

STATE OF CONNECTICUT
STATE ELECTIONS ENFORCEMENT COMMISSION

Complaint of Larry K. Johnson,
Norwalk

File No. 2013-133

FINDINGS AND CONCLUSIONS

The Complainant Larry K. Johnson, of Norwalk, Connecticut, brings this complaint pursuant to General Statutes § 9-7b and alleged that he appeared at his polling place at the September 10, 2013 primary in the City of Norwalk and was denied the right to vote. After the investigation of the complaint, the Commission makes the following findings and conclusions:

1. The Complainant alleged that he was denied the right to vote at the Columbus Magnet School polling place in the City of Norwalk at the September 10, 2013 Democratic mayoral primary (hereinafter “the Primary”).
2. By way of background, Complainant was one of five names of registered sex offenders provided by the Norwalk Police Department to the Norwalk Registrars of Voters office prior to the Primary.
3. The Complainant has voted four times “in-person” at the Columbus Magnet School polling place since registering to vote in Norwalk on November 1, 2011, and since being placed on the registered sex offenders list in 1998.
4. Complainant alleged that he appeared at his polling place during the Primary on September 10, 2013 and was at the order of elections officials escorted out of the polling place by a police officer and denied the right to vote.
5. General Statutes § 9-364, provides:
Any person who, with intent to disenfranchise any elector, influences or attempts to influence by force or threat, bribery or corrupt, fraudulent or deliberately deceitful means any elector to stay away from any election shall be guilty of a class D felony. [Emphasis added.]
6. Upon investigation, it was determined that prior to the Primary the Norwalk Registrars of Voters implemented a protocol by which registered sex offenders would be permitted to vote in-person at their polling places. More specifically, it was determined that Moderators and police officers assigned to each polling place would be made aware of individuals identified as registered sex offenders *prior* to the Primary and exercise appropriate vigilance.

7. General Statutes § 9-230, provides:

The registrars of voters may request the head of the police department of the municipality, or, if none, a constable serving such municipality, to provide police protection at any polling place of any regular or special state or municipal election where they may anticipate disorder. The moderator of such election may, when any disorder arises in such election and the offender refuses to submit to the moderator's lawful authority, order any officer with power of arrest to take the offender into custody and, if necessary, to remove the offender from such election until the offender conforms to order or, if need be, until such election is closed, and thereupon such officer may command all necessary assistance. ...

8. The Commission finds that the names of registered sex offenders were provided to the Registrars of Voters upon their request based on questions they had regarding the ability of registered sex offenders to vote at polling places located in schools.
9. After investigation, the Commission finds that the police presence at Norwalk polling places on September 10, 2013 was incorporated into a general increase in security procedures and protocols instituted pursuant to General Statutes § 9-230 by the Registrars of Voters where public schools remained in session during Primary polling hours.
10. The Commission further finds that any increased security arrangement made for the polling places in preparation of the Primary was consistent with statutory authority provided by General Statutes § 9-230.
11. After investigation, the Commission finds that according to the Columbus Magnet School polling place Moderator's diary from the Primary, Respondent arrived at the polling place and was informed by the Moderator that she needed to contact City Hall. Further, the diary indicates that the Moderator was instructed by the Registrars of Voters to allow the Complainant to vote in-person. After the aforementioned call, the diary indicates that she proceeded outside to contact Complainant and discovered he had left the polling place.

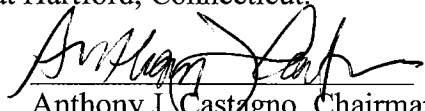
12. Further, the Commission finds that Respondent subsequently returned to the polling place and was instructed by the Moderator that he was permitted to vote and upon being made aware that the circumstances of being allowed to vote in-person included being escorted by a police officer in and out of the polling place, Complainant turned and exited the polling place without voting.
13. In order to conclude a violation of General Statutes § 9-364 occurred in this instance the Commission would have to find that the evidence, as detailed in paragraphs 11 and 12 above, established that the Moderator with the intent to disenfranchise Complainant influenced or attempted to influence by force or threat, bribery or corrupt, fraudulent or deliberately deceitful means Complainant to “stay away” from the September 10, 2013 Democratic primary.
14. The Commission finds that the requirement of *an intent to influence through threat or deliberate deceit* the Complainant from voting at the Primary pursuant to General Statutes §9-364 was not substantiated by the evidence after investigation.
15. The Commission concludes, for the reasons detailed herein, that there is a lack of evidence to support Complainant’s allegation that he was denied the right to vote at the September 10, 2013 Primary in violation of General Statutes § 9-364 and therefore dismisses this allegation. The Commission stresses the narrow purpose of its findings and conclusions in this instance, which are limited to the disposition of this complaint.
16. Furthermore, the Commission neither condones nor encourages any actions or designs by election and polling place officials to impede or hinder *any* individual, who is legally qualified to do so, from voting in-person at the polls. Finally, the Commission strongly cautions and urges all election officials that any arrangements to ensure the orderly voting process avoid advancing or contributing to discouraging an individual from their rightful exercise of the franchise.

ORDER

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

That the case is dismissed.

Adopted this 19th day of March, 2014 at Hartford, Connecticut.


Anthony J. Castagno, Chairman
By Order of the Commission