

STATE OF CONNECTICUT
STATE ELECTIONS ENFORCEMENT COMMISSION

In the Matter of a Complaint of Angel D. Martinez,
Hartford

File No. 2016-029

FINDINGS AND CONCLUSIONS

The Complainant alleged that when he went to vote at the April 26, 2016 presidential preference primary in Hartford he was denied a provisional ballot and told that he was registered as unaffiliated and therefore could not vote in the primary. After an investigation of the matter, the Commission makes the following findings and conclusions:

1. According to Complainant, on the day of the April 26, 2016 presidential preference primary, he went to the District #14 polling place at Broadview Terrace in Hartford, to participate in the primary.
2. The Complainant alleges that when he presented himself at the checkers' table an unidentified polling place official told him that he was registered as "unaffiliated" and therefore could not vote in the primary.
3. Complainant asserts that he then requested a provisional ballot and was denied the same. According to Complainant, he returned to the to the polling place at Broadview Terrace later that day on April 26, 2016 and again requested a provisional ballot to participate in the presidential preference primary. Again, the polling place official denied Complainant a provisional ballot because he was registered as "unaffiliated."
4. General Statutes § 9-20, provides 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. [Emphasis added.]

5. General Statutes § 9-57, provides:

Notwithstanding the provisions of any special act or charter to the contrary, whenever any person makes application for admission as an elector in person to an admitting official, ***he may, on an application for admission as an elector, make application for enrollment on the list of the political party of his preference. Any such elector who has so applied for enrollment shall, upon acquisition of electoral privileges, immediately be entitled to all the privileges of enrollment in the party named in his application,*** unless (1) he ceases to be an elector in the town or voting district in which he is entitled to vote, as the case may be, (2) he makes application for erasure or transfer or enrollment on the list of another party in accordance with the provisions of section 9-59, (3) ***he files his application for enrollment with the registrars of voters of his town of residence after twelve o'clock noon on the last business day before a primary, in which case he shall be entitled to the privileges of party enrollment immediately after the primary,*** or (4) he files his application for enrollment with the registrars of voters of his town of residence on the day of a caucus or convention, in which case he shall be entitled to the privileges of party enrollment immediately after the caucus or convention. ***The registrars of voters or assistant registrars shall add the names of all persons making such application to the enrollment list or supplementary enrollment list of the political party of each such applicant's preference,*** provided, if a caucus or convention is to be held, such registrars or assistant registrars shall prepare separate lists of such names according to party, on the day before such caucus or convention. [Emphasis added.]

6. General Statutes § 9-232l, provides in pertinent part;

(a) An individual may apply for and be issued a provisional ballot if (1) the individual appears at the polling place and declares that such individual is an elector in the town in which the individual desires to vote and that the individual is eligible to vote in the primary or election for federal office in the polling place, ***but the name of the individual does not appear on the official registry list for such***

polling place, and (2) the registrars determine that such name cannot be restored under section 9-42 or transferred from another polling place under section 9-35. [Emphasis added.]

7. Upon investigation, the Commission finds that Complainant originally registered to vote on September 25, 2015. Further, the Commission finds Complainant marked the box next to the statement: “*No. I do not want to enroll in a party at this time.*” Therefore, Complainant was registered and enrolled as an “unaffiliated” elector by the Hartford Registrars of Voters on October 13, 2015.
8. Additionally, the Commission finds that on April 26, 2016, Complainant filed an amended voter registration application with the Hartford Registrars of Voters and answered the question “Yes” as to whether he wanted to enroll with a political party and checked the box next to “Democratic.”
9. General Statutes § 9-57, provides that an individual who “...files his application for enrollment with the registrars of voters of his town of residence after twelve o’clock noon on the last business day before a primary, ... ***he shall be entitled to the privileges of party enrollment immediately after the primary*** (Emphasis added).” The Commission concludes therefore that Complainant had until noon of the day prior to the presidential preference primary, or April 25, 2016, to enroll with a party and exercise party privileges at the April 26, 2016 primary.
10. The Commission concludes that pursuant to General Statutes § 9-57, because Complainant did not amend his September 25, 2015 voter registration application to enroll in the Democratic party until the day of the April 26, 2016 presidential preference primary he was not entitled to exercise the privileges of party enrollment until “immediately after the primary.”
11. General Statutes § 9-232l, provides that an individual whose name does not appear on the voter registry list at the polling place, but otherwise believes they are qualified to vote in an election or primary, under certain circumstances can be issued a provisional ballot.
12. However, upon investigation, the Commission finds that in this instance the Complainant’s name *did* appear on the voter registry list at Broadview Terrace polling place in Hartford as “unaffiliated.” The Commission concludes therefore that the General Statutes § 9-232l provisions pertaining to the use of a provisional ballot at the presidential preference primary on April 26, 2016 did *not* apply to Complainant who appeared on the enrollment list as *unaffiliated*.
13. Considering the aforesaid, the Commission concludes that Complainant was not entitled to participate in the April 26, 2016 presidential preference primary and that the polling place officials at Broadview Terrace polling place in Hartford were correct in not allowing Complainant to cast a ballot or vote by provisional ballot.

14. The Commission finds that Complainant's allegation was not supported by the facts or the law after investigation and therefore dismisses the allegation.

ORDER

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

The matter is dismissed.

Adopted this 14th day of December, 2016 at Hartford, Connecticut.



Anthony J. Castagno, Chair
By Order of the Commission



Salvatore A. Bramante - Vice