

DOCKET NO: HHD-CV-106013927-S

ANGEL S. MORALES : SUPERIOR COURT

vs. : HARTFORD JUDICIAL
DISTRICT

JOHN BAZZANO, TOWN CLERK, : AUGUST 24, 2010
ET AL

AMENDED COMPLAINT

(In connection with a primary and requested hearing)

1. This petition and complaint is presented and brought, *inter alia*, pursuant to Connecticut General Statute 9-329a.
2. The intended respondents are the following:

John Bazzano, Town and City Clerk, City of Hartford
550 Main Street, Hartford, Connecticut 06106

Olga Vazquez, Democratic Registrar of Voters, City of Hartford
550 Main Street, Hartford, Connecticut 06106

Garey Coleman, Deputy Democratic Registrar of Voters, City of Hartford
550 Main Street, Hartford, Connecticut 06106

Kevin Roldan, Department C-4,
1580 Broad Street, Hartford, Connecticut 06106
3. The plaintiff was one of the two candidates in the Hartford Democratic Party State Representative primary for the Fourth Assembly District held on August 10, 2010.
4. On said date and as of this date the respondent John Bazzano was and is the Town and City Clerk for the City of Hartford.

LAW OFFICE

ROBERT F. LUDGIN

33 LINDEN PLACE

HARTFORD, CONNECTICUT

06106

5. On said date, Olga I. Vazquez was and is the Democratic Registrar of Voters of the City of Hartford.

6. On said date Garey Coleman was and is the Deputy Democratic Registrar of Voters of The City of Hartford.

7. On said date, the respondent, Kevin Roldan, was also a candidate in said Democratic primary for the nomination for State Representative for the Fourth Assembly District in the City of Hartford.

8. On August 10, 2010, the voting in this Fourth Assembly District primary election occurred at four voting districts, namely voting district #15, voting district #16, voting district #17 and voting district #18.

9. The polls closed at 8:00 p.m. on August 10, 2010.

10. According to common agreement among the petitioner's poll watchers who listened to the results at each polling place and reported the results to him and as acknowledged to him by the respondent Democratic Registrar of Voters on the evening of August 10th shortly after the polls closed, the petitioner had won.

11. Nevertheless, the official results released by the respondent city officials on the morning of August 11, 2010 indicated that respondent Kevin Roldan had won by a nine vote margin namely by 383 to 374.

12. The above-mentioned results included 78 absentee ballots.

13. A recount was held on the following Monday, August 16th, after which the respondent city officials officially declared the incumbent state representative, respondent Kevin Roldan, the victor by a margin of six votes, namely by 382 to 376.

14. The said Democratic Registrar of Voters Olga I. Vazquez, and the Deputy Town Clerk, John Bazzano, violated Connecticut General Statutes by committing the following serious errors as election officials:

a.) They neglected to perform all the duties required of them by the laws relating to primaries in that they failed to keep the box containing the

absentee ballots sealed from the evening of August 10, 2010 through the morning of August 16, 2010 when the recount was held;

b.) They failed to follow the requirement of § 9-147a in that the registrar of voters failed to notify the municipal clerk in writing at least twenty days before the election that all absentee ballots would be counted at a central location and therefore all absentee ballots were required to be separated, counted, tallied, and placed in depository envelopes at the appropriate voting districts;

c.) The Democratic Registrar of Voters and the Town Clerk did not comply with the requirements of § 9-147a(b) to allow any member of the public to be present to observe the counting of absentee ballots at the central location;

d.) The said respondent election officials did not comply with the requirements of § 9-150a(m) in having all absentee ballots after having been counted placed by the counters, separately by voting district, in depository envelopes prescribed by The Secretary of The State and provided by the municipal clerk and then properly sealed, endorsed and delivered; and

e.) The respondent election officials violated § 9-159r because the Smith Towers should be considered a “residential care home” and thereby “an institution” under § 9-159q thereby requiring a mandatory supervised voting procedure but that did not occur even though twenty or more residents of such institution are electors.

f.) By not complying with the above mentioned requirements of the law, said respondent election officials were also in violation of § 9-355 of the Connecticut General Statutes.

15. In compliance with this §9-329a, a copy of this complaint and of the proposed order are being mailed by first class mail on this 24th day of August to the State Elections Enforcement Commission, 1st Floor, 18 Trinity Street, Hartford, Connecticut 06106-1628.

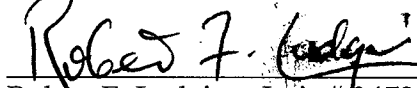
16. This is to certify that all parties, all defendants in this action have been “served” in accordance with the statutory requirement for this type of complaint, namely they have not been served but will be served along with the Order of Notice once it has been completed by the Court Clerk’s Office.

WHEREFORE, the petitioner prays:

1. That this court order that all ballots used in the primary election described in the complaint whether in the normal voting or by absentee ballot be impounded until further order of this court;
2. That this court order that no Democratic candidate for state representative for the Fourth Assembly District be recognized as the official candidate before this matter is resolved in its entirety;
3. That this court order the votes cast on the absentee ballots in the City of Hartford be recounted;
4. That this court order the petitioner Angel S. Morales the winner of the primary election for the Democratic nomination for State Representative for the Fourth Assembly District of the City of Hartford;
5. That, in the alternative, this court order a new election for the primary election for the Democratic nomination for State Representative for the Fourth Assembly District of the City of Hartford;
6. That this court order that the ballots cast in the primary election not be examined, unlocked or otherwise inspected except for the purposes of this matter or by order of this court; and
7. That this court order such further relief as it may deem appropriate under Connecticut General Statutes 9-329a.

Dated at Hartford, Connecticut this 24th day of August, 2010.

PLAINTIFF


Robert F. Ludgin – Juris #34720
Commissioner of the Superior Court

DOCKET NO: HHD-CV-106013927-S

ANGEL S. MORALES : SUPERIOR COURT
vs. : HARTFORD JUDICIAL
DISTRICT
JOHN BAZZANO, TOWN CLERK, : AUGUST 24, 2010
ET AL

ORDER

The above Complaint having been presented to the court, it is hereby
ORDERED that a hearing be held thereon on _____, at
_____ a.m./p.m. in Courtroom _____,
and that the plaintiff give notice to the defendants of the pendency of the action and
the time when it will be heard by causing a true and attest copy of the Complaint,
of the Amended Complaint and of this ORDER to be served upon the defendants
by some proper officer or indifferent person on or before
_____, and that due return of service be made to this
court.

Dated at Hartford, Connecticut this ____ day of August, 2010.

Judge / Clerk

LAW OFFICE

ROBERT F. LUDGIN

33 LINDEN PLACE

HARTFORD, CONNECTICUT

06106