

STATE OF CONNECTICUT
STATE ELECTIONS ENFORCEMENT COMMISSION

In the Matter of a Complaint by Alan S. Bruce,
West Hartford

File No. 2014-168

FINDINGS AND CONCLUSIONS

The Complainant brought this complaint pursuant to General Statutes § 9-7b alleging that when waiting on line to vote at the November 4, 2014 election at District 3 polling place at the West Hartford Town Hall he was told that “he could not vote without proof of address,” and that in the proceeding conversation a “distracted” polling place worker said to him “ok go ahead and vote.” Complainant filed this complaint alleging that his experience at the polling place was not consistent with voting requirements and such actions by individuals working the line may have caused individuals to be denied the right to vote.

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

1. On November 4, 2014, Complainant presented himself to vote at the District 3 polling place located at West Hartford Town Hall.
2. Complainant alleges that he witnessed other individuals being instructed by election officials that they “needed a proof of address” to vote such as a utility bill. Further, Complainant alleges that he witnessed such individuals “shaking their heads and then leaving” and speculates that the aforementioned actions by elections officials lead to individuals being denied the right to “participate in the [November 4, 2014] election” because of official “error.”
3. Additionally, Complainant alleged that he was initially told by a polling place official that he “...*could not vote without proof of address,*” but then told by another “distracted” official that he could “... *go ahead and vote.*” Complainant therefore was able to cast a ballot at the November 4, 2014 election at the District 3 polling place at West Hartford Town Hall. Nevertheless, this perceived confusion and disorganization at the polls contributed to Complainant’s concerns regarding the administration of the election at his polling place and lead to this complaint and investigation.

4. General Statutes § 9-261, provides in pertinent part:

(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.***

...

(e) If not challenged by anyone lawfully present in the polling place, the elector shall be permitted to pass to the separated area to receive the ballot. The elector shall give any receipt the elector has received to a ballot clerk who shall give the elector a ballot to vote only in the primary of the party specified by the receipt. The elector shall be permitted into the voting booth area, and shall then register his or her vote in secret. Having voted, the elector shall immediately exit the voting booth area and deposit the ballot in the voting tabulator and leave the room. No elector shall remain within the voting booth longer than the time necessary to complete the ballot, and, if the elector refuses to leave such booth after completing the ballot, the elector shall at once be removed by the election officials upon order of the moderator. Not more than one elector at a time shall be permitted to be within the enclosed space which the elector occupies while the elector completes his or her ballot, provided an elector may be accompanied within such enclosed space by one or more children who are fifteen years of age or younger and supervised by the elector, if the elector is the parent or legal guardian of such children. If any elector, after entering the voting booth area, asks for further instruction concerning the manner of voting, the election officials shall give such instructions or directions to the elector; but no election official instructing or assisting an elector, except as provided in section 9-264, shall look at the ballot in such a way as to see the elector's markings or in any manner seek to influence any such elector in the casting of the elector's vote. [Emphasis added.]

5. Upon investigation, Complainant was unable to identify individuals who he witnessed being instructed by election officials that they "needed a proof of address" to vote and/or any individuals he witnessed "shaking their heads and then leaving" the District 3 polling place located at the West Hartford Town Hall. Despite inquiry, no specific election officials interviewed for this investigation identified Complainant or could corroborate the circumstances described by Complainant as having occurred on November 4, 2014 at the District 3 polling place.

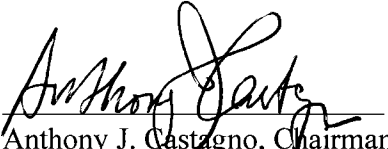
6. Furthermore, the commission finds after investigation that Complainant was asked for a utility bill as a form of pre-printed identification when he presented himself to vote that was consistent with the protocols and process of voting and criteria for identifying individuals on a checkers list at an election pursuant to General Statutes § 9-261.
7. Upon investigation, the Commission finds that the moderator at the District 3 polling place located at West Hartford Town Hall was an experienced elections official who was aware of protocols for requesting identification of individuals presenting themselves to vote at an election. The aforementioned moderator in response to this investigation denied that he witnessed or otherwise was informed by other elections officials that an incident as described by Complainant occurred at the polling place on November 4, 2014.
8. Further, the Commission finds credible evidence that the above moderator was specifically aware of the requirement of offering individuals, who do not present identification, an affidavit to identify themselves as electors appearing on the relevant checkers list and allowing such individuals to vote based on completing such affidavit.
9. The Commission concludes that the investigation of this matter has not revealed adequate evidence to establish that election officials failed to adequately implement the process of voting as prescribed by General Statutes § 9-261 at the District 3 polling place located at West Hartford Town Hall at the November 4, 2014 election.
10. The Commission therefore dismisses the allegations in this matter for lack of evidence to substantiate the same.

ORDER

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

That the complaint is dismissed.

Adopted this July 14th day of July, 2015 at Hartford, Connecticut.


Anthony J. Castagno, Chairman
By Order of the Commission