

STATE OF CONNECTICUT
STATE ELECTIONS ENFORCEMENT COMMISSION

In the Matter of a Complaint by Paul Copp, Wethersfield

File No. 2014-004

FINDINGS AND CONCLUSIONS

The Complainant brings this Complaint pursuant to Connecticut General Statutes § 9-7b, alleging that the registrars of voters in the Town of Wethersfield violated General Statutes § 9-39 by failing to sufficiently meet their responsibilities to provide a voter list to the Complainant, who was a candidate, during the November 2013 municipal general election.

After an investigation of the Complaint, the Commission makes the following findings and conclusions:

1. The Complainant was a candidate for Town Council on the Independence Party line in the November 5, 2013 municipal general election in Wethersfield.
2. The Respondents here are Carol Hurley and Camile Mogelnicki, the Republican and Democratic registrar of voters, respectively.
3. As registrars of voters, the Respondents were responsible for maintaining the voter lists pursuant to General Statutes §§ 9-35, *et seq.*
4. Additionally, the Respondents were responsible for making such lists available for inspection to the general public and also to produce copies of such lists for all candidates in the upcoming election.
5. General Statutes § 9-35 provides:
 - (a) The registrars, on the Tuesday of the fifth week before each regular election, shall be in session for the purpose of completing a correct list of all electors who will be entitled to vote at such election. Such registry list shall consist of an active registry list and an inactive registry list. Such session shall be held during such hours between nine o'clock a.m. and five o'clock p.m. as the registrars find necessary to complete the list. Notice of such session shall be given at least five days before the session by publication in a newspaper having a circulation in such municipality, if any, and by posting on the signpost therein, if any, or at some other exterior place near the office of the

town clerk. Such publication shall not be required to be in the form of a legal advertisement.

(b) At such session and on any day except on the day of an election or primary, the registrars shall remove from the list the name of each elector who has died, who has been disfranchised or who has confirmed in writing that the elector has moved out of the municipality, except electors entitled to remain on such list under the provisions of this chapter. An elector shall be deemed to have confirmed in writing that the elector has moved out of the municipality if (1) the elector has submitted a change of address form for purposes of a state motor vehicle operator's license, unless the elector states on the form that the change of address is not for voter registration purposes, (2) the elector has submitted a change of address form to a voter registration agency, as defined in section 9-23n, and such agency has provided such change of address to the registrars of voters, or (3) the registrars of voters have received a cancellation of previous registration from any other election official indicating that such elector has registered as an elector outside such municipality.

(c) Whenever the registrars of voters of a town remove from the registry list the name of an elector who has submitted a change of address to the Commissioner of Motor Vehicles or a voter registration agency under subdivision (1) or (2) of subsection (b) of this section, indicating that the elector has moved out of such town, the registrars shall send the elector, by forwardable mail to the elector's former address from such list or current address in the new town, (1) a notice of removal, (2) information explaining how to have the elector's name restored to such list, which shall be in a form prescribed by the Secretary of the State, and (3) a mail-in voter registration application which can be used by the elector to apply for admission as an elector in the new town. If such notice, information and application are sent to the elector's former address and are returned undeliverable, the registrars shall mail such documents to the elector's address in the new town.

(d) The registrars shall enter the names on such list by street and number of the house, when the houses are numbered, so that there shall be entered on the list first, the street, avenue or road; second, the number of the house or residence in numerical order or, if the registrars of any town find it more convenient, by odd and even

numbers in numerical order; and third, the names of the electors in such house in alphabetical order. The names of any electors who cannot be so listed shall be listed alphabetically in the voting district wherein any such elector is a bona fide resident. The registrars of voters may consecutively number the names on the registry list, may include voter identification numbers for the names on the registry list, and may include a mark, as prescribed by the Secretary of the State, next to the name of each first-time registrant on the system who registers to vote on or after January 1, 2003, and does not provide identification with his or her mail-in voter registration application as provided in the Help America Vote Act, P.L. 107-252, as amended from time to time, provided such list shall comply in all respects with the requirements of law other than for the addition of such numbers and marks. The registrars shall not use Social Security numbers for any such voter identification numbers.
... (Emphasis added.)

6. General Statutes § 9-36 provides:

The list for which provision is made in section 9-35 shall be termed the preliminary registry list and such list shall be available in the office of the registrars of voters for public inspection and copies shall be made available for distribution by the registrars of voters. Whenever the registrars of voters are not in their office, such list shall be available at another municipal office. The registrars of voters shall, upon request, give to any candidate for election a copy of the preliminary registry list for each voting district for which such person is a candidate.

7. General Statutes § 9-37 provides:

The registrars of voters or the assistant registrars of voters shall be available for at least one day during the fourteen-day period immediately before all elections for revisions and corrections of the preliminary list which, when completed, shall be termed “the final registry list” for such election. In each municipality, availability of the registrars of voters shall be the posted office hours in such municipality for the registrars of voters.

8. General Statutes § 9-38 provides:

The registrars of voters in all towns shall produce a final registry list in accordance with the provisions of section 9-37 and certified by such registrars of voters to be correct. Such final registry list and an updated list that contains the names and addresses of electors to be transferred, restored or added to such list, shall be available in the municipal clerk's office not later than the day following the last day that an elector may make changes to the elector's registration and shall be available in the registrars of voters' office for public inspection. Whenever the registrars of voters are not in their office, such list shall be available at another municipal office.

9. General Statutes § 9-39 provides, in pertinent part:

The registrars of voters of each municipality shall print copies of the final registry list for distribution in such municipality and in all the voting districts located therein. The registrars shall, upon request, produce for any candidate for election the final registry list for each voting district for which such person is a candidate and shall maintain such list, either on paper or in electronic format, for a period of two years.

10. The Complainant alleges that he requested the registry list, pursuant to the above-captioned statutes, and that the Respondents provided a registry list, but the Complainant asserts that it was incomplete.
11. Specifically, the Complainant alleges that the registry list did not include the voter affiliation of the individual electors on such list. As an Independence Party candidate, he asserts that it was his intent to target his campaign communications to voters unaffiliated with any party and that the Respondents' failure to provide a list that included such information created a hardship for him.
12. The Complainant alleges that the Respondents failed to perform their statutory duties under Title 9 by failing to include affiliation in the registry list produced at his request.
13. Considering the aforesaid, the Commission concludes that there is no requirement under Title 9 for the registrars of voters to include voter affiliation in the registry lists that they provide to the public and to candidates pursuant to General Statutes §§ 9-35, *et. seq.*
14. The Commission does not here opine as to whether the Complainant has a remedy under any other part of the General Statutes—such as Chapter 14 of Title 1, the Freedom of

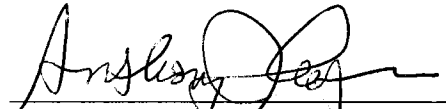
Information Act, for instance. However, since no relief exists within the Commission's jurisdiction, this matter must be dismissed.

ORDER

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

That the matter is dismissed

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

A handwritten signature in black ink, appearing to read "Anthony J. Castagno", written over a horizontal line.

Anthony J. Castagno, Chairperson
By Order of the Commission