

STATE OF CONNECTICUT
STATE ELECTIONS ENFORCEMENT COMMISSION

In the Matter of a Complaint by
Ivan Maldonado, Hartford

File No. 2010-109

FINDINGS AND CONCLUSIONS

The Complainant brought this Complaint pursuant to Connecticut General Statutes § 9-7b and alleged that Respondent Olga Iris Vasquez, Democratic Registrar of Voters for the City of Hartford, impermissibly removed him from the Hartford roll of electors, in violation of General Statutes § 9-35.

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

1. On August 10, 2010 the Complainant attempted to cast a ballot in the primary for the Democratic Party at the Parkville Community School polling place in Hartford, but was informed by polling place workers that he did not appear on the last compiled list of enrolled voters for that district and therefore was ineligible to cast a ballot. The polling place workers contacted the office of the Hartford Registrar of Voters office and confirmed that he had been removed one week earlier, on August 3, 2010.
2. After being turned away at the polling place the Complainant went to the office of the Registrar of Voters to determine the reason that he had been removed and to attempt to restore his registration so that he could vote in the primary. The Respondent was told by the Assistant Registrar of Voters that he could not be restored to the voter rolls or cast a ballot on that day because he did not appear on rolls.
3. After consulting with attorneys from the Secretary of the State's office, the Complainant returned to the office of the Hartford Registrar of Voters and this time met with the Respondent.
4. In her response, the Respondent asserts that she informed the Complainant that her office had received an electronic notice from the Department of Motor Vehicles ("DMV") on August 3, 2010 pursuant to General Statutes § 9-19i informing her office that the Complainant had changed his voting address to an address in East Hartford. She asserts that she further informed him that pursuant to General Statutes § 9-35, she removed the Complainant and mailed him a notice to the Hartford address of the removal pursuant to subsection (c), in which notice were included, but not limited to, information explaining how to have his name restored to the list and an "Application for Restoration of Voter" form prescribed by the Secretary of the State.
5. The parties here do not dispute that the Complainant denied receiving the aforementioned information from the Respondent and insisted that he had not moved. They also do not dispute that upon the Complainant's assertion that he still resided at his registered Hartford address the parties executed an "Application for Restoration of Voter" form and he was restored as an elector and cast his ballot in the Democratic primary before the close of polls that day.

6. Here, the issue for the Commission to consider is whether the Respondent improperly removed the Complainant's registration, as the Complainant asserts.
7. A change of address made with the DMV can affect an elector's eligibility in some instances. General Statutes § 9-19i, reads, in pertinent part:

Any change of address form submitted by a person in accordance with law for purposes of a motor vehicle operator's license *shall serve as notification of change of address for voter registration for the person unless the person states on the form that the change of address is not for voter registration purposes.* The Commissioner of Motor Vehicles shall forthwith transmit such change of address information to the registrars of voters of the town of the former address of the person. If the name of the person appears on the registry list of the town, and if the new address is also within such town, the registrars shall enter the name of such elector on the registry list at the place where he then resides. *If the name of the person appears on the registry list of the town and if the new address is outside such town, the registrars shall remove the name of such elector from the registry list and send the elector the notice, information and application required by section 9-35.* [Emphasis added.]

8. When the Registrar of Voters receives such a notice of change of address from the DMV, such notice is deemed to have come from the elector. General Statutes § 9-35 (b), reads, in pertinent part:

[T]he registrars shall remove from the list the name of each elector who has died, who has been disfranchised or who has confirmed in writing that the elector has moved out of the municipality, except electors entitled to remain on such list under the provisions of this chapter. An elector shall be deemed to have confirmed in writing that the elector has moved out of the municipality if (1) the elector has submitted a change of address form for purposes of a state motor vehicle operator's license, unless the elector states on the form that the change of address is not for voter registration purposes. . . . [Emphasis added.]

9. However, the registrar of voters is required to send a notice to such removed elector. General Statutes § 9-35 (c), reads, in pertinent part:

Whenever the registrars of voters of a town remove from the registry list the name of an elector who has submitted a change of address to the Commissioner of Motor Vehicles . . . indicating that the elector has moved out of such town, the registrars shall send the elector, by forwardable mail to the elector's former address from such list or current

address in the new town, (1) a notice of removal, (2) information explaining how to have the elector's name restored to such list, which shall be in a form prescribed by the Secretary of the State, and (3) a mail-in voter registration application which can be used by the elector to apply for admission as an elector in the new town. If such notice, information and application are sent to the elector's former address and are returned undeliverable, the registrars shall mail such documents to the elector's address in the new town. [Emphasis added.]

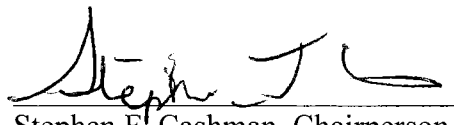
10. The Respondent denies that the Complainant was impermissibly removed from the Hartford voter rolls. She presented evidence that she did receive notice from the DMV that the Complainant had moved out of the city. The Complainant's name appeared on a spreadsheet received by the Respondent from the DMV on or about August 3, 2010 detailing all of the "Motor Voter" address changes that had occurred in the City of Hartford to that date. Further, she also included evidence that she sent the Complainant a notice of removal on or about August 3, 2010 with which she also included the information and mail-in voter registration application required under General Statutes § 9-35 (c).
11. In order to establish liability in the present case, the Respondent must not have been permitted to remove the Complainant from the City of Hartford voter rolls. However, the Respondent presented evidence sufficient to establish that she received notice from the DMV that the Complainant had changed his address. Pursuant to General Statutes §§ 9-19i and 9-35 (b), such notice is deemed to have come from the Complainant himself in writing that he had moved out of the municipality. As such, not only was the Respondent permitted to remove the Complainant pursuant to General Statutes § 9-35, she was *required* to do so and in the manner prescribed in subsection (c).
12. Accordingly, the Commission concludes that the Respondent did not impermissibly remove the Complainant from the Hartford rolls as alleged in the instant Complaint.

ORDER

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

That the matter be dismissed.

Adopted this 16th day of February, 2011 at Hartford, Connecticut.


Stephen F. Cashman, Chairperson
By Order of the Commission