

STATE OF CONNECTICUT
STATE ELECTIONS ENFORCEMENT COMMISSION

Complaint of Doris E. Marina,
West Haven

File No. 2013-129

FINDINGS AND CONCLUSIONS

The Complainant Doris E. Marina, of West Haven, Connecticut, brings this complaint pursuant to General Statutes § 9-7b and alleged that City of West Haven Registrar of Voters' Office changed her political preference on her voter registration card and that Democratic Registrar of Voters Jo Ann Callegari attempted to discourage her from registering to vote. After the investigation of the complaint, the Commission makes the following findings and conclusions:

1. Complainant changed her voter registration location from the City of New Haven to vote in West Haven on September 21, 2009. Complainant had been registered in New Haven since November 7, 2000 and at the time of changing her registration her party preference was Democratic.
2. The Complainant alleged:
 - (1) That the West Haven Registrar of Voters' Office changed her political preference without her knowledge on her September 21, 2009 voter registration application; and,
 - (2) That Complainant alleged that Democratic Registrar of Voters Jo Ann Callegari attempted to discourage her from registering to vote.
3. Complainant's voter registration indicates that she previously voted in the 2007 and 2008 primaries when registered in New Haven. Further, that history indicates that Complainant has not voted in any primary since registering to vote in West Haven on September 21, 2009. Finally, since registering in West Haven, Complainant voted in-person at the general elections of 2009, 2010 and 2011.
4. On September 10, 2013 Complainant visited the City of West Haven Registrars' of Voters Office during the hours of the West Haven Democratic Primary. At that time Complainant amended her 2009 voter registration application which indicated "*No. I do not wish to enroll in a party at this time,*" and registered to vote with the political preference marked "*Yes. Name of Party – Democratic.*"

5. General Statutes § 9-361, provides in pertinent part:

The following persons shall be guilty of primary or enrollment violations:

... (4) *any registrar* or deputy registrar of voters who fails to hold sessions as provided in sections 9-51 and 9-53 or *who fails to register an elector upon the oral or written application for enrollment of such elector*, except as provided by law, or who fails to erase an elector's name as provided in section 9-59 or *who registers any elector upon an enrollment list other than that declared by such elector in his application as his political preference*, or who removes or erases the name of any elector from any enrollment list except as provided by law; ... The penalty for any such violation shall be a class D misdemeanor, except that any person found to have violated subdivision (1) or (2) of this section shall be guilty of a class D felony and shall be disfranchised. [Emphasis added.]

6. Complainant alleged in Allegation One that Ms. Callegari, or someone in the West Haven Registrars' office, changed her political preference on her West Haven voter registration application dated September 21, 2009.
7. Upon review and inspection of the September 21, 2009 voter registration application there is no apparent marks, erasures or other indications, that it had been altered after completion by Complainant. Additionally, the Commission finds that Ms. Callegari denied in writing that she altered the content of Complainant's September 21, 2009 voter registration card. Further, she asserted that that is *not* something her staff would do, or did in this instance. The Commission further finds that a witness and employee of the West Haven Registrars' office corroborated orally and in writing the accuracy of Ms. Callegari's recollection of events on September 10, 2013.
8. Finally, after investigation, the Commission finds that beyond Complainant's assertion that someone had changed her voter registration status, Complainant when provided the opportunity by Commission staff to identify witnesses or evidence alluded to in her complaint and additional information pertaining Allegation One failed to do so.
9. The Commission, for the reasons detailed in paragraphs 7 and 8 above, therefore dismisses Allegation One for lack of evidence of a violation of General Statutes § 9-361 as alleged.
10. Complainant alleged in Allegation Two that Democratic Registrar of Voters Jo Ann Callegari attempted to discourage her from registering to vote.

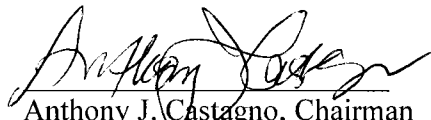
11. The Commission finds that in response to this investigation Commission staff was provided documentary evidence confirming that Complainant had been provided a voter registration application on September 10, 2013 and that she amended her voter registration status with the West Haven Registrars' office. Further, the commission finds evidence that the amended registration by Complainant included a change of party preference from unaffiliated to Democratic and voter registration records were amended to reflect changes in Complainant's political preference status.
12. The Commission finds that Ms. Callegari denied in writing that she interfered with Complainant's attempts to register to vote on September 10, 2013. Further, Ms. Callegari stressed that she provided Complainant with a new voter registration application which was processed successfully by her office upon request. This is consistent with information and testimony corroborated by a witness to Commission staff as detailed herein.
13. Finally, the Commission finds that beyond Complainant's assertion that Ms. Callegari discouraged her from registering to vote, Complainant provided no further information in support of that allegation when provided the opportunity to do so by Commission staff. The Commission therefore dismisses Allegation Two for a lack of evidence of a violation of General Statutes § 9-361 as alleged.
14. The Commission dismisses this complaint alleging possible violation of General Statutes § 9-361 by either West Haven Democratic Registrar of Voters Jo Ann Callegari or the West Haven Registrars of Voters' staff as alleged by Complainant, in light of credible information that contradicts Complainant's allegations and a lack of evidence to substantiate such allegations.

ORDER

The following Order is recommended on the basis of the aforementioned findings:

That the case is dismissed.

Adopted this 18th day of December, 2013 at Hartford, Connecticut.


Anthony J. Castagno, Chairman
By Order of the Commission