

# State Elections Enforcement Commission



## 2018 REGISTRAR OF VOTERS CONFERENCE

Kevin M. Ahern – 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)



# Elections Ecosystem



	<i>Compliance</i>	<i>Execution</i>	<i>Law Enforcement</i>
 <b><i>Campaign Finance</i></b>	SEEC/FEC	SEEC/FEC & Town Clerks	<u>SEEC/FEC</u> (& State's Attorney/FBI)
 <b><i>Election Administration</i></b>	SOTS/EAC	SOTS, <u>Registrars</u> & Town Clerks	<u>SEEC</u> (& State's Attorney/FBI)

# Case Discussion



- Key SEEC cases since April 2017.
  - 7 Cases
  - Anonymity of Cases
- Questions/Hypotheticals



# The “New” AVS Machine



- Case Citation: [File No. 2017-011](#)
- Facts:
  - “New” touch-screen AVS
  - Election Official feeds in blank paper instead of ballot
  - Voter asked to re-vote
  - 20 minute delay
  - General Statutes § 9-247 and 9-236b (Voter Bill of Rights)



# The “New” AVS Machine



- HOLDINGS:
  - Not *per se* violation for incorrectly feeding blank paper
  - Questions:
    - Was the voter’s privacy violated?
    - Was the voter unduly delayed?
  - Answer: No (but could have been!)
  - Some AVS notes



# Removal from the Perm. AB List



- Case Citation: [File No. 2016-041](#)
- Facts:
  - Voter permanently disabled
  - On permanent AB list
  - Removed after in-town move
  - ROVs asserted that the documentation was insufficient
  - Voter returned annual notice
  - General Statutes § 9-140e (b)



# Removal from the Perm. AB List



- HOLDINGS:
  - Cannot remove from permanent AB list without voter's permission unless voter has otherwise been removed from the registry list or voter *fails to return* annual notice





# AB for Unofficial Checkers



- Case Citation: [File No. 2017-057](#)
- Facts:
  - Voter was unofficial checker
  - Voter cast AB claiming status as election official
  - \*General Statutes § 9-135, 9-258, 9-235
  - (\*also Article sixth, § 7, of the Connecticut Constitution)



# AB for Unofficial Checkers



- HOLDINGS:

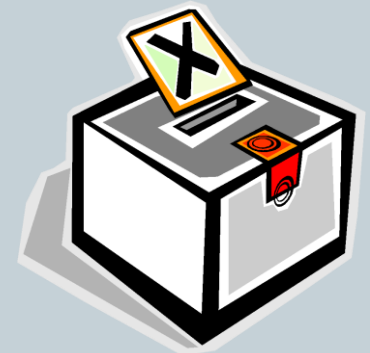
- Election official exception already a little rocky, constitutionally
- Unofficial checker is NOT an election official
- “Election Official” includes:
  - Moderator
  - Checker
  - Assistant ROV
  - Ballot Clerks & Demonstrators
  - Tabulator Tenders
  - Challenger
  - Translators



# Voter ID and EDR



- **CASE:** [File No. 2015-157](#)
- **FACTS:**
  - EDR, Voter New to Town
  - Shows EDR officials drivers license from old address along with lease from new address
  - Officials deny EDR because license doesn't show new address
  - General Statutes §§ 9-19j & 9-20

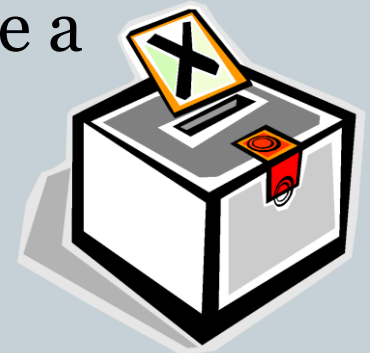


# Voter ID and EDR



## • **HOLDING:**

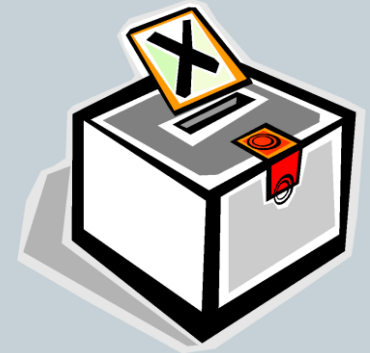
- Voter must show proof of identity and proof of residence for EDR
- ID doesn't need to prove residence so long there is another acceptable document
  - I.e., license can be proof of ID w/out being proof of residence
- EDR statute doesn't specifically enumerate a lease as acceptable proof of residence, but 10/15/2015 SOTS advice does
- Lease is acceptable proof of residence



# 75' Rule and EDR Location Access



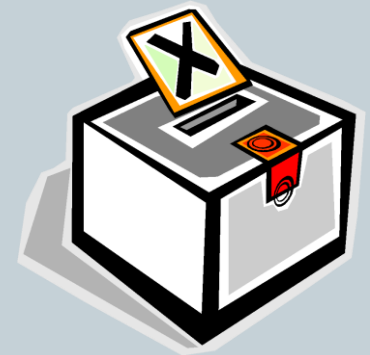
- Case Citation: [File No. 2017-081](#)
- Facts:
  - EDR location in town hall
  - 1st Selectman entered EDR location to chat w/workers during polling hours
  - EDR official kicked him out immediately.
  - General Statutes § 9-19j (j)



# 75' Rule and EDR Location Access



- HOLDINGS:
  - No violation
  - 75' restriction applies to an EDR location, as it does in a polling place.
  - But, not a *per se* violation merely for entering the room in which the EDR and ballot execution occurring, unlike a polling place



# 75' Rule Review (Polling Place & EDR)



- Actually two different “rules”
  - 75' Rule
  - Polling Place Rule



# 75' Rule Review (Polling Place & EDR)



- 75' Rule
  - Relevant Statutes:
    - General Statutes § 9-236 (a) & 9-19j (j)
  - Applies to:
    - Areas outside & inside Polling Place
    - Areas outside & inside EDR location





# 75' Rule Review (Polling Place & EDR)



- 75' Rule
  - No:
    - Solicitation/electioneering
    - Loitering
    - Peddling/offering advertisements/ballots/circulars
  - With 75' of:
    - Any outside entrance leading to polling place or EDR location
    - Any corridor, passageway or other approach leading from any such outside entrance to such polling place or in any room opening upon any such corridor, passageway or approach



# 75' Rule Review (Polling Place & EDR)



- Polling Place Rule
  - Relevant Statutes:
    - General Statutes § 9-236 (c)
  - Applies to:
    - Just area inside the Polling Place
      - That is, the room/area in which the voting machines are located for *regular voting*
  - Does Not Apply to:
    - The room/area in which EDR occurring



# 75' Rule Review (Polling Place & EDR)



- Polling Place Rule
  - No One is Allowed to Enter Polling Place, even momentarily, Except:
    - Voter casting ballot
    - Elections Officials
    - Unofficial checkers and runners
  - Limited Exceptions Under Certain Conditions
    - News media, supervised/authorized school groups, children under 16 w/voting parents, persons assisting voter, SOTS designee, Police/fire/EMT/Maintenance



# 75' Rule Review (Polling Place & EDR)



## POLLING PLACE

Outside building, within 75' of outside entrance leading to Polling Place

Inside building: corridor, passageway or other approach leading from outside entrance

Inside Polling Place

§ 9-236 (c)

§ 9-236 (a)

§ 9-236 (a)

# 75' Rule Review (Polling Place & EDR)



## EDR LOCATION

Outside building, within 75' of outside entrance leading to EDR Location

Inside building: corridor, passageway or other approach leading from outside entrance

Inside EDR Location

§ 9-19j (j)

§ 9-19j (j)

§ 9-19j (j)

# 75' Rule Review (Polling Place & EDR)



- “Bathroom Rule”
  - No One is Allowed to Enter Polling Place, even to use the bathroom:
    - § 9-236 (c)
    - File No. 2011-081
  - There is no specific restriction on bathroom use in the building
  - House Bill 5459
  - Modifies 9-236 (a) to add:
    - “Nothing contained in this section shall be construed to prohibit . . . members of the public from using a public restroom in the building where any such polling place is located, subject to the restrictions set forth in this subsection, except that in the case of a school, no member of the public may use such restroom pursuant to this subdivision when such school is in session,”



# BFR and Uninhabitable Homes



- **CASE:** [File No. 2015-002](#)
- **FACTS:**
  - Dual-property voter
  - Registrar asserts that registered property is uninhabitable
  - Property very run down, dilapidated
  - Electrical service, but possibly no water



# BFR and “Uninhabitable” Home



- **CASE:** [File No. 2015-002](#)
- **FACTS:**
  - Dual-property voter
  - Registrar asserts that registered property is uninhabitable
  - Property very run down, dilapidated
  - No loss of Cert. of Occupancy
  - Electrical service, but no heat and water service is seasonal





# BFR and “Uninhabitable” Home



- **HOLDING:**
  - Habitability is relevant BFR consideration
  - BUT, year-round habitability not necessary
  - See also: File No. 2016-109 (Voter effectively homeless.)



# 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](mailto: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.

