

**STATE OF CONNECTICUT  
STATE ELECTIONS ENFORCEMENT COMMISSION**

In the Matter of a Complaint by  
Richard Proudfoot, Town of Wallingford

File No. 2008-014

**FINDINGS AND CONCLUSIONS**

Complainant brings this Complaint pursuant to Connecticut General Statutes § 9-7b, alleging that poll workers at the District 9 polling place in Wallingford unlawfully requested that Complainant, a longstanding registered elector in good standing in the Town of Wallingford, show proof of his identity before entering the polling place during the presidential preference primary held February 5, 2008.

1. At the time of the incident alleged in the instant Complaint, Complainant had been a registered elector since at least March 28, 1988 and had voted thirteen times since the general election in 1996.
2. During the voting hours of the presidential preference primary held February 5, 2008, Complainant entered his assigned polling place at the Rock Hill School in Wallingford and presented himself as an elector by announcing his street address and his name to the checkers in a tone sufficiently loud and clear as to enable all the election officials present to hear the same.
3. Complainant alleges that the poll workers required a driver's license or, alternately, a utility bill, which he did not have, but that they should have allowed him to enter to the polling place with only a single sheet of 8.5" x 11" white paper with his name and address printed upon it, below the words "Preprinted ID," created and printed by the Complainant himself on his home computer. In addition to the above allegation, Complainant alleges that "no assistant registrar of voters was present to examine the information that I did provide as specified in Sec. 9-261."
4. According to the moderator's diary of Joan Ives-Parisi, moderator of the District 9 polling place in Wallingford for all times relevant to this Complaint, Complainant did appear as an active voter on the official checklist, but did not present a sufficient "preprinted form of identification."
5. According to the moderator's diary, Complainant was offered the "pink form" by the Assistant Registrar of Voters, prescribed by the Secretary of the State, wherein Complainant was required to provide his name, residential address and date of birth and sign a statement under penalty of false statement that he was the elector whose name appeared on the official checklist. Upon examination, Barbara Sibley, the Assistant Registrar of Voters, determined that the statement was incomplete because Complainant failed to include his date of birth. Upon request, Complainant refused to provide the information and the form was rejected.

6. Connecticut 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 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 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 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 such form shall be used for each elector. If the elector presents a preprinted form of identification under subdivision (1) of this subsection, the checkers shall check the name of such elector on the official checklist. ***If the elector completes the form under subdivision (2) of this subsection, the assistant registrar of voters shall examine the information on such form*** and either instruct the checkers to check the name of such elector on the official checklist or notify the elector that the form is incomplete or inaccurate. [Emphasis added.]

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7. Complainant was a longstanding elector whose registration was active during all times relevant to this Complaint and was required to follow either of the two types of identification requirements for "[e]ach other elector" enumerated in § 9-261(a), above.
8. Complainant's failure to include his date of birth on the official "form proscribed by the Secretary of State" was fatal to his attempt to cast a ballot under the second prong. The statute states that "[e]ach other elector *shall*" sign the provided statement and write the elector's name, residential address, ***and date of birth***. Nothing less than full compliance suffices under the second prong of "each other elector" portion of the statute.
9. The evidence presented, without more, shows that not only was the Assistant Registrar present in the polling place, but that she was correct in rejecting Complainant's incomplete form.

10. The remaining issue in this matter is whether Complainant should have been permitted to cast his ballot under the “preprinted form of identification” prong by providing a “form of identification” created by the elector himself. This is an issue of first impression for the Commission.
11. General Statutes § 9-261(a) itself does not specifically define what qualifies as a “preprinted form of identification,” other than a Social Security card, but merely identifies what combination of distinct information need to be present thereon. Moreover, there are no related surrounding statutes, or portions thereof, which would speak to whether the “identification” provided herein should qualify under the statute.
12. “Pursuant to [General Statutes] § 1-2z, the court is to go through the following initial steps: first, consider the language of the statute at issue, including its relationship to other statutes, as applied to the facts of the case; second, if after the completion of step one, the court concludes that, as so applied, there is but one likely or plausible meaning of the statutory language, the court stops there; but third, if after the completion of step one, the court concludes that, as applied to the facts of the case, there is more than one likely or plausible meaning of the statute, the court may consult other sources, beyond the statutory language, to ascertain the meaning of the statute.” Vincent v. City of New Haven, 285 Conn. 778, 784-85 (2008)
13. Considering the language of the relevant portion of the statute at issue, including its relationship to other relevant statutes (or portions thereof), there remains more than one likely or plausible meaning of “preprinted form of identification,” which could contemplate, without more, a form of identification created by the elector. It is necessary at this point to consider extratextual sources of meaning.
14. Most compelling here is that the relevant portion of General Statutes § 9-261(a) was promulgated as part of No. 93-300 of the 1993 Public Acts. Prior to the effective date of P.A. 93-300, no form of identification was required at the polls. Rather, General Statutes § 9-261(1), the precursor to the statute at issue here, required only that the elector announce the elector’s name and voting address.
15. Moreover, at the time of the passage of P.A. No. 93-300 national “Motor Voter” laws had been passed, requiring states to remove certain initial identification requirements at the point of registration, putting greater emphasis on identification safeguards at the point of voting.<sup>1</sup> The legislative history of P.A. 93-300—including both the testimony at hearings of the Government Administration and Elections committee as well as the debate in both General Assembly chambers—reflects a clear and unmistakable effort on the part of the legislature to add safeguards against identity fraud at the polling place.
16. Considering the above statutory change and legislative history, it is clear that for a “preprinted form identification” to qualify under the statute, it may not be one that has been produced by the individual elector. Producing one’s own form of identification

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<sup>1</sup> See, e.g., 42 U.S.C. § 1973gg (Rev. to 1993) and Connecticut General Statutes §§ 9-19h & 9-23g.

is no different in effect than announcing one's name and address. It is merely a written form of self-identification.

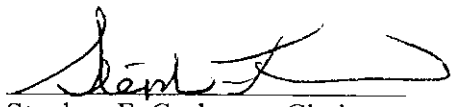
17. Moreover, allowing such self-identification would give no effect to the new language of the statute, or the aims of the legislature in adding further safeguards against fraud at the polling place. "When construing a statute, [o]ur fundamental objective is to ascertain and give effect to the apparent intent of the legislature. . . ." Windels v. Envtl. Prot. Comm'n, 284 Conn. 268, 294 (2007)
18. Considering the legislative history of P.A. No. 93-300 and comparing the voting procedure promulgated thereunder against the pre-P.A. 93-300 statutory voting procedure, it is apparent that there was an intentional movement from self-identification—announcing one's identity at the polls—to self-identification *plus* independent third-party verification. Allowing an elector to merely provide a "preprinted form of identification" produced by that same elector would not constitute a change from the prior statutory scheme, nor would it accurately reflect the intent of the legislature to add safeguards against identity fraud at the polling place.
19. Accordingly, Complainant should not have been permitted to cast his ballot under the "preprinted form of identification" prong by providing a "form of identification" preprinted by the elector himself.
20. After considering the aforesaid facts and legal analysis, no violation of General Statutes § 9-261(a) is found.
21. Nevertheless, the Commission maintains that the law could aspire to a greater degree of specificity concerning what types of "preprinted form[s] of identification" suffice under § 9-261(a) and will consider making such a legislative proposal to the General Assembly.

### ORDER

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

That the Complaint be dismissed.

Adopted this 19<sup>th</sup> day of November of 2008 at Hartford, Connecticut

  
Stephen F. Cashman, Chairman  
By Order of the Commission