

STATE OF CONNECTICUT
STATE ELECTIONS ENFORCEMENT COMMISSION

In the Matter of a Complaint by Linda Szyrkowicz, Middletown

File No. 2014-159

FINDINGS AND CONCLUSIONS¹

The Complainant alleged that for the November 4, 2014 General Election, all Wesleyan University students who registered to vote on Election Day using their official student identification and a letter of residency from the school did not meet the identification requirements for registering to vote and should not have been allowed to vote.²

FACTUAL BACKGROUND

1. Public Act 12-56 of the 2012 Public Acts effectuated Election Day registration in the State of Connecticut as of July 1, 2013. This change allowed eligible bona fide residents within the state to register to vote on Election Day and to cast their ballot in that election.
2. The November 4, 2014 General Election was the first state election in which Election Day registration was available.
3. Wesleyan University is located within the City of Middletown and many of its students are registered voters in the City of Middletown and vote in state and local elections from their Middletown address.

¹ The following are the Commission's findings and conclusions based on those portions of the Complainant's statement of complaint which the Commission could reasonably construe as alleging facts amounting to a specific violation of those laws within the Commission's jurisdiction. Any statements within the Complaint not addressed herein either did not specifically allege a violation or alleged facts which if proven true would not have amounted to a violation within the Commission's jurisdiction.

² Additionally, the Complainant alleges that the Wesleyan students, and by implication, college students in general, should not be qualified for residency for voting purposes in Connecticut. The Commission will not address this allegation, as not only does the Complainant fail to identify any specific individual for scrutiny, it is well-established that college students may qualify for residency for voting purposes in Connecticut and are not, as a category, banned from seeking to exercise their right to vote so long as they meet the other criteria for bona fide residency. See, e.g. *Farley v. Louzitis*, Superior Court, New London County, No. 41032 (Oct. 4, 1972) (considering issue of voter residency with respect to college students and stating that "a student, *and a nonstudent as well*, who satisfies the . . . residence requirement, may vote where he resides, without regard to the duration of his anticipated stay or the existence of another residence elsewhere. It is for him alone to say whether his voting interests at the residence he selects exceed his voting interests elsewhere.")

4. On the day of the November 4, 2014 General Election, approximately 450 previously unregistered Wesleyan students took advantage of Election Day registration by registering to vote and voting on that day.
5. At all times relevant to the instant Complaint, Janice Gionfriddo and Sandra Faraci were the Republican and Democratic Registrars of Voters, respectively.

ALLEGATIONS

6. The Complainant here alleges that as part of the identification requirements for Election Day registration, the Middletown Registrars of Voters allowed the Wesleyan University Students to show a student ID and a letter from the Office of the University Registrar confirming the students' addresses in Middletown. She asserts that these documents offered insufficient proof of residency under the voter registration statutes and that any student that registered to vote using this form of identification should not have been allowed to do so by Ms. Gionfriddo and Ms. Faraci, the Respondents here.

LAW

7. Election Day registration is codified in General Statutes § 9-19j (d), with the registration identification requirements appearing specifically in subsection (d) which reads:

(d) Any person applying to register on election day under the provisions of subsections (a) to (i), inclusive, of this section shall make application in accordance with the provisions of section 9-20, provided (1) on election day, the applicant shall appear in person at the location designated by the registrars of voters for election day registration, (2) *an applicant who is a student enrolled at an institution of higher education may submit a current photo identification card issued by said institution in lieu of the identification required by section 9-20*, and (3) the applicant shall declare under oath that the applicant has not previously voted in the election. If the information that the applicant is required to provide under section 9-20 and subsections (a) to (i), inclusive, of this section does not include proof of the applicant's residential address, the applicant shall also submit identification that shows the applicant's bona fide residence address, including, but not limited to, a learner's permit issued under section 14-36 or a utility bill that has the applicant's name and current address and that has a due date

that is not later than thirty days after the election or, in the case of a student enrolled at an institution of higher education, a registration or fee statement from such institution that has the applicant's name and current address. (Emphasis added.)

8. General Statutes § 9-20 reads, in pertinent part:

(a) Each person who applies for admission as an elector in person to an admitting official shall, upon a form prescribed by the Secretary of the State and signed by the applicant, state under penalties of perjury, his name, bona fide residence by street and number, date of birth, whether he is a United States citizen, whether his privileges as an elector are forfeited by reason of conviction of crime, and whether he has previously been admitted as an elector in any town in this or any other state. *Each such applicant shall present his birth certificate, drivers' license or Social Security card to the admitting official for inspection at the time of application.* Notwithstanding the provisions of any special act or charter to the contrary, the application form shall also, in a manner prescribed by the Secretary of the State, provide for application for enrollment in any political party, including, on any such form printed on or after January 1, 2006, a list of the names of the major parties, as defined in section 9-372, as options for the applicant. The form shall indicate that such enrollment is not mandatory.

(b) The applicant's statement shall be delivered to the registrars immediately and shall be kept by the registrars as a public record in a safe depository, except that no Social Security number obtained by the registrars prior to January 1, 2000, may be disclosed to the public or to any governmental agency. Any such statement of an elector whose name has been removed from the registry list for a period of at least five years may be placed on microfilm, destroyed or otherwise disposed of by such registrars, in the manner provided in section 7-109. *Upon the request of any elector, or if the applicant does not present a birth certificate, drivers' license or Social Security card as required by subsection (a) of this section, at the time an application is made in person to an admitting official or prior to the approval of such an application, any admitting official shall require the applicant to prove his identity, place of birth, age and bona fide residence by the testimony under oath of at least one elector or by the presentation of proof satisfactory to such admitting official.* Each person found qualified shall

thereupon be admitted as an elector, except as provided in sections 9-12, 9-19e, 9-19g and 9-30. The registrars may request an elector whose date of birth is missing from their records to voluntarily furnish his date of birth. Any admitting official may administer oaths in any matter coming before him under section 9-12, 9-17, 9-19b, subsection (a) of section 9-19c, section 9-19e, 9-19g, 9-23, 9-23a, 9-25, 9-31a, 9-31b, 9-31l, 9-40a or this section. Said admitting official shall prohibit any activity which interferes with the orderly process of admission of electors.

RESPONDENTS' REPLY

9. Respondent Gionfriddo, on behalf of both registrars, responded in pertinent part, as follows:

In setting up our EDR location for this election, we established a multi-step process. The potential voter, upon reaching our officials, would be given a registration form to complete. Once completed, the election official would verify the information, check the appropriate ID/Residency Requirement, and then, only if satisfactory, pass the voter to the second stage, where the voter would be checked on the State Voter Registration System. Once cleared, they would be provided a ballot.

With respect to Wesleyan students, after verifying the information on the registration form, our election official would review the student's ID. We also checked the Wesleyan Directory, (provided to us by Paul Turenne, Assistant Registrar at Wesleyan), and reviewed the University letter (which was verified by Peggy Reeves at the SOTS Office) to confirm the student's physical address. We would also look at any other forms of verification of the student's physical address if available.

...

Registrars throughout the State were informed by the Secretary of State's Office during our briefings, that the letter would be acceptable for meeting the residency requirement. We accepted them as such, but also followed our own system of checking physical residence to confirm the information

10. In this case, the letters from the Wesleyan University Office of the University Registrar were printed on official Wesleyan letterhead by the University Registrar and included: The name of the student; the student's ID number; the student's street address; the student's mailing address (and on-campus box); a confirmation that the student is enrolled at Wesleyan during the time of the election; and a statement that the "validity of this letter in

meeting residency requirements under Title 9 has been verified by Peggy Reeves, Director of Elections – Assistant to the Secretary of the State for Election, Legislative, and Intergovernmental Affairs.”

11. The Secretary of the State’s Office, through Director of Elections Peggy Reeves, confirmed that they made clear through their conference calls with registrars, as well as in response to specific questions, that the following were acceptable proof of residency for college students: a letter from the office of the university registrar or university bursar; an official letter from the college indicating the assignment of a dormitory for the student; or any similar letter from the college on letterhead.

ANALYSIS

12. Turning to the question here, the Complainant is alleging that the Respondents’ practice of using the students’ university IDs, along with the Wesleyan letters did not sufficiently meet the identification requirements for Election Day registration. We disagree.
13. Subsection (a) of General Statutes § 9-20 enumerates that a voter shall provide either a birth certificate, drivers’ license or Social Security card to the election official at the time of registration. However, the statute goes on in subsection (b) to provide alternate means of proving identification for registration purposes, including “presentation of proof satisfactory to such admitting official.” While the statute clearly identifies a preference—and election officials should ask for these items first—it presents an election official some discretion to accept proof of identification outside of those three items.
14. Here, the Secretary of the State’s office, anticipating that the question may come up, preemptively enumerated additional acceptable proof of residency documents to registrars across the state prior to the election. The type of letters that are the subject of this Complaint were included in that enumerated list. And, while her office did not issue official written advice such that it would be entitled to the presumption enumerated in General Statutes § 9-3, it is compelling that the Secretary of the State’s office considered the documentation to be satisfactory. The Commission sees no reason to disagree with the Secretary’s opinion here. Accordingly, this matter should be dismissed.

ORDER

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

That the matter is dismissed.

Adopted this 15th day of September, 2015 at Hartford, Connecticut.



Anthony J. Castagno, Chairperson
By Order of the Commission