

**STATE OF CONNECTICUT  
STATE ELECTIONS ENFORCEMENT COMMISSION**

In the Matter of a Complaint by Jonathan L Tunik, Stamford

File No. 2014-154

**FINDINGS AND CONCLUSIONS**

The Complainant asserts that during the 2014 statewide election, Respondents failed to comply with General Statutes § 9-261 (a) by failing to offer him the option to vote by affidavit when he claimed he was unable to produce identification at his polling place during the November 4, 2014 statewide election.

**PARTIES**

1. Complainant Jonathan L. Tunik was, at all times relevant hereto, an elector in the Town of Stamford.
2. Respondent Alexis Nanos was, at all times relevant hereto, an official checker at the Complainant's polling place.
3. Respondent Chuck Alfini was, at all times relevant hereto, a moderator at the Complainant's polling place.

**FACTUAL BACKGROUND**

4. The facts of this matter, as alleged by the Complainant, are not in dispute.
5. On November 4, 2014, the Complainant approached Respondent Nanos, an official checker at Complainant's polling location in order to vote in the statewide election.
6. Upon Complainant's arrival at the official checker's station, Respondent Nanos requested that the Complainant present identification.
7. In response to the request for identification, Complainant claimed that he did not have identification.

8. Respondent Nanos then stated that identification was required in order for Complainant to vote.
9. Complainant then insisted that he need not produce such identification to vote, but, nevertheless, did produce such identification and was allowed to vote.
10. After the Complainant voted, Respondent Alfini approached the Complainant and inquired as to the nature of his dispute with Respondent Nanos.
11. After the Complainant explained his situation, Respondent Alfini did state that identification was required, but also mentioned that there was another way for him to vote, without specifying what that was.
12. Complainant then left the polling place.

### ALLEGATIONS

13. The Complainant alleges that Respondents failed to comply with General Statutes § 9-261 (a) by failing to offer him the option to vote by affidavit when he claimed he was unable to produce identification at his polling place.

### LAW

14. General Statutes § 9-261 (a) provides:

(a) In each primary, election or referendum, when an elector has entered the polling place, the elector shall announce the elector's street address, if any, and the elector's name to the official checker or checkers in a tone sufficiently loud and clear as to enable all the election officials present to hear the same. Each elector who registered to vote by mail for the first time on or after January 1, 2003, and has a "mark" next to the elector's name on the official registry list, as required by section 9-23r, shall present to the official checker or checkers, before the elector votes, either a current and valid photo identification that shows the elector's name and address or a copy of a current utility bill, bank statement, government check, paycheck or other government document that shows the name and address of the elector. Each other elector shall (1) present to the official checker or checkers the elector's Social Security card or any other preprinted form of identification which shows the elector's name and either the elector's address, signature or photograph, or (2) on

*a form prescribed by the Secretary of the State, write the elector's residential address and date of birth, print the elector's name and sign a statement under penalty of false statement that the elector is the elector whose name appears on the official checklist. Such form shall clearly state the penalty of false statement. A separate form shall be used for each elector. If the elector presents a preprinted form of identification under subdivision (1) of this subsection, the official checker or checkers shall check the name of such elector on the official checklist, manually on paper or electronically. If the elector completes the form under subdivision (2) of this subsection, the registrar of voters or the assistant registrar of voters, as the case may be, shall examine the information on such form and either instruct the official checker or checkers to check the name of such elector on the official checklist, manually on paper or electronically, or notify the elector that the form is incomplete or inaccurate. (emphasis added)*

## **DISCUSSION**

15. As the Commission has repeatedly emphasized, election officials, including official checkers and moderators, have an obligation to give voters the option to complete an affidavit in lieu of producing identification. *See In the Matter of a Complaint by Gary Fuller, Stratford, SEEC File No. 2013-163; In the Matter of a Complaint by Christine Halfar, Danbury, File No. 2012-086.*

### **Count One: Respondent Nanos**

16. Respondent Nanos was incorrect when she stated to the Respondent that he was required to produce identification in order to vote. However, because the Respondent then produced identification, even if under protest, and then was able to vote, the incorrect statement by the Respondent did not rise to the level of a violation.
17. The Commission notes that the circumstances in this situation are unique. Had the Complainant been turned away from the polling place or unduly delayed in voting, the outcome of this case may have been different.
18. Accordingly, the Commission strongly recommends further training on voter identification for Respondent Nanos and all poll workers at this polling location.

**Count Two: Respondent Alfini**

19. The Commission's investigation established, and the Complainant concedes, that Respondent Alfini was not aware of Complainant's refusal to produce identification until after Complainant had already voted.
20. Complainant further acknowledged that Respondent Alfini did refer to an alternative to voting by producing identification.
21. Accordingly, based upon the aforementioned Commission investigation, the Commission finds that Respondent Alfini was not in violation of General Statutes § 9-261 (a).
22. Due to the nature of this dispute, the Commission strongly recommends further training on voter identification for the Respondent Alfini and all poll workers at this polling location.

ORDER

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

That the matter is dismissed.

Adopted this 10th day of February, 2016 at Hartford, Connecticut.

  
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Anthony J. Castagno, Chairperson  
By Order of the Commission