authority to Remove Ms. Petit From Her Elected Position)

1-52. Paragraphs 1 through 52 of the Introduction and First Count are hereby repeated and realleged as paragraphs 1 through 52 of the Second Count as if fully set forth herein.

53. Even if the State Constitution somehow did not control this matter, the defendants are nonetheless without proper authority to take action against Ms. Petit's right to hold office. The Charter of the City of Hartford is the fountainhead of the City's powers. The Charter serves as an enabling act, both creating power and prescribing the form in which it must be exercised. The Charter, however, is not without limits.

54. The Charter of the City of Hartford, as it exists today, must be viewed in the context of decades of legislative enactments and amendments at both the state and municipal level. That historical context reveals that the Council lacks the power to remove Ms. Petit and her fellow Registrars of Voters from office.

1947-1967: THE CHARTER OF THE CITY OF HARTFORD WAS AMENDED BY SPECIAL ACTS, ONE OF WHICH PROVIDED THE COUNCIL WITH A POWER TO REMOVE AN ELECTED OFFICIAL FROM OFFICE

55. In 1947, the General Assembly passed Special Acts 1947, No. 30, "An Act Revising the Charter of the City of Hartford" ("the 1947 Special Act" or "the 1947 City Charter"). The 1947 City Charter stated that the Council had a power to remove city officials who held elected office. In particular, Chapter III, Section 14 of the 1947 City Charter, entitled "REMOVAL OF ELECTIVE OFFICERS," stated:

The council, by a vote of at least six members, may remove any elective officer, including a member of the council or a member of the board of education, after notice and hearing as provided by the preceding section in the case of appointive officers. Witnesses whose testimony shall be

pertinent to the charge shall be subpoenaed by the council at the request of the defending officer. From a decision of the council to remove an elective officer an appeal shall lie to the superior court of Hartford county. [1947 City Charter, Ch. III, § 14.]

56. The phrase “notice and hearing as provided by the preceding section” referred to Chapter III, Section 13 of the 1947 City Charter, which was entitled “APPOINTMENTS AND REMOVALS.”

57. Read together, Chapter III, Sections 13 and 14 of the 1947 City Charter granted the Council a power to remove an elected official and prescribed the only form by which it could be exercised. In particular, it required the Council, in exercising its power to remove an elected official, to provide the elected official with:

- a. written notice regarding the Council’s intention to remove her [1947 City Charter, Ch. III, § 13];
- b. a clear statement of the grounds on which the Council would seek her removal [*id.*];
- c. a hearing, on 10-days written notice, at which the official could be heard regarding her removal [*id.*];
- d. the option – solely the defending official’s – that the hearing regarding the official’s removal be either public or private [*id.*];
- e. the right to be represented by counsel [*id.*];
- f. use of the Council’s subpoena power to summon witnesses to testify in her defense [1947 City Charter, Ch. III, § 14]; and
- g. the right to appeal the Council’s decision to the Superior Court [*id.*].

58. In 1955, 1957, 1959, 1963, and 1967, the General Assembly amended the 1947 City Charter through numerous special acts that added, removed, or amended particular provisions of the 1947 City Charter. None of those special acts, however, added, removed, or amended the provisions regarding the Council’s power to remove elected officials.

59. The problem for the defendants is that the power to remove an elected official enunciated in Chapter III, Section 14 of the 1947 City Charter was repealed beginning in 1967, and is, in any event, wholly inconsistent with (and thus is not) the “power” that the present Councilmembers purport to wield in connection with their present attempt to remove Ms. Petit from her elected office.

NOVEMBER 7, 1967: THE CITY OF HARTFORD PASSED AN ORDINANCE THAT SUPERSEDED, AND LATER REPEALED, THE 1947 SPECIAL ACT

60. In 1959, the General Assembly passed Public Acts 1959, No. 678 (“P.A. 59-678”), entitled “AN ACT CONCERNING LOCAL SUBSTITUTION OF SPECIAL ACTS.” This statute, in its present form, is found in Chapter 99 of the General Statutes. The statutes that comprise Chapter 99 of the General Statutes are better known as the “Home Rule Act.”

61. In Section 6 of P.A. 59-678, the General Assembly explicitly stated that a municipality’s passage of a “home rule ordinance” would repeal “the special act superseded thereby.”

62. On November 7, 1967, at the General Municipal Election in the City of Hartford, the qualified electors of the City of Hartford voted to pass Ordinance No. 28-67, which approved a new City Charter (“the 1967 City Charter”).

63. The 1967 City Charter “constituted a complete revision of the former Charter, Act No. 30, Special Laws 1947, as amended.” 1967 City Charter, Editor’s Note (emphasis added).

64. The 1967 City Charter is thus a “home rule ordinance” as that term is defined in Connecticut General Statutes Section 7-187(c).

65. Therefore, as of November 7, 1967, the 1947 Special Act was repealed, although the City could retain powers granted through the 1947 Special Act by including them verbatim in its subsequent charters.

66. The 1967 City Charter, like the 1947 City Charter, stated that the Council had a power to remove city officials who held elected office. In particular, Chapter III, Section 16 of the 1967 City Charter, entitled "Removal of elective officers," stated:

The council, by a vote of at least six (6) members, may remove any elective officer, including a member of the council or a member of the board of education, after notice and hearing as provided by the preceding section in the case of appointive officers. Witnesses whose testimony shall be pertinent to the charge shall be subpoenaed by the council at the request of the defending officer. From a decision of the council to remove an elective officer an appeal shall lie to the superior court of Hartford County. [1967 City Charter, Ch. III, § 16.]

67. In 1967, due to a renumbering of the sections of the Charter, the phrase "notice and hearing as provided by the preceding section" referred to Chapter III, Section 15(d) of the 1967 City Charter, which was entitled "Appointments and removals – *Removal of officers and employees.*"

68. Read together, Chapter III, Sections 15(d) and 16 of the 1967 City Charter granted the Council a power to remove an elected official and prescribed the only form by which it could be exercised. In particular, it required the Council, in exercising its power to remove an elected official, to provide the elected official with:

- a. written notice regarding the Council's intention to remove her [1967 Charter, Ch. III, § 15(d)];
- b. a clear statement of the grounds on which the Council would seek her removal [*id.*];
- c. a hearing, on 10-days written notice, at which the official could be heard regarding her removal [*id.*];
- d. the option – solely the defending official's – that the hearing regarding the official's removal be either public or private [*id.*];
- e. the right to be represented by counsel [*id.*];

- f. use of the Council's subpoena power to summon witnesses to testify in her defense [1967 Charter, Ch. III, § 16]; and
- g. the right to appeal the Council's decision to the Superior Court [*id.*].

These requirements were identical to the removal provisions of the 1947 Special Act.

69. After the 1967 City Charter was passed by ordinance, the Council's power to remove elected officers was never again amended by special act of the General Assembly, nor could it be after July 1, 1969. Article Tenth, Section 1 of the Connecticut State Constitution prohibits the General Assembly from passing, after July 1, 1969, any special acts "relative to the powers, organization, terms of elective offices or form of government of any single town, city or borough" (with three exceptions not relevant to this action).

70. In 1981, the General Assembly passed Public Acts 1981, No. 81-451, § 6, which reinforced its declaration that any municipality that had put into effect a home rule ordinance prior to October 1, 1982 had repealed any previous special act regarding that municipality. *See* Conn. Gen. Stat. § 7-191a.

71. The 1967 City Charter was in effect prior to October 1, 1982.

72. The bottom line is that the actions taken after 1947 to enact a home rule ordinance for the City of Hartford served to repeal the 1947 Special Act. It was repealed on November 7, 1967. If any question thereafter remained regarding its repeal, Public Acts 1981, No. 81-451, § 6, again made clear that the 1947 Special Act was repealed as of October 1, 1982.

**1985: THE GENERAL ASSEMBLY IS TOLD THAT THE COUNCIL'S
POWER TO REMOVE AN ELECTED OFFICIAL
IS INCONSISTENT WITH THE GENERAL STATUTES**

73. In 1981, the General Assembly amended the Home Rule Act to expressly prohibit any provisions of a municipal charter that were or are "inconsistent with the constitution or general statutes." *See* Public Acts 1981, No. 81-451, § 2; Conn. Gen. Stat. § 7-188(a).

74. Four years later, in 1985, the General Assembly considered further amendments to the Home Rule Act, including whether to remove the prohibition against municipal charter provisions that were or are “inconsistent with the constitution or general statutes.”

75. In support of this proposed amendment in 1985, the General Assembly heard testimony from, among others, Donald Goodrich, then-Vice President of the Connecticut Public Expenditure Council, who had been a member of the Local Government Study Commission set up to analyze the Home Rule Act in the early 1980s. In his testimony, Mr. Goodrich questioned the Council’s “right to throw any elected official out of office by . . . a simple vote of the legislative body,” because “[y]ou won’t find that anywhere in the statutes.” *See* Conn. Joint Standing Committee Hearings, Planning & Development, Pt. 2, 1985 Sess., p. 451. He proposed that the General Assembly abolish the prohibition against municipal charter provisions that were inconsistent with the constitution or general statutes in order to “protect[] . . . very, very unique provisions” in special acts, such as the Council’s power to remove elected officials. *See id.*

76. Despite hearing testimony that the Council’s power to remove elected officials was inconsistent with the general statutes, and despite being asked to enact legislation to preserve the Council’s removal authority, the General Assembly in 1985 left intact the statutory language requiring that any charter provision, including a provision that have been carried over verbatim from a special act, “shall not be inconsistent with the constitution or general statutes.” In other words, having been alerted to the issue, the General Assembly chose not to protect the City’s claimed right to remove elected officials.

2002: THE CITY OF HARTFORD ADOPTED A NEW CHARTER PURSUANT TO THE HOME RULE ACT, AND THEREBY REPEALED THE 1967 CITY CHARTER

77. Although, after July 1, 1969, the General Assembly may no longer amend the Charter of the City of Hartford by special act, Connecticut General Statutes Section 7-188(a) empowers municipalities to amend and/or repeal their charters in three distinct ways:

- a. A municipality can adopt or amend its charter, and, by doing so, will supersede any previous charter “and all special acts inconsistent with such charter or amendments” [*see* Conn. Gen. Stat. § 7-188(a)(1)];
- b. A municipality can amend its home rule ordinance, so long as any amendment does not make it “inconsistent with the constitution or the general statutes” [*see* Conn. Gen. Stat. § 7-188(a)(2)]; and
- c. A municipality can adopt a new charter, so long as it does not diminish or eliminate any individual’s retirement or pension rights, and, by doing so, will repeal any prior home rule ordinance [*see* Conn. Gen. Stat. § 7-188(a)(3)].

78. Connecticut General Statutes Section 7-192(a) states that “[e]very charter, special act and home rule ordinance in effect on October 1, 1982, shall continue in effect until repealed or superseded by the adoption of a charter, charter amendments or home rule ordinance amendments in accordance with this chapter”

79. Therefore, the 1967 City Charter, which was in effect on October 1, 1982, was to continue in effect until it was repealed or superseded by the City of Hartford’s adoption of a new charter. That happened in 2002.

80. On November 5, 2002, the electors of the City of Hartford voted to approve an entirely new Charter of the City of Hartford (“the 2002 City Charter”). By its own design, the 2002 City Charter “constitute[d] a complete revision of the former Charter which derived from Special Laws 1947, Act No. 30, as amended; and Ord. No. 28-67, approved by the electors on November 7, 1967, as amended.” 2002 City Charter, Editor’s Note (emphasis added).

81. Chapter IV, Section 3(a) of the 2002 City Charter purports to grant to the Council a “power” to remove elected officers and prescribe the form in which that “power” must be exercised. That provision, however, is materially inconsistent with the removal power found in the 1947 Special Act and carried over verbatim from the 1947 City Charter to the 1967 City Charter.

82. Chapter IV, Section 3(a) of the 2002 City Charter, entitled “Additional powers of the council,” purports to grant to the Council the power to remove elected officials “for cause by a vote of seven (7) members of the council.”

83. Chapter IV, Section 3(a) of the 2002 City Charter also provides that:

- a. “No such officers or employees may be removed except upon charges, which shall be preferred by vote of a majority of the membership of the council, and after a hearing thereon before the full council.”
- b. “Written notice by the council of the charges and time and place of hearing shall be given to the officer or employee at least two (2) weeks before such hearing.”
- c. Any charges asserted against the elected official “shall be for neglect or dereliction of official duty, or incompetence, or dishonesty or incapacity to perform official duties or some delinquency materially affecting the officer or employee’s general character or fitness for office.”

84. In addition, Chapter IV, Section 3(a) states that an elected official sought to be removed by the Council “shall have” the following rights:

- a. To be represented by counsel at the hearing;
- b. To present testimony personally and through witnesses;
- c. To cross-examine witnesses presented in favor of removal; and
- d. To compel the attendance of witnesses by subpoena issued in the name of the Council.

85. The 2002 City Charter itself recognizes that it does not derive from the 1947 Special Act. Indeed, the 2002 City Charter explicitly cites only “Election of 11-5-02” as the source of the authority purportedly granted to the Council in Chapter IV, Section 3(a).

86. Chapter IV, Section 3(a) of the 2002 City Charter is inconsistent with the 1947 Special Act and the 1967 City Charter in at least the following material ways:

- a. The power granted to the City by the 1947 Special Act and later included in the 1967 City Charter explicitly provided that the Council had to provide an elected official subject to removal with a right to appeal the Council’s decision to the Superior Court. There is no provision for an appeal in the 2002 City Charter. Consistent with this significant difference, the “Rules for Removal Proceedings” enacted by the Council on March 26, 2015, **Tab 6**, reflect no provision for any appellate review of the Council’s actions.
- b. Neither the 1947 Special Act nor the 1967 City Charter granted the Council the power to call witnesses in a hearing regarding an elected official’s proposed removal. The 2002 City Charter, however, states that the Council may call “witnesses presented in favor of removal.”
- c. The 2002 City Charter does not specify whether the hearing contemplated in Chapter IV, Section 3(a) will be public or private, whereas the 1947 Special Act and the 1967 City Charter specifically granted the defending elected official the choice to have the “removal” hearing held in public or private. Reflecting this difference, the Council has arrogated to itself the right to make that decision by going out of its way to make public every aspect of this process to date.

87. In other words, the 2002 City Charter is an entirely new provision. It does not include the provisions of any special act concerning a “power” of the Council to remove an elected official from her elected office. This reality was acknowledged on or about November 1, 2010, when a member of the City of Hartford’s Charter Revision Commission publicly expressed concern that Chapter IV, Section 3(a) of the 2002 City Charter would be subject to a legal challenge because it substantively modified the Council’s removal power that had been set forth in the 1947 Special Act.

88. Pursuant to Connecticut General Statutes Section 7-188(a)(3), the City of Hartford's adoption of the 2002 City Charter repealed the 1967 City Charter. Pursuant to Connecticut General Statutes Section 7-188(a)(1), the City of Hartford's 2002 City Charter superseded "all special acts inconsistent with such charter." Thus, even assuming that the 1947 Special Act had not previously been repealed, it was superseded on November 5, 2002, when Chapter IV, Section 3(a) of the 2002 City Charter was passed by the electors of the City of Hartford.

89. Connecticut General Statutes Section 7-188(a)(3) grants to municipalities the power to "repeal any such home rule ordinance by adopting a charter, provided the rights or benefits granted to any individual under any municipal retirement or pension system shall not be diminished or eliminated." (Emphasis added.)

90. In adopting the 2002 City Charter, the City of Hartford expressly adopted the provisions of the 1947 City Charter related to the City's pension. *See* 2002 City Charter, Chapter VII, Section 4; Chapter XII, Section 1; and Chapter XII, Section 1(d). Unlike the pension-related sections of the 2002 City Charter, however, Chapter IV, Section 3(a) contains no statement that it is incorporating the provisions of 1947 Special Act.

91. As the Charter of the City of Hartford currently exists, it does not include the power to remove elected officials granted to the Council in the 1947 Special Act (and found in the 1947 City Charter, and later in the 1967 City Charter). Rather, it purports to include a different removal power – which is unenforceable for the reasons that follow.

**GENERAL LIMITS ON MUNICIPAL AUTHORITY DICTATE THAT THE CITY OF
HARTFORD HAS NO POWER TO REMOVE AN ELECTED OFFICIAL**

92. It is axiomatic that a municipality cannot wield a power unless it is explicitly granted to the municipality by the General Assembly, or it is necessary to the exercise of an expressly delegated power. A municipality, as a creation of the State, has no inherent legislative authority.

93. In determining whether a municipality has the authority to adopt a particular charter provision, a Court must search for statutory authority for the enactment. The lack of a prohibition against an enactment does not in any way imply that the required authorization exists.

94. Although, through the 1947 Special Act, the General Assembly provided the Council with a power to remove elected officials, the 1947 Special Act has been repealed. It therefore cannot be the source of any authority the Council today purports to wield in an effort to remove Ms. Petit, a duly-elected official.

95. Furthermore, although the 1967 City Charter included a power of the Council to remove elected officials, the 1967 City Charter also has been repealed. It therefore cannot be the source of any authority the Council today purports to wield in an effort to remove Ms. Petit, a duly-elected official.

96. Because neither the 1947 Special Act nor 1967 City Charter can be the source of any authority the Council today purports to apply to remove an elected official, the Council must be explicitly authorized to wield such power by a general statute of the General Assembly. There is no statute by which the General Assembly has (i) granted the Council the power to charge and remove a Registrar of Voters from her elected office, or (ii) granted the City of

Hartford the authority to adopt a Charter provision purporting to grant the Council the power to charge and remove a Registrar of Voters from her elected office.

97. The Council is aware, and has been for years, that the “power” purportedly granted in Section IV, Chapter 3(a) is not a valid grant of power.

98. Upon information and belief, on or about March 5, 2009, the Council was advised by its legal counsel that it has no impeachment power, and that it would have to apply to the General Assembly for general legislation providing for such power. *See Kerri Provost, Charter Revision Rapidly Revising*, Mar. 5, 2009, available at www.realhartford.org/2009/03/05/charter-revision-pt-3/#more-1057 (last visited Mar. 24, 2015).

99. Likewise, the Corporation Counsel of the City of Hartford notified the Council in a memorandum dated August 6, 2009, that “there is no statutory authority in Connecticut which would allow a City Council to remove an elected official.”

100. This declaratory judgment action may be maintained because Ms. Petit has a legal or equitable interest in her elected position as Registrar of Voters in the City of Hartford; and she risks losing her elected position, her job, and her livelihood as a result of the defendants’ attempt to wield power they do not have. This is a justiciable controversy where the parties’ interests are adverse.

101. As set forth in this Complaint, there is an actual bona fide and substantial question or issue in dispute or substantial uncertainty of legal relations which requires settlement between the parties.

102. All persons having an interest in the subject matter of the Complaint are parties to this action or have reasonable notice of this action.

103. The determination of this controversy is capable of resulting in practical relief to Ms. Petit, because it will prevent the Council from removing her from her elected position and save her livelihood.

104. Because of the importance of this action and the unsettled issues of law that must be adjudicated for its resolution, the Court should allow Ms. Petit to proceed with her claims for declaratory relief, even if there is another form of proceeding that can provide her with immediate redress.

THIRD COUNT **(Declaratory Judgment Against All Defendants Regarding The Explicit State Law Prohibition Against Defendants' Assertion of Any "Power" To Remove Ms. Petit, a Registrar of Voters, From Her Elected Position)**

1-104. Paragraphs 1 through 104 of the Introduction, First Count, and Second Count are hereby repeated and realleged as paragraphs 1 through 104 of the Third Count as if fully set forth herein.

105. Under state law, the defendants are prohibited from exercising any purported "power" over matters concerning a duly elected Registrar of Voters. Any home rule ordinance, charter amendment, or newly-adopted charter may not be inconsistent with either the Connecticut State Constitution or the General Statutes.

106. A municipality must show that there is explicit statutory authority permitting a particular charter enactment in order to defeat a challenge to the validity of that charter enactment. Even if the General Statutes do not prohibit a municipality from including a particular provision in its charter, the municipality still needs explicit authority to adopt the particular provision.

107. However, in this case, the General Statutes expressly prohibit municipalities from wielding any power – and from adopting a charter, charter amendment, or home rule ordinance amendment – that affects matters concerning elections generally, and Registrars of Voters in particular.

108. Connecticut General Statutes Section 7-192a states that nothing in the Home Rule Act “shall be deemed to empower any municipality . . . to adopt a charter, charter amendments or home rule ordinance amendments which shall affect matters concerning,” *inter alia*, any of the following:

- a. “duties and responsibilities of registrars of voters” [Conn. Gen. Stat. § 7-192a];
- b. “conduct of and procedures at elections” [*id.*];
- c. “election officials and their duties and responsibilities” [*id.*];
- d. “election contests” [*id.*]; or
- e. “prohibited acts with respect to elections” [*id.*].

109. When this section of the Home Rule Act was first passed in 1967, the General Assembly made clear that it intended for the matters listed in the statute to be “exclusively the concern of the general assembly and . . . not to be changed by home rule charter amendments.” *See* Conn. Gen. Assembly, House Proc., Pt.7, 1967 Sess., p. 3085 (emphasis added).

110. The General Assembly went on to state in 1967 that “these matters are ones which should be uniform throughout the state, and in the event that the various local municipalities were to attempt to vary any of these things by home rule amendment, we would completely destroy the uniformity throughout the state which we believe to be of extreme importance.” *Id.* (emphasis added).

111. In passing General Statutes Section 7-192a, the General Assembly intended to completely remove the matters enumerated in that Section from the Home Rule Act provisions of the General Statutes and to ensure uniformity of all laws related to elections and election officials. In other words, the General Assembly has preempted the entire field of legislation related to elections, including legislation regarding registrars of voters, thus rendering unenforceable the Council's purported "power" to remove Ms. Petit and her fellow Registrars of Voters from the duly-elected office that they hold pursuant to *state* law.

112. The Council's present attempt to remove Ms. Petit, a duly elected Registrar of Voters, from office for "neglect or dereliction of official duty, or incompetence, or dishonesty or incapacity to perform official duties or some delinquency materially affecting the officer or employee's general character or fitness for office" (*see* 2002 City Charter, Chapter IV, Section 3(a); *see also* **Tabs 1-5**) necessarily affects matters concerning the "duties and responsibilities of registrars of voters."

113. Thus, even if the removal provisions of the 1947 City Charter and 1967 City Charter had somehow not been superseded and repealed, and even if the 2002 removal provision were not materially inconsistent with those earlier, now-repealed provisions, the General Statutes expressly prohibit the defendants from using any general removal power to remove a duly elected Registrar of Voters, such as Ms. Petit, from her elected office.

114. This declaratory judgment action may be maintained because Ms. Petit has a legal or equitable interest in her elected position as Registrar of Voters in the City of Hartford, and she risks losing her elected position, her job, and her livelihood as a result of the defendants' attempt to wield power they do not have. This is a justiciable controversy where the parties' interests are adverse.

115. As set forth in this Complaint, there is an actual bona fide and substantial question or issue in dispute or substantial uncertainty of legal relations which requires settlement between the parties.

116. All persons having an interest in the subject matter of the Complaint are parties to this action or have reasonable notice of this action.

117. The determination of this controversy is capable of resulting in practical relief to Ms. Petit, because it will prevent the Council from removing her from her elected position and save her livelihood.

118. Because of the importance of this action and the unsettled issues of law that must be adjudicated for its resolution, the Court should allow Ms. Petit to proceed with her claims for declaratory relief, even if there is another form of proceeding that can provide her with immediate redress.

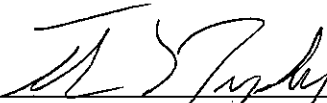
WHEREFORE, the Plaintiff, Urania Petit, respectfully prays for judgment as follows:

- (1) A declaration stating that:
 - a. The defendants are not authorized to remove the plaintiff, Urania Petit, the duly elected Working Families Registrar of Voters for the City of Hartford, from her elected position;
 - b. Chapter IV, Section 3(a) of the Charter of the City of Hartford is preempted by the Connecticut State Constitution;
 - c. Article Ninth, Sections 1 and 2 of the Connecticut State Constitution prohibit municipalities from taking any action to charge and remove a duly elected municipal official, and rest all such power of impeachment solely with the General Assembly;
 - d. Special Acts 1947, No. 30, "An Act Revising the Charter of the City of Hartford," has been superseded and repealed, has no force or effect, and thus cannot be the source of any purported authority the Council may seek to use to remove Ms. Petit from her elected office;

- e. The 1967 Charter of the City of Hartford, approved when Ordinance No. 28-67 was passed on November 7, 1967, has been superseded and repealed, has no force or effect, and thus cannot be the source of any purported authority the Council may seek to use to remove Ms. Petit from her elected office;
 - f. After 1947, the General Assembly passed no special act that conferred any power on the Council to remove a Registrar of Voters from her elected office;
 - g. There is no statutory authority that (i) grants the Council the power to remove a Registrar of Voters from her elected office, or (ii) grants the City of Hartford the authority to adopt a provision in its Charter purporting to grant the Council the power to remove a Registrar of Voters from her elected office;
 - h. Chapter IV, Section 3(a) of the current Hartford City Charter, pursuant to which the Council purports to act to remove Ms. Petit from her elected office, is inconsistent with any power to remove elected officials that the Council may have had prior to November 5, 2002; and
 - i. Connecticut General Statutes Section 7-192a expressly prohibits any municipality from acting under authority of a charter provision to remove a Registrar of Voters from her elected office.
- (2) A temporary injunction, pursuant to Connecticut General Statutes Section 52-471, *et seq.*, enjoining the defendants from (a) commencing any proceeding or "trial" to consider the removal of Ms. Petit from her elected office as Registrar of Voters; (b) voting on whether to remove Ms. Petit from her elected office as Registrar of Voters; and (c) removing Ms. Petit from her elected office as Registrar of Voters.
 - (3) A permanent injunction enjoining the defendants from (a) commencing any proceeding or "trial" to consider the removal of Ms. Petit from her elected office as Registrar of Voters; (b) voting on whether to remove Ms. Petit from her elected office as Registrar of Voters; and (c) removing Ms. Petit from her elected office as Registrar of Voters.
 - (4) Any further relief the Court may deem equitable or just.

Respectfully submitted,

THE PLAINTIFF,
URANIA PETIT

By:  _____

Thomas J. Murphy, Esq.

John P. D'Ambrosio, Esq.

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Juris No. 102203

- Her Attorneys -

TAB 1

Court of Common Council

14



CITY OF HARTFORD
550 MAIN STREET
HARTFORD, CONNECTICUT 06103

Shawn T. Wooden, Council President
Alexander Aponte, Majority Leader
Larry Deutsch, Minority Leader

John V. Bazzano, Town and City Clerk

Kyle K. Anderson, Councilman
Joel Cruz, Jr., Councilman
Raúl De Jesús, Jr., Councilman
Cynthia R. Jennings, Councilwoman
Kenneth H. Kennedy, Jr., Councilman
David MacDonald, Councilman

March 12, 2015

This is to certify that at a meeting of the Court of Common Council, March 9, 2015 the following RESOLUTION was passed.

WHEREAS, Serious problems occurred in the City's administration of the General Election on Tuesday, November 4, 2014 ("Election Day"), which problems adversely affected the ability of Hartford residents to cast their votes and resulted in the lack of an accurate vote count, which persists to this day; and

WHEREAS, Section 3(b) of Chapter IV of the Charter of the City Hartford (the "City Charter") provides that the Hartford Court of Common Council (the "Council"), or any committee thereof when so authorized by the Council, has the power to investigate the official conduct of any department or agency of the city government or of any officer or employee thereof, in order to determine the existence of cause for the removal of appointive or elective officers or employees; and

WHEREAS, In furtherance of that power, on November 12, 2014, the Court of Common Council passed a resolution creating a Committee of Inquiry (the "Committee") to investigate the impediments to casting ballots in the 2014 general election, any inaccuracies or delays in reporting of the vote count and other issues with regard to the City's administration of the 2014 general election voting process; and

WHEREAS, In recognition of the importance of the citizens' right to vote and in light of the seriousness of the impediments to voting that occurred in the City of Hartford, the Committee conducted a thorough investigation by undertaking an exhaustive review of

voluminous documents, conducting witness interviews, holding two days of hearings, and taking evidence; and

WHEREAS, Each of the three Registrars of Voters were called as witnesses and afforded the opportunity to appear and testify before the Committee during the two days of hearings held on December 22 and 23, 2014; and

WHEREAS, The Committee developed an extensive factual record, consisting of documentary evidence and recorded testimony (the "Hearing Record"); and

WHEREAS, The Committee of Inquiry prepared a Report of Factual Findings (the "Report"), and filed the same on January 16, 2015, which Report is incorporated as if fully set forth herein; and

WHEREAS, The Report of the Committee of Inquiry identified multiple, serious errors, which plagued the administration of the 2014 General Election Hartford and resulted in the disenfranchisement of Hartford voters and the lack of an accurate vote count; and

WHEREAS, The Committee of Inquiry determined that many of the Election Day problems are attributable to errors or omissions by the Hartford Registrars, a dysfunctional working relationship among the election officials, a lack of leadership and accountability, and the absence of a clear, legally prescribed chain of command; and

WHEREAS, The Court of Common Council is empowered under Section 3(a) of Chapter IV of the City Charter, as authorized by Special Act No. 30 of the Connecticut General Assembly (1947), to remove elective officers upon charges preferred by vote of a majority of the membership of the Council, and after a hearing thereon before the full Council, now, therefore be it

RESOLVED, that Olga Vazquez, Urania Petit, and Sheila Hall are charged with having committed the acts and omissions set forth in the following Articles of Removal, some or all of which may constitute neglect or dereliction of official duty, incompetence, incapacity to perform official duties or delinquency materially affecting their general character or fitness for office, and warranting their removal from office:

ARTICLE ONE

IT IS ALLEGED THAT OLGA VAZQUEZ, in her conduct as the Democratic Registrar of Voters for the City of Hartford, committed acts or omissions constituting neglect, dereliction of official duty, incompetence, incapacity to perform

official duties and/or delinquency materially affecting her general character or fitness for office, in one or more of the following ways:

- 1) Failing to sufficiently train and supervise poll workers;
- 2) Failing to ensure polling locations were properly staffed and equipped to administer the election;
- 3) Failing to properly and timely prepare the final voter registry lists;
- 4) Failing to request and obtain assistance even after it became apparent that the voter registry lists would not be completed in sufficient time to begin and complete the absentee ballot check-off process;
- 5) Failing to file the final voter registry lists with the Town Clerk by October 29, 2014, as required by Conn. Gen. Stat. § 9-38;
- 6) Failing to supervise and conduct the absentee ballot check-off process in a manner that would ensure its completion in sufficient time to provide final registry lists to moderators by 8:00 p.m. on the night before Election Day as required by Conn. Gen. Stat. § 9-259(a), or to deliver final registry lists to the polling places before 6:00 a.m. on Election Day;
- 7) Making, or consenting to, the decision to stop the absentee ballot check-off process the night before Election Day, even though the absentee ballot check-off process was not completed;
- 8) Failing to provide moderators with Election Day materials by 8:00 p.m. the night before Election Day as required by Conn. Gen. Stat. § 9-259(a);
- 9) Failing to develop and implement a plan to ensure the delivery of registry books to polling places before the polls opened at 6:00 a.m. on Election Day, after moderators were sent home without registry books the night before Election Day;
- 10) Failing to open the polls by 6:00 a.m. as required by Conn. Gen. Stat. § 9-174;
- 11) Failing to attend a statutorily required meeting to review the election returns and identify and correct any errors therein;
- 12) Failing to thoroughly investigate, identify and correct errors in the final head moderator's return filed with the Secretary of State;

13) Failing to communicate effectively with members of the Office of the Registrar and other City officials, including refusing to read correspondence sent to her by the Working Families Registrar and refusing to seek assistance from the Town Clerk or the Mayor, if necessary, because of perceived poor working relationships.

WHEREFORE, Olga Vazquez warrants trial upon these charges. If, after the presentation of evidence on these charges, seven members of the Council shall vote for Vazquez's removal, based on a finding that: (i) Vazquez committed one or more of the foregoing acts or omissions, and (ii) such conduct constitutes dereliction of official duty, or incompetence, incapacity to perform official duties or some delinquency materially affecting Vazquez's general character or fitness for office, she shall be removed from office as Democratic Registrar of Voters for the City of Hartford.

ARTICLE TWO

IT IS ALLEGED THAT URANIA PETIT, in her conduct as Working Families Registrar of Voters for the City of Hartford, committed acts or omissions constituting neglect, dereliction of official duty, incompetence, incapacity to perform official duties and/or delinquency materially affecting her general character or fitness for office, in one or more of the following ways:

- 1) Failing to sufficiently train and supervise poll workers;
- 2) Failing to ensure polling locations were properly staffed and equipped to administer the election;
- 3) Failing to properly and timely prepare the final voter registry lists;
- 4) Failing to file the final voter registry lists with the Town Clerk by October 29, 2014, as required by Conn. Gen. Stat. § 9-38;
- 5) Failing to ensure that the cross-off process would be completed in sufficient time to meet applicable statutory deadlines, despite being aware that scheduled times for conducting the cross-off had been postponed or cancelled;
- 6) Failing to provide moderators with Election Day materials by 8:00 p.m. the night before Election Day as required by Conn. Gen. Stat. § 9-259(a);
- 7) Failing to develop and implement a plan to ensure the delivery of registry books to polling places before the polls opened at 6:00 a.m. on Election Day, after moderators were sent home without registry books the night before Election Day;

8) Failing to open the polls by 6:00 a.m. as required by Conn. Gen. Stat. § 9-174;

9) Failing to thoroughly investigate, identify and correct errors in the final head moderator's return filed with the Secretary of State.

WHEREFORE, Urania Petit warrants trial upon these charges. If, after the presentation of evidence on these charges, seven members of the Council shall vote for Petit's removal, based on a finding that (i) Petit committed one or more of the foregoing acts or omissions, and (ii) such conduct constitutes dereliction of official duty, or incompetence, incapacity to perform official duties or some delinquency materially affecting Petit's general character or fitness for office, she shall be removed from office as Working Families Registrar of Voters for the City of Hartford.

ARTICLE THREE

IT IS ALLEGED THAT SHEILA N. HALL, in her conduct as the Republican Registrar of Voters for the City of Hartford, committed acts or omissions constituting neglect, dereliction of official duty, incompetence, incapacity to perform official duties and/or delinquency materially affecting her general character or fitness for office, in one or more of the following ways:

- 1) Failing to sufficiently train and supervise poll workers;
- 2) Failing to ensure polling locations were properly staffed and equipped to administer the election;
- 3) Failing to properly and timely prepare the final voter registry lists;
- 4) Failing to file the final voter registry lists with the Town Clerk by October 29, 2014, as required by Conn. Gen. Stat. § 9-38;
- 5) Failing to ensure that the cross-off process would be completed in sufficient time to meet applicable statutory deadlines, despite being aware that scheduled times for conducting the cross-off had been postponed or cancelled;
- 6) Failing to attend a statutorily required meeting to review the election returns and correct any errors;
- 7) Failing to provide moderators with Election Day materials by 8:00 p.m. the night before Election Day as required by Conn. Gen. Stat. § 9-259(a);

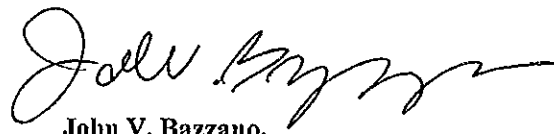
8) Failing to develop and implement a plan to ensure the delivery of registry books to polling places before the polls opened at 6:00 a.m. on Election Day, after moderators were sent home without registry books the night before Election Day;

9) Failing to open the polls by 6:00 a.m. as required by Conn. Gen. Stat. § 9-174;

10) Failing to thoroughly investigate, identify and correct errors in the final head moderator's return filed with the Secretary of State.

WHEREFORE, Sheila N. Hall warrants trial upon these charges. If, after the presentation of evidence on these charges, seven members of the Council shall vote for Hall's removal, based on a finding that (i) Hall committed one or more of the foregoing acts or omissions, and (ii) such conduct constitutes dereliction of official duty, or incompetence, incapacity to perform official duties or some delinquency materially affecting Hall's general character or fitness for office, she shall be removed from office as Republican Registrar of Voters for the City of Hartford; and be it further RESOLVED, that the hearing on the foregoing Articles shall commence on Tuesday, April 7, 2015, at 4:00 p.m. in the Council Chambers and shall continue from day to day until completed, provided that the Council President, in consultation with Attorney Garber, is authorized to grant or deny requests relating to alteration of the foregoing schedule.

Attest:


John V. Bazzano,
City Clerk

TAB 2

Court of Common Council

18



CITY OF HARTFORD

550 MAIN STREET
HARTFORD, CONNECTICUT 06103

Shawn T. Wooden, Council President
Alexander Aponte, Majority Leader
Joel Cruz, Jr., Minority Leader

John V. Bazzano, Town and City Clerk

Kyle K. Anderson, Councilman
Raúl De Jesús, Jr., Councilman
Larry Deutsch, Councilman
Cynthia R. Jennings, Councilwoman
Kenneth H. Kennedy, Jr., Councilman
David MacDonald, Councilman

November 13, 2014

This is to certify that at a meeting of the Court of Common Council, November 12, 2014, the following RESOLUTION was passed.

WHEREAS, Serious problems occurred in the City's administration of the General Election on Tuesday, November 4, 2014, which problems may have adversely affected the ability of Hartford residents to cast their votes, and

WHEREAS, The Mayor and the Court of Common Council are committed to the principle that voting is a paramount right of Hartford citizens, and

WHEREAS, It is essential that the City of Hartford determine the causes of 2014 Election Day problems by implementing a process that is separate from but complementary to investigations that may be carried out by the State Elections Enforcement Commission and the State's Attorney, now, therefore, be it

RESOLVED, That, pursuant to Chapter IV Section 3(b) of the Hartford City Charter, the Council hereby creates a Committee of Inquiry to investigate [the Registrars of Voters and their operation of Election Day 2014, to report to the Mayor and Council on their findings, and to make recommendations concerning the City of Hartford's election administration] impediments to casting ballots in the 2014 general election, any inaccuracies or delays in reporting of the vote count, and any other issue with regard to the City's administration of the 2014 general election voting process that it determines warrants examination, and be it further

RESOLVED, That the Committee of Inquiry shall be a special committee pursuant to Council Rule IX and shall meet at the call of its co-chairs and, as a special committee, it shall be subject only to the requirements of the General Statutes with regard to notice of its meetings, and be it further

RESOLVED, That, pursuant to Chapter IV, Section 3(b) of the Charter of the City of Hartford, the Council hereby authorizes the Committee to compel the attendance of witnesses and require the production of books and papers and any subpoena authorized by a vote of a majority of the Committee may be signed on its behalf by its legal counsel or either of its co-chairs, and be it further

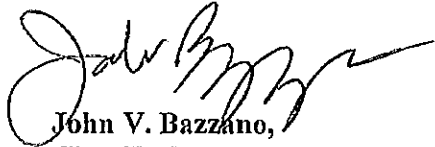
RESOLVED, That the members of the Committee shall be Majority Leader Alexander Aponte, Minority Leader Joel Cruz, Jr., Councilman Raúl De Jesús Jr., Councilwoman Cynthia R. Jennings, and Councilman David MacDonald, and that the Council President shall be an ex-officio, non-voting member of the Committee, and be it further

RESOLVED, That Majority Leader Aponte and Minority Leader Cruz shall be the co-chairs of the Committee and only members of the Committee shall participate in the Committee's discussions, and be it further

RESOLVED, That the council gratefully accepts the offers of pro bono legal assistance from Day Pitney LLP and Shipman & Goodwin LLP and designates James H. Rotondo of Day Pitney and Ross H. Garber of Shipman & Goodwin as counsel to the Committee, which counsel may be assisted in their roles by such other personnel of their law firms as they deem appropriate, and be it further

RESOLVED, That the Committee shall conclude its work and report its findings to the Council no later than December 31, 2014, at which point the committee shall terminate, provided, however, that the Committee may submit, to the Council President, requests for extensions, which he may grant at his sole discretion.

Attest:


John V. Bazzano,
City Clerk.

TAB 3

Court of Common Council

11



CITY OF HARTFORD
560 MAIN STREET
HARTFORD, CONNECTICUT 06103

Shawn T. Wooden, Council President
Alexander Aponte, Majority Leader
Joel Cruz, Jr., Minority Leader

John V. Bazzano, Town and City Clerk

Kyle K. Anderson, Councilman
Raúl De Jesús, Jr., Councilman
Larry Deutsch, Councilman
Cynthia R. Jennings, Councilwoman
Kenneth H. Kennedy, Jr., Councilman
David MacDonald, Councilman

January 28, 2015

This is to certify that at a meeting of the Court of Common Council, January 26, 2015 the following RESOLUTION was passed as AMENDED.

WHEREAS, The Court of Common Council (the "Council") authorized the formation of a Committee of Inquiry (the "Committee") to investigate impediments to casting ballots, any inaccuracies or delays in reporting of the vote count, and any other issue with regard to the City's administration of the November 4, 2014 general election (the "Election"); and

WHEREAS, The Committee completed its investigation and reported its findings on January 16, 2015; and

WHEREAS, Such findings detail significant failures by the Registrars of Voters to fulfill their statutory duties in connection with the Election; and

WHEREAS, The Council believes that the conduct reported by the Committee may constitute "dereliction of official duty, or incompetence" by the Hartford Registrars of Voters (the "Registrars") and may evidence "incapacity to perform official duties" by the Registrars, all within the meaning of Section 3 of Chapter IV of the Charter of the City of Hartford; now, therefore, be it

RESOLVED, That the Court of Common Council requests that the Corporation Counsel retain Ross Garber, Esq. and the law firm of Shipman & Goodwin LLP to draft charges warranted by the information gathered by the Committee in addition to such other information that counsel deems to be appropriate, against each Registrar of Voters for consideration by the Council, all in accordance with Section 3 of Chapter IV of the Charter of the City of Hartford; and be it further

RESOLVED, That the Council requests that Attorney Garber present a proposed statement of charges to the Council no later than February 9, 2015; and be it further

RESOLVED, That if the Council votes to prefer charges against one or more of the Registrars, Attorney Garber and Shipman & Goodwin LLP be retained to act as prosecuting counsel in the resulting removal proceeding.

Attest:

A handwritten signature in black ink, appearing to read "John V. Bazzano".

John V. Bazzano,
City Clerk.

TAB 4

DRAFT

RESOLUTION ADOPTING ARTICLES OF REMOVAL

WHEREAS, Serious problems occurred in the City's administration of the General Election on Tuesday, November 4, 2014 ("Election Day"), which problems adversely affected the ability of Hartford residents to cast their votes and resulted in the lack of an accurate vote count, which persists to this day; and

WHEREAS, Section 3(b) of Chapter IV of the Charter of the City Hartford (the "City Charter") provides that the Hartford Court of Common Council (the "Council"), or any committee thereof when so authorized by the Council, has the power to investigate the official conduct of any department or agency of the city government or of any officer or employee thereof, in order to determine the existence of cause for the removal of appointive or elective officers or employees; and

WHEREAS, In furtherance of that power, on November 12, 2014, the Court of Common Council passed a resolution creating a Committee of Inquiry (the "Committee") to investigate the impediments to casting ballots in the 2014 general election, any inaccuracies or delays in reporting of the vote count and other issues with regard to the City's administration of the 2014 general election voting process; and

WHEREAS, In recognition of the importance of the citizens' right to vote and in light of the seriousness of the impediments to voting that occurred in the City of Hartford, the Committee conducted a thorough investigation by undertaking an exhaustive review of voluminous documents, conducting witness interviews, holding two days of hearings, and taking evidence; and

WHEREAS, Each of the three Registrars of Voters were called as witnesses and afforded the opportunity to appear and testify before the Committee during the two days of hearings held on December 22 and 23, 2014; and

WHEREAS, the Committee developed an extensive factual record, consisting of documentary evidence and recorded testimony (the "Hearing Record"); and

WHEREAS, The Committee of Inquiry prepared a Report of Factual Findings (the "Report"), and filed the same on January 16, 2015, which Report is incorporated as if fully set forth herein; and

WHEREAS, The Report of the Committee of Inquiry identified multiple, serious errors, which plagued the administration of the 2014 General Election Hartford and resulted in the disenfranchisement of Hartford voters and the lack of an accurate vote count; and

WHEREAS, The Committee of Inquiry determined that many of the Election Day problems are attributable to errors or omissions by the Hartford Registrars, a dysfunctional working relationship among the election officials, a lack of leadership and accountability, and the absence of a clear, legally prescribed chain of command; and

WHEREAS, The Court of Common Council is empowered under Section 3(a) of Chapter IV of the City Charter, as authorized by Special Act No. 30 of the Connecticut General Assembly (1947), to remove elective officers upon charges preferred by vote of a majority of the membership of the Council, and after a hearing thereon before the full Council, be it

RESOLVED, BY THE CITY OF HARTFORD COURT OF COMMON COUNCIL, that Olga Vazquez, Urania Petit, and Sheila Hall are charged with having committed the acts and omissions set forth in the following Articles of Removal, some or all of which may constitute neglect or dereliction of official duty, incompetence, dishonesty or incapacity to perform official duties or delinquency materially affecting their general character or fitness for office, and warranting their removal from office:

ARTICLE ONE

IT IS ALLEGED THAT OLGA VAZQUEZ, in her conduct as the Democratic Registrar of Voters for the City of Hartford, committed acts or omissions constituting neglect, dereliction of official duty, incompetence, dishonesty, incapacity to perform official duties

and/or delinquency materially affecting her general character or fitness for office, in one or more of the following ways:

- 1) Failing to sufficiently train and supervise poll workers;
- 2) Failing to ensure polling locations were properly staffed and equipped to administer the election;
- 3) Failing to properly and timely prepare the final voter registry lists;
- 4) Failing to request and obtain assistance even after it became apparent that the voter registry lists would not be completed in sufficient time to begin and complete the absentee ballot check-off process;
- 5) Failing to file the final voter registry lists with the Town Clerk by October 29, 2014, as required by Conn. Gen. Stat. § 9-38;
- 6) Failing to supervise and conduct the absentee ballot check-off process in a manner that would ensure its completion in sufficient time to provide final registry lists to moderators by 8:00 p.m. on the night before Election Day as required by Conn. Gen. Stat. § 9-259(a), or to deliver final registry lists to the polling places before 6:00 a.m. on Election Day;
- 7) Making, or consenting to, the decision to stop the absentee ballot check-off process the night before Election Day, even though the absentee ballot check-off process was not completed;
- 8) Failing to provide moderators with Election Day materials by 8:00 p.m. the night before Election Day as required by Conn. Gen. Stat. § 9-259(a);
- 9) Failing to develop and implement a plan to ensure the delivery of registry books to polling places before the polls opened at 6:00 a.m. on Election Day, after moderators were sent home without registry books the night before Election Day;
- 10) Failing to open the polls by 6:00 a.m. as required by Conn. Gen. Stat. § 9-174;

11) Failing to attend a statutorily required meeting to review the election returns and identify and correct any errors therein;

12) Failing to thoroughly investigate, identify and correct errors in the final head moderator's return filed with the Secretary of State;

13) Failing to communicate effectively with members of the Office of the Registrar and other City officials, including refusing to read correspondence sent to her by the Working Families Registrar and refusing to seek assistance from the Town Clerk or the Mayor, if necessary, because of perceived poor working relationships.

WHEREFORE, Olga Vazquez warrants trial upon these charges. If, after the presentation of evidence on these charges, seven members of the Council shall vote for Vazquez's removal, based on a finding that: (i) Vazquez committed one or more of the foregoing acts or omissions, and (ii) that such conduct constitutes dereliction of official duty, or incompetence, or dishonesty or incapacity to perform official duties or some delinquency materially affecting Vazquez's general character or fitness for office, she shall be removed from office as Democratic Registrar of Voters for the City of Hartford.

ARTICLE TWO

IT IS ALLEGED THAT URANIA PETIT, in her conduct as Working Families Registrar of Voters for the City of Hartford, committed acts or omissions constituting neglect, dereliction of official duty, incompetence, dishonesty, incapacity to perform official duties and/or delinquency materially affecting her general character or fitness for office, in one or more of the following ways:

- 1) Failing to sufficiently train and supervise poll workers;
- 2) Failing to ensure polling locations were properly staffed and equipped to administer the election;
- 3) Failing to properly and timely prepare the final voter registry lists;
- 4) Failing to file the final voter registry lists with the Town Clerk by October 29, 2014, as required by Conn. Gen. Stat. § 9-38;

5) Failing to ensure that the cross-off process would be completed in sufficient time to meet applicable statutory deadlines, despite being aware that scheduled times for conducting the cross-off had been postponed or cancelled;

6) Failing to provide moderators with Election Day materials by 8:00 p.m. the night before Election Day as required by Conn. Gen. Stat. § 9-259(a);

7) Failing to develop and implement a plan to ensure the delivery of registry books to polling places before the polls opened at 6:00 a.m. on Election Day, after moderators were sent home without registry books the night before Election Day;

8) Failing to open the polls by 6:00 a.m. as required by Conn. Gen. Stat. § 9-174;

9) Failing to thoroughly investigate, identify and correct errors in the final head moderator's return filed with the Secretary of State.

WHEREFORE, Urania Petit warrants trial upon these charges. If, after the presentation of evidence on these charges, seven members of the Council shall vote for Petit's removal, based on a finding that (i) Petit committed one or more of the foregoing acts or omissions, and (ii) that such conduct constitutes dereliction of official duty, or incompetence, or dishonesty or incapacity to perform official duties or some delinquency materially affecting Petit's general character or fitness for office, she shall be removed from office as Working Families Registrar of Voters for the City of Hartford.

ARTICLE THREE

IT IS ALLEGED THAT SHEILA N. HALL, in her conduct as the Republican Registrar of Voters for the City of Hartford, committed acts or omissions constituting neglect, dereliction of official duty, incompetence, dishonesty, incapacity to perform official duties and/or delinquency materially affecting her general character or fitness for office, in one or more of the following ways:

1) Failing to sufficiently train and supervise poll workers;

- 2) Failing to ensure polling locations were properly staffed and equipped to administer the election;
- 3) Failing to properly and timely prepare the final voter registry lists;
- 4) Failing to file the final voter registry lists with the Town Clerk by October 29, 2014, as required by Conn. Gen. Stat. § 9-38;
- 5) Failing to ensure that the cross-off process would be completed in sufficient time to meet applicable statutory deadlines, despite being aware that scheduled times for conducting the cross-off had been postponed or cancelled;
- 6) Failing to attend a statutorily required meeting to review the election returns and correct any errors;
- 7) Failing to provide moderators with Election Day materials by 8:00 p.m. the night before Election Day as required by Conn. Gen. Stat. § 9-259(a);
- 8) Failing to develop and implement a plan to ensure the delivery of registry books to polling places before the polls opened at 6:00 a.m. on Election Day, after moderators were sent home without registry books the night before Election Day;
- 9) Failing to open the polls by 6:00 a.m. as required by Conn. Gen. Stat. § 9-174;
- 10) Failing to thoroughly investigate, identify and correct errors in the final head moderator's return filed with the Secretary of State.

WHEREFORE, Sheila N. Hall warrants trial upon these charges. If, after the presentation of evidence on these charges, seven members of the Council shall vote for Hall's removal, based on a finding that (i) Hall committed one or more of the foregoing acts or omissions, and (ii) that such conduct constitutes dereliction of official duty, or incompetence, or dishonesty or incapacity to perform official duties or some delinquency materially affecting Hall's general character or fitness for office, she shall be removed from office as Republican Registrar of Voters for the City of Hartford.

TAB 5

Hartford Court of Common Council

In re Removal of
OLGA VAZQUEZ, URANIA PETIT, and
SHEILA HALL

March 13, 2015

NOTICE OF CHARGES AND TIME AND PLACE OF HEARING

To: Urania Petit
Registrar of Voters, City of Hartford
550 Main St., Room 002
Hartford, CT 06103

Pursuant to Section 3(a) of Chapter IV of the Charter of the City Hartford (the "City Charter"), you are hereby given notice that the Hartford Court of Common Council (the "Council") has, by a majority vote, resolved to adopt the attached Articles of Removal. You are charged with having committed the acts and omissions set forth in the Articles of Removal, some or all of which may constitute neglect or dereliction of official duty, incompetence, incapacity to perform official duties or delinquency materially affecting your general character or fitness for office, and warranting your removal from office.

The Court of Common Council is empowered under Section 3(a) of Chapter IV of the City Charter, as authorized by special Act No. 30 of the Connecticut General Assembly (1947), to remove elective officers by a vote of seven members of the City Council upon charges preferred by vote of a majority of the membership of the Council, and after a hearing thereon before the full Council. Accordingly, a hearing on these charges will commence on **Tuesday, April 7, 2015 at 4:00 p.m.** and will continue day-to-day until complete, provided that the Council President, in consultation with prosecuting counsel, is authorized to grant or deny requests relating to alteration of the foregoing schedule.



Ross H. Garber
Shipman and Goodwin LLP
1 Constitution Plaza
Hartford, CT 06103-1919
(860) 251-5901
rgarber@goodwin.com
Prosecuting Counsel

A TRUE COPY
ATTEST:



ELIZABETH J. OSTROWSKI
CONNECTICUT STATE MARSHAL
HARTFORD COUNTY

Attachment

INTRODUCED BY:

Shawn T. Wooden, Council President
Alexander Aponte, Majority Leader
Joel Cruz, Jr., Minority Leader
Raúl DeJesús, Jr. Councilman
Kenneth H. Kennedy, Jr. Councilman
David MacDonald, Councilman
Cynthia R. Jennings, Councilwoman

COURT OF COMMON COUNCIL

City of Hartford, March 9, 2015

WHEREAS, Serious problems occurred in the City's administration of the General Election on Tuesday, November 4, 2014 ("Election Day"), which problems adversely affected the ability of Hartford residents to cast their votes and resulted in the lack of an accurate vote count, which persists to this day; and

WHEREAS, Section 3(b) of Chapter IV of the Charter of the City Hartford (the "City Charter") provides that the Hartford Court of Common Council (the "Council"), or any committee thereof when so authorized by the Council, has the power to investigate the official conduct of any department or agency of the city government or of any officer or employee thereof, in order to determine the existence of cause for the removal of appointive or elective officers or employees; and

WHEREAS, In furtherance of that power, on November 12, 2014, the Court of Common Council passed a resolution creating a Committee of Inquiry (the "Committee") to investigate the impediments to casting ballots in the 2014 general election, any inaccuracies or delays in reporting of the vote count and other issues with regard to the City's administration of the 2014 general election voting process; and

WHEREAS, In recognition of the importance of the citizens' right to vote and in light of the seriousness of the impediments to voting that occurred in the City of Hartford, the Committee conducted a thorough investigation by undertaking an exhaustive review of voluminous documents, conducting witness interviews, holding two days of hearings, and taking evidence; and

WHEREAS, Each of the three Registrars of Voters were called as witnesses and afforded the opportunity to appear and testify before the Committee during the two days of hearings held on December 22 and 23, 2014; and

WHEREAS, the Committee developed an extensive factual record, consisting of documentary evidence and recorded testimony (the "Hearing Record"); and

WHEREAS, The Committee of Inquiry prepared a Report of Factual Findings (the "Report"), and filed the same on January 16, 2015, which Report is incorporated as if fully set forth herein; and

WHEREAS, The Report of the Committee of Inquiry identified multiple, serious errors, which plagued the administration of the 2014 General Election Hartford and resulted in the disenfranchisement of Hartford voters and the lack of an accurate vote count; and

WHEREAS, The Committee of Inquiry determined that many of the Election Day problems are attributable to errors or omissions by the Hartford Registrars, a dysfunctional working relationship among the election officials, a lack of leadership and accountability, and the absence of a clear, legally prescribed chain of command; and

WHEREAS, The Court of Common Council is empowered under Section 3(a) of Chapter IV of the City Charter, as authorized by Special Act No. 30 of the Connecticut General Assembly (1947), to remove elective officers upon charges preferred by vote of a majority of the membership of the Council, and after a hearing thereon before the full Council, be it

RESOLVED, that Olga Vazquez, Urania Petit, and Sheila Hall are charged with having committed the acts and omissions set forth in the following Articles of Removal, some or all of which may constitute neglect or dereliction of official duty, incompetence, incapacity to perform official duties or delinquency materially affecting their general character or fitness for office, and warranting their removal from office:

ARTICLE ONE

IT IS ALLEGED THAT OLGA VAZQUEZ, in her conduct as the Democratic Registrar of Voters for the City of Hartford, committed acts or omissions

constituting neglect, dereliction of official duty, incompetence, incapacity to perform official duties and/or delinquency materially affecting her general character or fitness for office, in one or more of the following ways:

- 1) Failing to sufficiently train and supervise poll workers;
- 2) Failing to ensure polling locations were properly staffed and equipped to administer the election;
- 3) Failing to properly and timely prepare the final voter registry lists;
- 4) Failing to request and obtain assistance even after it became apparent that the voter registry lists would not be completed in sufficient time to begin and complete the absentee ballot check-off process;
- 5) Failing to file the final voter registry lists with the Town Clerk by October 29, 2014, as required by Conn. Gen. Stat. § 9-38;
- 6) Failing to supervise and conduct the absentee ballot check-off process in a manner that would ensure its completion in sufficient time to provide final registry lists to moderators by 8:00 p.m. on the night before Election Day as required by Conn. Gen. Stat. § 9-259(a), or to deliver final registry lists to the polling places before 6:00 a.m. on Election Day;
- 7) Making, or consenting to, the decision to stop the absentee ballot check-off process the night before Election Day, even though the absentee ballot check-off process was not completed;
- 8) Failing to provide moderators with Election Day materials by 8:00 p.m. the night before Election Day as required by Conn. Gen. Stat. § 9-259(a);
- 9) Failing to develop and implement a plan to ensure the delivery of registry books to polling places before the polls opened at 6:00 a.m. on Election Day, after moderators were sent home without registry books the night before Election Day;

10) Failing to open the polls by 6:00 a.m. as required by Conn. Gen. Stat. § 9-174;

11) Failing to attend a statutorily required meeting to review the election returns and identify and correct any errors therein;

12) Failing to thoroughly investigate, identify and correct errors in the final head moderator's return filed with the Secretary of State;

13) Failing to communicate effectively with members of the Office of the Registrar and other City officials, including refusing to read correspondence sent to her by the Working Families Registrar and refusing to seek assistance from the Town Clerk or the Mayor, if necessary, because of perceived poor working relationships.

WHEREFORE, Olga Vazquez warrants trial upon these charges. If, after the presentation of evidence on these charges, seven members of the Council shall vote for Vazquez's removal, based on a finding that: (i) Vazquez committed one or more of the foregoing acts or omissions, and (ii) such conduct constitutes dereliction of official duty, or incompetence, incapacity to perform official duties or some delinquency materially affecting Vazquez's general character or fitness for office, she shall be removed from office as Democratic Registrar of Voters for the City of Hartford.

ARTICLE TWO

IT IS ALLEGED THAT URANIA PETIT, in her conduct as Working Families Registrar of Voters for the City of Hartford, committed acts or omissions constituting neglect, dereliction of official duty, incompetence, incapacity to perform official duties and/or delinquency materially affecting her general character or fitness for office, in one or more of the following ways:

- 1) Failing to sufficiently train and supervise poll workers;
- 2) Failing to ensure polling locations were properly staffed and equipped to administer the election;
- 3) Failing to properly and timely prepare the final voter registry lists;

- 4) Failing to file the final voter registry lists with the Town Clerk by October 29, 2014, as required by Conn. Gen. Stat. § 9-38;
- 5) Failing to ensure that the cross-off process would be completed in sufficient time to meet applicable statutory deadlines, despite being aware that scheduled times for conducting the cross-off had been postponed or cancelled;
- 6) Failing to provide moderators with Election Day materials by 8:00 p.m. the night before Election Day as required by Conn. Gen. Stat. § 9-259(a);
- 7) Failing to develop and implement a plan to ensure the delivery of registry books to polling places before the polls opened at 6:00 a.m. on Election Day, after moderators were sent home without registry books the night before Election Day;
- 8) Failing to open the polls by 6:00 a.m. as required by Conn. Gen. Stat. § 9-174;
- 9) Failing to thoroughly investigate, identify and correct errors in the final head moderator's return filed with the Secretary of State.

WHEREFORE, Urania Petit warrants trial upon these charges. If, after the presentation of evidence on these charges, seven members of the Council shall vote for Petit's removal, based on a finding that (i) Petit committed one or more of the foregoing acts or omissions, and (ii) such conduct constitutes dereliction of official duty, or incompetence, incapacity to perform official duties or some delinquency materially affecting Petit's general character or fitness for office, she shall be removed from office as Working Families Registrar of Voters for the City of Hartford.

ARTICLE THREE

IT IS ALLEGED THAT SHEILA N. HALL, in her conduct as the Republican Registrar of Voters for the City of Hartford, committed acts or omissions constituting neglect, dereliction of official duty, incompetence, incapacity to perform official duties and/or delinquency materially affecting her general character or fitness for office, in one or more of the following ways:

- 1) Failing to sufficiently train and supervise poll workers;
- 2) Failing to ensure polling locations were properly staffed and equipped to administer the election;
- 3) Failing to properly and timely prepare the final voter registry lists;
- 4) Failing to file the final voter registry lists with the Town Clerk by October 29, 2014, as required by Conn. Gen. Stat. § 9-38;
- 5) Failing to ensure that the cross-off process would be completed in sufficient time to meet applicable statutory deadlines, despite being aware that scheduled times for conducting the cross-off had been postponed or cancelled;
- 6) Failing to attend a statutorily required meeting to review the election returns and correct any errors;
- 7) Failing to provide moderators with Election Day materials by 8:00 p.m. the night before Election Day as required by Conn. Gen. Stat. § 9-259(a);
- 8) Failing to develop and implement a plan to ensure the delivery of registry books to polling places before the polls opened at 6:00 a.m. on Election Day, after moderators were sent home without registry books the night before Election Day;
- 9) Failing to open the polls by 6:00 a.m. as required by Conn. Gen. Stat. § 9-174;
- 10) Failing to thoroughly investigate, identify and correct errors in the final head moderator's return filed with the Secretary of State.

WHEREFORE, Sheila N. Hall warrants trial upon these charges. If, after the presentation of evidence on these charges, seven members of the Council shall vote for Hall's removal, based on a finding that (i) Hall committed one or more of the foregoing acts or omissions, and (ii) such conduct constitutes dereliction of official duty, or incompetence, incapacity to perform official duties or some delinquency materially

affecting Hall's general character or fitness for office, she shall be removed from office as Republican Registrar of Voters for the City of Hartford.

and be it further RESOLVED, that the hearing on the foregoing Articles shall commence on Tuesday, April 7, 2015, at 4:00 p.m. in the Council chambers and shall continue from day to day until completed, provided that the Council President, in consultation with Attorney Garber, is authorized to grant or deny requests relating to alteration of the foregoing schedule.

STATE OF CONNECTICUT :
 :
COUNTY OF _____ : ss.: _____

Then I made due service of the within Notice of Charges and Time and Place of Hearing and a copy of the charges by reading the same in the presence and hearing of and leaving a true copy thereof with the following person(s) at the addressed indicated:

Name *Address*

and paid/tendered (to each) the fees allowed by law.

The within is a true copy of the original Subpoena and Notice of Deposition.

Witness Fee _____ \$
Service _____
Travel _____
Endorsement _____

\$ _____

Attest,

State Marshal
Constable
Indifferent Person

TAB 6



Court of Common Council

CITY OF HARTFORD
550 MAIN STREET
HARTFORD, CONNECTICUT 06103

Shawn T. Wooden, Council President
Alexander Aponte, Majority Leader
Joel Cruz, Jr., Minority Leader

Kyle K. Anderson, Councilman
Larry Deutsch, Councilperson
Raúl De Jesús, Jr., Councilman
Cynthia R. Jennings, Councilwoman
Kenneth H. Kennedy, Jr. Councilman
David MacDonald, Councilman

John V. Bazzano, Town and City Clerk

March 23, 2015

Mr. John V. Bazzano
Town and City Clerk
550 Main Street
Hartford, CT 06103

Dear Mr. Bazzano:

We hereby call pursuant to Chapter IV, Section 5(b) of the City Charter a special meeting of the Court of Common Council to be held on Thursday, March 26, 2015, at 5:00pm in the Council Chambers of the Municipal Building, 550 Main Street, Hartford, CT., for the purpose of considering the following item of business:

1. Consideration of proposed Rules for Removal Proceedings

Respectfully Submitted,

Alexander Aponte, Majority Leader

Kenneth H. Kennedy, Jr. Councilman

David MacDonald, Councilman

Kyle K. Anderson, Councilman

Raúl De Jesús, Jr., Councilman

INTRODUCED BY:

Alexander Aponte, Majority Leader
Joel Cruz, Jr., Minority Leader
Kenneth H. Kennedy, Jr., Councilman
Kyle K. Anderson, Councilman
Raúl De Jesús, Jr., Councilman
David Mac Donald, Councilman

COURT OF COMMON COUNCIL

City of Hartford, March 26, 2015

RESOLVED, BY THE CITY OF HARTFORD COURT OF COMMON COUNCIL, that the following are adopted as the Rules and Procedures for the removal trial against Olga Vazquez, Urania Petit, and Sheila Hall:

RULES AND PROCEDURES FOR REMOVAL

RULE 1 — Definitions.

In these Rules and Procedures, unless the context clearly requires a different meaning:

“Articles of Removal” include one or more articles of removal, which set forth the charges upon which the Registrars will be tried.

“Council” shall mean the City of Hartford Court of Common Council.

“Court Reporter” shall mean the duly qualified court reporter, who shall be responsible for steno graphically recording the proceedings and for marking and receiving exhibits into the record of Removal Proceedings.

“Registrars” means one or more of the Hartford Registrars of Voters, including the Democratic Registrar of Voters, Olga Vazquez, the Working Families Registrar, Urania Petit, and the Republican Registrar, Sheila Hall.

“Removal Proceedings” and “Trial” shall mean the removal trial against the Registrars and all hearings and motions in furtherance thereof.

“Removal Rules” or “Rules” means one or more of these Rules and Procedures for the Removal Proceedings.

“Presiding Officer” shall mean the President of the Council, Shawn Wooden, or the Presiding Officer Pro-Tem of the Council, Alexander Aponte, in the absence or recusal of the President, or a member of the Council designated by a majority vote in the absence of both the President and the Presiding Officer Pro-Tem.

RULE 2 — Articles of Removal.

The Articles of Removal presented to the Council by Prosecuting Counsel, having been preferred by the Council by majority vote, shall serve as the charges for purposes of these Removal Proceedings.

RULE 3 — Prosecuting Counsel.

The Prosecuting Counsel shall be Ross H. Garber of Shipman & Goodwin LLP. Prosecuting Counsel will be assisted by Michael G. Chase of Shipman & Goodwin LLP in prosecuting the Articles of Removal, and such staff as the Prosecuting Counsel may designate.

RULE 4 — Issuance of orders.

The Presiding Officer has the power (i) to make and issue all orders, mandates, writs, and other papers or documents authorized by these Rules and (ii) to make and enforce any other regulations and orders relating to the removal trial proceedings that the Council authorizes.

RULE 5 — Form of proceedings.

Unless specifically addressed in these Rules, the Presiding Officer shall have the authority to direct the form of the Removal Proceedings and the physical layout of the Court of Common Council chamber during such Proceedings.

RULE 6 — Power to administer oaths; subpoenas for witnesses or documents; penalty for violation

(a) For the purpose of conducting the Removal Proceedings, the Court Reporter and any member of the Council shall have power to administer oaths.

(b) The Council may compel the attendance of witnesses and require the production of books and papers.

(c) Any person who refuses or fails to obey the subpoena of the Council as provided for herein shall be subject to such remedies and penalties as the law allows.

RULE 7 — Rules of evidence governing the trial.

(a) Evidence may be admitted if it is relevant, material, and not redundant. Neither the Federal Rules of Evidence nor the Connecticut Code of Evidence apply to these Removal Proceedings or any motion or hearing in furtherance thereof.

(b) The Prosecuting Counsel or any Registrar or her counsel may object to the admission or exclusion of evidence. Any objection shall be addressed to the Presiding Officer, who shall be advised as to all legal issues by the Legal Advisor to the Council.

(c) The Presiding Officer may rule on an objection and his ruling shall stand. The Presiding Officer, at his sole discretion, may submit the objection to the full Court of Common Council, which shall rule on the objection in the first instance by a majority vote.

(d) The vote of the Council under subsection (c) of this rule shall be by record roll call vote.

RULE 8 — Notice of Charges and Time and Place of Hearing

(a) A Notice of Charges and Time and Place of Hearing shall have issued to each of Olga Vazquez, Urania Petit, and Sheila Hall. The notice shall have attached the Articles of Removal and notified each of the registrars of the time and place of the trial upon these Removal Proceedings.

(b) The Notice shall have been served at least two (2) weeks before the date fixed for the commencement of the Removal Proceedings. Service shall have been made by delivery of a copy to each of the Registrars personally or at their abode or to their counsel.

RULE 9 — Commencement of removal proceedings.

(a) On April 7, 2015 at 4:00 p.m., unless otherwise directed by the Presiding Officer, the full Court of Common Council shall convene a special meeting for the purpose of the Removal Proceedings of Olga Vazquez, Urania Petit, and Sheila Hall in the Council Chambers.

(b) The Court Reporter shall then administer the oath to the members of the Council.

(c) The oath to be administered shall be as follows: "I solemnly swear (or affirm) that in all things pertaining to these removal proceedings on the charges in the Articles of Removal, now pending, I will do justice according to law."

RULE 10 — Subpoena of witnesses; requests to admit additional evidence.

(a) Requests for subpoenas for witnesses may be made by the Prosecuting Counsel or by the Registrars or their counsel in the form of a written motion submitted to the Presiding Officer. The motion must incorporate a showing that the subpoena is reasonably required to obtain relevant information that is not cumulative or redundant.

(1) A motion for a subpoena for witness testimony must contain the name of the witness, a description of the subject matter of the testimony, an explanation of why the testimony is relevant, material, and not cumulative or redundant, and must indicate when the party seeks to have the witness testify before the Council, as well as the anticipated length of any direct examination of such witness.

(2) A motion for a subpoena requiring the production of documents by any witness must specify the documents or other materials to be produced and the material or relevant facts to be proved by them.

(3) The Presiding Officer shall rule on all motions made under subsection (a) or may, at his discretion, submit such motions to the Council for its consideration.

(4) If a motion to subpoena a witness to testify before the Council made under subsection (a) is granted, and such witness is properly served with a subpoena by a Marshal of the State of Connecticut, then the witness shall appear and testify in the manner provided in Removal Rule 17.

(5) If a motion made under subsection (a) is granted to issue a subpoena duces tecum and the moving party seeks the admission of any produced documents or other materials as evidence, then the moving party must submit a request pursuant to subsection (b) of this Removal Rule.

(b) Requests for the admission of any testimony or documentary evidence must be made by Prosecuting Counsel or by the Registrars or their counsel in the form of a motion submitted to the Presiding Officer no later than one week prior to the commencement of the trial day on which that witness is expected to testify or the evidence will be proffered. The Presiding Officer may modify this deadline at his sole discretion.

(1) A motion seeking the admission of witness testimony must contain the name of the witness, a description of the subject matter of the testimony, and an explanation of why the testimony is relevant, material, and not redundant.

(2) A motion seeking the admission of documents or other materials must describe and produce the proffered evidence and must explain why the documents or other materials are relevant, material, and not redundant.

(3) The Presiding Officer shall rule on all motions made under subsection (b) or may, at his sole discretion, submit such motions to the Council for its decision. If a motion is granted with respect to the admission of witness testimony, then the Council shall proceed to hear the testimony in the manner set forth in Removal Rule 17. If a motion is granted with respect to the admission of documents or other materials, then the documents or other materials shall be deemed admitted as evidence in the Removal Proceedings before the Council.

(c) A party submitting a motion under this Rule must, simultaneously with filing the motion and supporting documents with the Presiding Officer, serve a copy on all other parties. The non-moving parties may object to a request made under this Rule by filing objections in writing with the Presiding Officer and by serving a copy on the moving party. A non-moving party has 24 hours from the time of that party's receipt of service of the request to file an objection, unless directed otherwise by the Presiding Officer.

RULE 11 — Opening statements; order of proceedings; closing arguments.

(a) No opening statements shall be permitted.

(b) Proceedings shall proceed as follows: The Prosecuting Counsel shall present the case for removal. The Registrars or their counsel shall then be provided the opportunity to present evidence relevant to the Articles of Removal as provided by these Rules. Prosecuting Counsel shall have an opportunity to present any rebuttal.

(c) Closing arguments shall follow the presentation of all evidence to the Council during the Removal Proceedings. Prosecuting Counsel shall have 30 minutes to present a closing argument. Each Registrar or their counsel shall have 15 minutes to present a closing argument. Prosecuting Counsel shall then have an additional 10 minutes to present any rebuttal argument. On motion of either party before closing argument, the time for closing argument may be extended by the Presiding Officer at his sole discretion.

RULE 12 — Council Rules; applicability.

The Council Rules, unless otherwise provided for by law, govern the Council while it sits for the purpose of trying the Removal Proceedings. If any Council Rule conflicts with these Removal Rules, then these Removal Rules control.

RULE 13 — Time of trial.

The hour of the day at which the Council shall sit upon the trial of these Removal Proceedings is 4:00 p.m. on April 7, 2015, unless otherwise directed by the Presiding Officer. When that hour arrives, the Presiding Officer shall direct that the Council convene to sit as a removal tribunal, and the business of the trial shall proceed day-to-day until completed and shall be presided over by the Presiding Officer. While the Council is sitting as a removal tribunal, no other business than business related to the removal trial is in order.

RULE 14 — Court Reporter as temporary custodian of all removal records.

The Court Reporter shall record the removal trial proceedings steno graphically and shall prepare a final verbatim transcript of proceedings to serve as the trial record and be filed with the Town and City Clerk. During the Removal Proceedings, the Court Reporter shall provide for receipt and secure maintenance of all subpoenas, documents, records, books, papers, pleadings, motions, and exhibits presented to or received by the Council in removal trial proceedings. Upon completion of the Removal Proceedings, the Court Reporter shall provide all records to the Town and City Clerk to be certified as the official record of proceedings and for permanent maintenance and public availability thereof.

RULE 15 — Counsel for parties.

Prosecuting Counsel and his or her staff and counsel for the Registrars and his or her staff shall be admitted to appear and be heard upon these Removal Proceedings so long as such attorneys are members of the bar of the State of Connecticut. Each of the Registrars shall have the right to be represented by counsel at the hearing.

RULE 16 — Presentation of questions, motions, and other matters; votes on motions, requests, and other matters.

(a) All motions, objections, requests, or other matters pertaining to procedure, to the Articles of Removal, or to the Removal Proceedings, including questions with respect to the admissibility of evidence, made orally or in writing by Prosecuting Counsel or the Registrars or their counsel, shall be addressed to the Presiding Officer. If made orally and the Presiding Officer so requests, any such petition shall be reduced to writing and submitted to the Court Reporter.

(b) The Presiding Officer shall have the power to decide all motions, requests, or other matters pertaining to procedure, to the Articles of Removal, or to the Removal Proceedings, made orally or in writing by Prosecuting Counsel or the Registrars or their counsel. In his sole discretion, the Presiding Officer may submit such issues to the full Council. Evidentiary objections shall be determined under Rule 7.

(c) Councilmembers shall direct to the Presiding Officer all oral or written motions, requests, or other matters pertaining to procedure, to the Articles of Removal, or to the Removal Proceedings. The Presiding Officer may then decide such motion, request, or other matter, or, in his sole discretion, order that such matter be put to a vote by the Council. The vote on the motion, request, or other matter shall be without debate.

RULE 17 — Witness examination and presentation of trial exhibits; questions by Councilmembers.

(a) Prosecuting Counsel and the Registrars or their counsel shall have the right to present witness testimony, to cross-examine witnesses, and to compel the attendance of witnesses by subpoena issued in the name of the Council as provided for by these Rules. The Registrars may also present testimony personally.

(b) Before any witness may give testimony, the Court Reporter shall administer to the witness the following oath: "I do solemnly swear (or affirm) that the testimony I am about to give in this matter is the truth, the whole truth, and nothing but the truth."

(c) Each witness shall be examined by one person on behalf of the party producing that witness and then cross-examined by one person on behalf of any other party. The Presiding Officer may, at his discretion, permit redirect examination and may, at his discretion, permit re-cross examination.

(d) After completion of questioning by Prosecuting Counsel and the Registrars or their counsel, any Councilmember desiring to question a witness shall be permitted to do so by reducing his or her question to writing and by submitting it to the Presiding Officer. Questions submitted shall be asked by the Presiding Officer at his discretion. If any objection to a Councilmember's question is raised by Prosecuting Counsel, the Registrars, their counsel, or a Councilmember, then the objection shall be ruled upon in the same manner as set forth in Removal Rule 7. There shall be no colloquy or debate by or among the Councilmembers on the question posed.

(e) Copies of all documents and other materials intended to be relied upon or entered into evidence and the name of any witness permitted to testify before the Council pursuant to Removal Rule 10 shall be submitted to the Court Reporter, and a copy shall also be provided to all counsel, no later than one week prior to the commencement of the trial day on which that witness is expected to testify or the evidence will be proffered, unless specified otherwise by Council Resolution or by motion under Removal Rule 16.

RULE 18 — Final verdict and judgment.

(a) After closing arguments, the Council sitting as a removal tribunal shall take a separate record vote on each article of removal against Olga Vazquez, Urania Petit, and Sheila Hall.

(b) The Presiding Officer shall state the question on each Article of Removal as follows: "Does the Council find there is sufficient evidence as to the _____ article of removal against _____ to remove her from the office of the Registrar of Voters for the City of Hartford?" Each Councilmember, as his or her name is called, shall answer "Yes" or "No". An article of removal and the question put to the Council is not divisible for the purpose of voting thereon at any time during the trial.

(c) For each article of removal not sustained by the Council, a judgment of acquittal shall be pronounced by the Presiding Officer and entered upon the record as to that article.

(d) If seven members of the Council sustain any one or more articles of removal by record vote, then the Presiding Officer shall pronounce judgment of removal against the Registrar that is the subject of each sustained article of removal. The Presiding Officer shall also

pronounce in the judgment that the Registrar is thereby removed from the office of the Registrar of Voters and shall enter the judgment upon the record.

(e) A motion to reconsider the vote by which any article of removal is sustained or rejected is never in order.

(f) Upon conclusion of all matters pertaining to the Removal Proceedings, the Presiding Officer shall adjourn the Council as a removal tribunal.

RULE 19 — Schedule.

The Presiding Officer may, at any time, or upon motion of Prosecuting Counsel or the Registrars or their counsel, adjourn the proceedings and set a time and day for the proceedings to resume.

RULE 20 — Amendments to and suspension of Rules.

These Rules may be suspended or amended by majority vote of the Council.

Practice Book § 17-56 Certification

Plaintiff certifies that all interested parties, as listed below, have been joined as parties to the action or have been given reasonable notice of this action.

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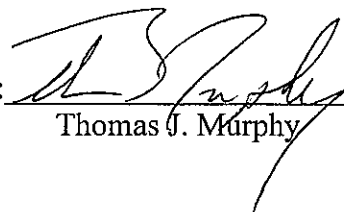
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Thomas J. Murphy