

STATE OF CONNECTICUT
STATE ELECTIONS ENFORCEMENT COMMISSION

Complaint of Jerome Jessup,
Westport

File No. 2008-155

FINDINGS AND CONCLUSIONS

Jerome Jessup sent a correspondence to the Office of Congressman Christopher Shays indicating that he had tried to vote in the February 5, 2008 Republican Presidential Preference Primary and found that he was unable to vote because he was registered as an Independent and not as a Republican. Mr. Jessup further indicated in his letter that in November 2007 his wife had gone to the Norwalk Department of Motor Vehicles office to update their address information because Mr. and Mrs. Jessup had moved. According to Mr. Jessup, his wife also obtained cards to update their Republican voter registration information as well. He further indicates that they updated their address information and returned it along with their Republican voter registration cards to Department of Motor Vehicles (hereinafter DMV), which Complainant alleges were not processed. Mr. Jessup claims he was the subject of voter registration fraud.

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

1. Congressman Shay's Office forwarded the above mentioned correspondence to the Office of the Secretary of the State, whom then referred the matter to the Commission for investigation, pursuant to General Statutes § 9-7b.
2. Jerome and Terri Jessup have been registered to vote in the Town of Westport since February 11, 2003 and September 17, 2003 respectively.
3. General Statutes § 9-19h provides in pertinent part:
 - (a) The Department of Social Services, the Labor Department and the Department of Motor Vehicles shall make voter registration information and materials available to the public. Such information and materials shall be placed in public areas of the offices of such departments. The State Library and the libraries of the state's public institutions of higher education shall also make such information and materials available to users of the libraries. The Secretary of the State shall provide such departments, such libraries and any libraries open to the public with suitable nonpartisan literature, materials and voter registration application forms authorized under sections 9-23g and 9-23h. The secretary shall also provide to the Department of Social Services, the Labor Department and the Department of Motor Vehicles any furniture needed to display such literature, materials and forms.

(b) In addition to the requirements of subsection (a) of this section, the Commissioner of Motor Vehicles, not later than January 1, 1994, shall include an application for the admission of an elector with each application form provided for a motor vehicle operator's license and a motor vehicle operator's license renewal, which are issued under subpart (B) of part III of chapter 246, and with each application form provided for an identity card issued under section 1-1h. Such application form for the admission of an elector (1) shall be subject to the approval of the Secretary of the State, (2) shall not include any provisions for the witnessing of the application, and (3) shall contain a statement that (A) specifies each eligibility requirement, (B) contains an attestation that the applicant meets each such requirement, and (C) requires the signature of the applicant under penalty of perjury. *The Commissioner of Motor Vehicles shall accept any such completed application for admission which is submitted in person or by mail.* The applicant shall state on such form, under penalty of perjury, the applicant's name, bona fide residence address, date of birth, whether the applicant is a United States citizen, party enrollment, if any, prior voting address, if registered previously, and that the applicant's privileges as an elector are not forfeited by reason of conviction of a felony. No Social Security number on any such application form for the admission of an elector filed prior to January 1, 2000, may be disclosed to the public or to any governmental agency. *The commissioner shall indicate on each such form the date of receipt of such application to ensure that any eligible applicant is registered to vote in an election if it is received by the Commissioner of Motor Vehicles by the last day for registration to vote in an election. The commissioner shall provide the applicant with an application receipt, on a form approved by the Secretary of the State and on which the commissioner shall record the date that the commissioner received the application, using an official date stamp bearing the words "Department of Motor Vehicles".* The commissioner shall provide such receipt whether the application was submitted in person or by mail. *The commissioner shall forthwith transmit the application to the registrars of voters of the applicant's town of residence.* If a registration application is accepted within five days before the last day for registration to vote in a regular election, the application shall be transmitted to the registrars of voters of the town of voting residence of the applicant not later than five days after the date of acceptance. The procedures in subsections (c), (d), (f) and (g) of section 9-23g which are not inconsistent with the National Voter Registration Act of 1993, P.L. 103-31, as amended from time to time, shall apply to applications made under this section. The commissioner is not an admitting official and may not restore, under the provisions of section 9-46a, electoral privileges of persons convicted of a felony. [Emphasis added.]

4. Mr. Jessup was involved in transactions with the DMV on January 23, 2003 (Operator's License Renewal), January 28, 2008 (Change of Address for Operator's License) and January 13, 2009 (Operator's License Renewal). The DMV processed these transactions on January 23, 2003, February 6, 2008 and January 13, 2009 respectively.
5. Mrs. Jessup was involved with transactions with the DMV on January 25, 2008 (Change of Address for Operator's License), November 14, 2008 (Operator's License Modification) and March 31, 2010 (Operator's License Cancellation). The DMV processed these transactions on January 30, 2008, November 14, 2008 and March 31, 2010 respectively.
6. Mrs. Jessup's Change of Address for Operator's License Card was processed by the DMV on January 30, 2008. There is no evidence that Mrs. Jessup provided any voter registration paperwork with her Change of Address for Operator's License Card and none was ever received by the Westport Registrars of Voters as alleged.
7. Mr. Jessup's Change of Address for Operator's License Card was processed by the DMV on February 6, 2008. There is no evidence that Mr. Jessup provided any voter registration paperwork with his Change of Address for Operator's License Card and none was ever received by the Westport Registrars of Voters as alleged.
8. The Change of Address for Operator's License Card is used for the sole purposes set forth on the card (Change of Address for Operator's License, Vehicle Registration(s), Vessel Registration(s) and or Organ/ Tissue Donor Status. The Change of Address for Operator's License Card can not be used for registering to vote or enrolling with a political party, and does not contain data fields for that purpose. The Change of Address for Operator's License Card appears to be the only form submitted in January 2008.
9. General Statutes § 9-23g provides in pertinent part:
 - (b) The Secretary of the State shall prescribe, and provide to registrars of voters, town clerks and voter registration agencies, as defined in section 9-23n, application forms and other materials necessary to complete such application and admission process. The Secretary of the State, registrars of voters and town clerks shall provide a reasonable number of such forms and materials to any elector who requests such forms and materials. The secretary shall also, in the course of the secretary's elections duties, prepare instructions and related materials describing procedures for such application and admission process and shall provide the materials to registrars of voters and town clerks. The application shall contain the

information required under section 9-23h. All statements of the applicant shall be made under the penalties of perjury. The application for admission as an elector shall include a statement that (1) specifies each eligibility requirement, (2) contains an attestation that the application meets each such requirement, and (3) requires the signature of the applicant under penalty of perjury. Nothing in this section or section 9-23h shall require that the application be executed in the state. An applicant who is unable to write may cause the applicant's name to be signed on the application form by an authorized agent who shall, in the space provided for the signature, write the name of the applicant followed by the word "by" and the agent's own signature. The completed application may be mailed or returned in person to the office of the registrars of voters or the office of the town clerk of the applicant's town of residence or a voter registration agency. *If the applicant entrusts the applicant's application to another person or to such a voter registration agency for mailing or return to the registrars of voters, such person or agency shall immediately mail or return the application. Any such voter registration agency shall also provide the applicant with an application receipt, on which the agency shall record (A) the date that the agency received the application, using an official date stamp bearing the name of the agency, and (B) the party affiliation, if any, of the applicant. The agency shall provide such receipt whether the application was submitted in person or by mail.* The town clerk shall promptly forward any application which the town clerk receives to the registrars of voters. Such application form shall be provided by or authorized by the Secretary of the State.

(c) Forthwith upon receipt of a registration application in the office of the registrars of voters, the registrar shall mark such date on the application and review the application to determine whether the applicant has properly completed it and is legally qualified to register. Forthwith upon completing his review, the registrar shall (1) indicate on the application whether the application has been accepted or rejected, (2) mail a notice to the applicant, (3) indicate on the application the date on which such notice is mailed, and (4) provide a copy of such notice to the other registrar. If the registrar determines that the applicant has not properly completed the application or is not legally qualified to register, the notice shall indicate that the application has been rejected and shall state the reason for rejection. If the registrar determines that the applicant has properly completed the application and is legally qualified to register, the notice shall indicate that the application has been accepted. *A notice of acceptance or a notice of rejection shall be sent (A) within four days of receipt of an application during the period beginning on the forty-ninth day before an election and ending on the twenty-first day before such election, (B) on the day of receipt of an application if it is received (i) during the period beginning on the twentieth day before such election and ending on the fourteenth day before such election, (ii) during the*

period beginning on the thirteenth day before an election and ending on election day if the application has been received by the fourteenth day before an election by the Commissioner of Motor Vehicles or by a voter registration agency, (iii) during the period beginning on the twenty-first day before a primary and ending on the fifth day before a primary, or (iv) during the period beginning on the fourth day before a primary and ending at twelve o'clock noon on the last weekday before a primary, if the application has been postmarked by the fifth day before the primary and is received in the office of the registrars of voters during such period or if the application is received by the fifth day before a primary by the Commissioner of Motor Vehicles or by a voter registration agency, and (C) within ten days of receipt of an application at any other time. A notice of acceptance shall be sent by first-class mail with instructions on the envelope that it be returned if not deliverable at the address shown on the envelope. A notice of acceptance shall indicate the effective date of the applicant's registration and enrollment, the date of the next regularly scheduled election or primary in which the applicant shall be eligible to vote and the applicant's precinct and polling place. If a notice of acceptance of an application is returned undelivered, the registrars shall forthwith take the necessary action in accordance with section 9-35 or 9-43, notwithstanding the May first deadline in section 9-35. An applicant for admission as an elector pursuant to this section and section 9-23h may only be admitted as an elector by a registrar of voters of the town of his residence. Not later than December thirty-first, annually, the Secretary of the State shall establish an official calendar of all deadlines set forth in this subsection for regularly scheduled elections and primaries to be held in the following calendar year.

(d) (1) Except as otherwise provided in this subsection, the privileges of an elector for any applicant for admission under this section and section 9-23h shall attach immediately upon approval by the registrar, and the registrars shall enter the name of the elector on the registry list.

(2) Except as provided in subdivision (3) of this subsection, if a mailed application is postmarked, or if a delivered application is received in the office of the registrars of voters, after the fourteenth day before an election or after the fifth day before a primary, the privileges of an elector shall not attach until the day after such election or primary, as the case may be. In such event, the registrars of voters may contact such applicant, either by telephone or mail, in order to inform such applicant of the effect of such late received mail-in application and any applicable deadline for applying for admission in person.

(3) If an application is received after the fourteenth day before an election or after the fifth day before a primary by the Commissioner of Motor Vehicles or by a voter registration agency, the privileges of an elector

shall not attach until the day after the election or primary, as the case may be, or on the day the registrar approves it, whichever is later.

(4) If on the day of an election or primary, the name of an applicant does not appear on the official check list, such applicant may present to the moderator at the polls either a notice of acceptance received through the mail or an application receipt that was previously provided to the applicant pursuant to section 9-19e, subsection (b) of section 9-19h, subsection (b) of this section or section 9-23n. If an applicant presents said notice or receipt, and either the registrars of voters find the original application or the applicant submits a new application at the polls, the registrar, or assistant registrar upon notice to and approval by the registrar, shall add such person's name and address to the official check list on such day and the person shall be allowed to vote if otherwise eligible to vote and the person presents to the checkers at the polling place a preprinted form of identification pursuant to subparagraph (A) of subdivision (2) of subsection (a) of section 9-261. [Emphasis added.]

10. Although Mr. and Mrs. Jessup were involved in transactions with the DMV in January 2008, neither Mr. or Mrs. Jessup appear to have conducted business with the DMV in November 2007 as claimed by Mr. Jessup. Furthermore, neither one of their January 2008 transactions involved registering to vote or changing a party affiliation.
11. Mr. Jessup completed a DMV Special Application for Voter Registration on January 11, 2003. Mr. Jessup checked off the data box indicating that he did not wish to join a party. His application was submitted to the Westport Registrar of Voters (hereinafter ROV) and was accepted on February 11, 2003.
12. Despite Mr. Jessup's claim that he was eligible to participate in the February 5, 2008 Presidential Preference Primary, the Westport ROV records coupled with his Connecticut Voter Registration System (hereinafter CVRS) record indicate that he did not become a registered Republican voter until February 21, 2008.
13. Mr. Jessup completed a Mail-in Voter Registration on or about February 7, 2008. He checked off the data box indicating that he wished to enroll in the Republican Party. The Westport ROVs' office received Mr. Jessup's card on February 21, 2008 and processed the card on that date. The evidence does not support that a card enrolling Mr. Jessup into a party was submitted to the DMV earlier than that.
14. General Statutes § 9-23a provides:

(a) Except as provided in subsection (b) of this section, no person admitted as an elector after twelve o'clock noon on the last business day before a primary shall be permitted to vote in such primary.

(b) An applicant for admission or enrollment under section 9-26 shall be entitled to vote in a primary if he files his application for admission or enrollment with the town clerk before the day of the primary and is otherwise eligible to vote in the primary.


15. Accordingly, Mr. Jessup remained an unaffiliated voter until February 21, 2008 and as such he was not eligible to vote in the February 5, 2008 Republican Presidential Preference Primary. He was also not eligible to vote in Democratic Presidential Preference Primary held on the same date.
16. By contrast, Mrs. Jessup, who completed a Mail-in Voter Registration on or about September 17, 2003 checked off the data box indicating that she wished to enroll in the Republican Party. The Westport ROVs' office received Mr. Jessup's card on September 17, 2003 and processed the card on that date.
17. Accordingly, Mrs. Jessup was registered as a Republican and was eligible to vote in the in the February 5, 2008 Republican Presidential Preference Primary. The Westport ROVs never received a voter registration card from her in January 2008, as alleged. In fact, an enrollment form was unnecessary because she was already an enrolled Republican from the date of her 2003 voter registration.
18. It should be noted that if Mr. Jessup had a receipt for his voter registration application, he could have offered it at the polls on February 5, 2008 and may have been able to vote. However, no receipt has ever been produced and Mr. Jessup has not responded to numerous requests and attempts to contact him regarding his complaint.
19. Based on these specific facts, the case is dismissed.
20. It should also be noted that it is not uncommon for individuals to believe that they are registered with a party based on their voting preferences when in fact they are not actually registered with a party.

ORDER

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

That the matter be dismissed.

Adopted this 26th day of May 2010 at Hartford, Connecticut

A handwritten signature in black ink, appearing to read "Stephen F. Cashman", written over a horizontal line.

Stephen F. Cashman, Chairman
By Order of the Commission