2017
REGISTRAR OF VOTERS CONFERENCE

Kevin M. Ahern – Staff Attorney
Ryan M. Burns – Staff Attorney
Law Enforcement Unit
Duties and Responsibilities of Commission Staff

- Investigate Complaints and Enforce Law
- Assist candidates and campaign staff
- Research and answer questions about campaign finance compliance
- Provide Campaign Finance Education Seminars
- Perform Audits
- Recommend Legislative Changes
- Administer and Maintain Electronic Campaign Reporting Information System (eCRIS)
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Discussion Points

- 2016 Primary/Election Hotline Stats
- Key SEEC cases since April 2016.
- Questions/Hypotheticals
2016 Hotline Statistics

- **2012**
  - 18 Calls for Presidential Preference Primary
  - 51 Calls for August Primary
  - 596 Calls for Election Day
- **2016**
  - 166 Calls for Presidential Preference Primary
  - 28 Calls for August Primary
  - 448 Calls for Election Day
Case Discussion

- Key SEEC cases since April 2016.
  - 9 Cases
  - Anonymity of Cases
- Questions/Hypotheticals
75’ Rule and Entrance v. Exit

- Case Citation: File No. 2015-161

- Facts:
  - Single Entrance to polling place, but multiple exit options
  - Electioneering occurred inside 75’ of exits, but outside 75’ of entrance
  - General Statutes § 9-236
HOLDINGS:

- 75’ rule outside applies to the 75’ radius as measured from any entrance being used as an entrance to the polling place.
- Rule does not apply to exits or entrances to the building that are not being used as a designated entrance to the polling place.
75’ Rule and Loitering

- Case Citation: File No. 2015-162

- Facts:
  - Complainant remained inside 75’ radius, but was not advocating for/against any candidate on the ballot.
  - Complainant ejected by ROV, citing General Statutes § 9-236
75’ Rule and Loitering

**HOLDINGS:**

- **No:**
  - Solicitation/electioneering
  - Loitering
  - Peddling/offering advertisements/ballots/circulars

- 75’ loitering rule is not content-specific.
- Voter should be able to travel, unmolested, from 75’ radius to privacy booth to execute their ballot in private
75’ Rule and EDR

- Case Citation: File No. 2014-160

- Facts:
  - Campaign worker entered Town Hall EDR location wearing campaign paraphernalia
  - No 75’ sign or any other notice of the restricted area
  - General Statutes § 9-19j (j)
75’ Rule and EDR

• HOLDINGS:

• 75’ restriction applies to an EDR location, as it does in a polling place.
• No requirement for placing 75’ signs exists for EDR locations
  • Best practice, but not required.
ROV Filling Out VRA for Voters

- **CASE:** [File No. 2016-025](#)

- **FACTS:**
  - On morning before Presidential Preference Primary, new voter registered in person at Town Hall.
  - Registrar Office staffer filled out VRA for the voter based on his license and stated party preference and voter signed.
  - *Incorrect Party was checked off.*
• HOLDING:
  • No evidence of tampering after the fact.
  • No violation for filling out VRA for the voter.
  • Voter had responsibility to review the VRA before signing and confirming the data.
  • Use discretion.
Voter ID and Provisional Ballots

- **CASE:** [File No. 2014-183](#)

- **FACTS:**
  - Longtime voter appeared at polling place and refused to show ID when asked.
  - Moderator did not offer the affidavit and would only allow voter to vote by provisional ballot, despite no asterisk.
  - In process of filling out provisional, voter showed moderator his drivers license.
  - General Statutes § 9-261
Voter ID and Provisional Ballots

- **HOLDING:**
  - Two violations by the moderator.
    - Failure to offer affidavit.
    - Failure to offer full ballot despite display of valid identification.
  - Provisional ballot not an appropriate remedy to a voter who refuses to show ID.

- “It is clear from his statement that at the time, the Respondent moderator did not understand the finer points of voter identification.”
CVRS v. Paper and Deletion of Voter

• CASE: File No. 2015-097

• FACTS:
  • Paper records indicated voter was Off
  • CVRS indicated that the voter was Active
  • Registrars deleted voter from CVRS based on paper file, which Registrars asserted were the controlling records.
CVRS v. Paper and Deletion of Voter

- **HOLDING:**
  - Paper file does not control over CVRS
  - Both paper records and CVRS constitute the record
  - Review full CVRS record before deleting based on paper record
  - Resolve discrepancies before deleting.
Inmate Voting Rights

• **Case Citation:** File No. 2015-003

• **Facts:**
  
  • An individual was being held in jail, pending trial for a felony, but was not yet convicted.

  • The inmate requested the documentation to register to vote and vote, but was denied until it was too late.
Inmate Voting Rights

• **Law:** General Statutes §§ 9-14a, 9-46 (a), and 9-135 (b)

• **Holdings:**
  - Inmates, not yet *convicted* of a felony are entitled to register to vote and vote via absentee ballot in their town of residence prior to incarceration.

  • Misrepresenting the eligibility to of an inmate to vote via absentee ballot is a violation of General Statutes § 9-135 (b).
Alternative Voting Systems

- **CASE:** [File No. 2016-043](#)

- **FACTS:**
  - Voter requested use of an AVS machine.
  - AVS machine was not properly configured and election official could not locate the Access Code.
  - Voter was delayed by 30-45 minutes.
  - Registrars took extraordinary efforts, after the election, to correct any systematic errors and to reach out to the disabled community.
Alternative Voting Systems

- **LAW:** General Statutes § 9-247; Regs. Conn. State Agencies § 9-242a-11.

- **HOLDING:**
  - Registrars failed to ensure have the AVS machine “tested and operational” as required by law.
  
  - Despite good faith efforts of the Registrars after the fact, they were assessed a civil penalty of $200 each.
Provisional Ballots

• **CASE:** [File No. 2016-024A](#)

• **FACTS:**
  - Presidential Preference Primary
  - Voter’s name did not appear on checker’s list or in CVRS.
  - Voter claimed to be registered.
  - Voter was provided a provisional ballot.
  - Registrars checked CVRS and confirmed that the Voter was not there.
  - Registrars did find physical registration card and counted provisional ballot.
Provisional Ballots

• **LAW:** General Statutes §§ 9-21 (a) & 9-32 (b)

• **HOLDING:**
  - Registrars did the right thing here.
  - Checking CVRS is not enough when a voter claims to be registered.
  - Registrars should check all relevant records to confirm voter is not registered before deciding what to do with a provisional ballot.
Where to Find SEEC Cases

- **Online**
  - [www.ct.gov/seec](http://www.ct.gov/seec)
  - Click “Commission Decisions” in left nav bar
  - Search by keyword, or pick case from list.
  - E-mail “seec@ct.gov” if you can’t find a case

- **SEEC Library**
  - 20 Trinity St., Hartford, CT
  - Every SEEC legal decision bound and organized by year and category.