

STATE OF CONNECTICUT
STATE ELECTIONS ENFORCEMENT COMMISSION

In re State Elections Enforcement Commission Initiated Complaint File No. 2012-238

AGREEMENT CONTAINING A CONSENT ORDER

The parties, Roderick L. Bremby, Commissioner of the Department of Social Services, State of Connecticut (the "Respondent") and the undersigned authorized representative of the State Elections Enforcement Commission (the "Commission"), enter into this agreement as authorized by Connecticut General Statutes § 4-177 (c) and Regulations of Connecticut State Agencies § 9-7b-54. In accordance with those provisions, the parties agree that:

1. On or about November 27, 2012, 125 boxes of unknown documents were discovered at the Connecticut Department of Social Services ("DSS").
2. Among the documents in the boxes were eight completed voter registration cards that had not been submitted to local registrars and 93 requests for assistance with voter registration.
3. Of the 93 requests for assistance, two had insufficient information to identify the requesters, 46 were identified as having completed voter registration without the assistance of DSS, and 45 were identified as individuals who had asked for assistance in registering to vote from DSS and were not on the voter rolls as of January 4, 2013.
4. General Statutes §§ 9-19h¹, 9-23j², 9-23k³, 9-23n⁴ & 9-23o⁵ concern, *inter alia*, the responsibilities of so-called state "voter registration agencies" under the National Voter

¹ 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.

² General Statutes § 9-23j provides:

As used in sections 9-7b and 9-12, subsection (a) of section 9-17, sections 9-19b, 9-19e, 9-19g, 9-19h, 9-19i, 9-20, 9-21, 9-23a, 9-23g, 9-23h, 9-23k to 9-23o, inclusive, 9-26, 9-31a, 9-32, 9-35, 9-35b, 9-35c, 9-40a, 9-42, 9-43, 9-50a, 9-56 and 9-59, "public assistance offices" means *offices of state agencies that administer or provide services under the supplemental nutrition assistance, Medicaid, Women, Infants and Children, and temporary family assistance programs.* (Emphasis added.)

³ General Statutes § 9-23k reads:

The Secretary of the State shall be the chief state election official responsible for coordination of state responsibilities under the National Voter Registration Act of 1993, P.L. 103-31, as amended from time to time, *except that the State Elections Enforcement Commission shall be responsible for the investigation of any complaint alleging a violation of sections 9-7b and 9-12, subsection (a) of section 9-17, sections 9-19b, 9-19e, 9-19g, 9-19h, 9-19i, 9-20, 9-21, 9-23a, 9-23g, 9-23h, 9-23j to 9-23o, inclusive, 9-26, 9-31a, 9-32, 9-35, 9-35b, 9-35c, 9-40a, 9-42, 9-43, 9-50a, 9-56 and 9-59 and shall have the authority to enforce the provisions of said sections by use of its powers as prescribed in section 9-7b.* (Emphasis added.)

⁴ General Statutes § 9-23n prescribes who constitutes a "voter registration agency" and the responsibilities of such agencies, as follows:

(a) As used in this section, "voter registration agency" means (1) public assistance offices, (2) all offices in the state that provide state-funded programs primarily engaged in providing services to persons with disabilities, (3) libraries that are open to the public, and (4) such other appropriate offices as the Secretary of the State shall designate in accordance with the National Voter Registration Act of 1993, P.L. 103-31, as amended from time to time.

(b) Voter registration agencies shall (1) distribute mail voter registration application forms, (2) assist applicants for such assistance or services in completing voter registration application forms, except for applicants who refuse such assistance, (3) accept completed voter registration application forms and provide each applicant with an application receipt, on which the agency shall record the date that the agency received the application, using an official date stamp bearing the name of the agency, and **(4) immediately transmit all such applications to the registrars of voters of the town of voting residence of the applicants.** *The agency shall provide such receipt whether the application was submitted in person or by mail. 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 voter registration agency shall indicate on the completed mail voter registration application form, without indicating the identity of the voter registration agency, the date of its acceptance by such agency, to ensure that any eligible applicant is registered to vote in an election if it is received by the registration agency by the last day for registration to vote in an election.* If a state-funded program primarily engaged in providing services to persons with disabilities provides services to a person with a disability at the person's home, the agency shall provide such voter registration services at the person's home. The procedures in subsections (c), (d), (f) and (g) of section 9-23g that 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. Officials and employees of such voter registration agencies are not admitting officials, as defined in section 9-17a, and may not restore, under the provisions of section 9-46a, electoral privileges of persons convicted of a felony. (Emphasis added.)

Registration Act of 1993 (“NVRA”). The Connecticut statutes largely track the language of the NVRA.

5. The SEEC has investigatory and civil penalty authority over each of these statutes. *See* General Statutes § 9-7b (a) (1) & (2).
6. Pursuant to General Statutes §§ 9-23j, 9-23k, and 9-23n, the Department of Social Services is a designated “voter registration agency,” whose electoral responsibilities to applicants for social services include, but are not limited to, providing voter registration materials to applicants and the public, offering assistance with registering to vote and forwarding completed voter registration forms to the appropriate registrar’s offices. Moreover, each voter registration agency is required to offer each applicant for social services a chance to register to vote and must either register such applicant, or obtain such applicant’s explicit and written waiver. General Statutes § 9-23o.
7. Respondent agrees that with regard to the eight completed voter registration cards and 91 requests for assistance that had sufficient information to identify the requestor, DSS did not meet this statutory obligation.
8. In response to discovering the voter registration documents at issue Respondent coordinated with the Office of the Secretary of State to ensure that every individual attempting to register to vote through the DSS or requesting assistance in registering to vote from the DSS is able to do so. Such steps included:
 - a. DSS promptly forwarded the completed voter registration cards to the appropriate local registrars of voters.

⁵ General Statutes § 9-23o reads:

A voter registration agency, as defined in section 9-23n shall comply with the National Voter Registration Act of 1993, P.L. 103-31, as amended from time to time, and shall distribute with each application for service or assistance provided by the agency, and with each recertification, renewal or change of address form relating to such service or assistance a mail voter registration application form approved by the Secretary of the State *unless the applicant declines to register to vote pursuant to the provisions of the National Voter Registration Act of 1993, P.L. 103-31, as amended from time to time. Such declination shall be in writing,* except in the case of an application for service or assistance provided by a library, or a recertification, renewal or change of address form relating to such library service or assistance. Such voter registration agency shall provide each applicant to register to vote the same degree of assistance with regard to the completion of the registration application form as is provided by the agency with regard to the completion of its own forms, unless the applicant refuses such assistance. (Emphasis added.)

- b. Individuals with direct responsibility for the boxes of unknown documents were placed on administrative leave pending a personnel investigation.
 - c. Respondent ordered a review of all agency policies concerning DSS responsibilities as a voter registration agency.
 - d. Based upon the agency review, Respondent issued an agency wide memorandum emphasizing the importance of DSS's role as a voter registration agency and detailing the protocol for handling such requests from DSS clients.
9. Since the institution of the aforementioned protocol, neither DSS nor the Commission is aware of any new instances of the DSS failing to perform its responsibilities as a voter registration agency.
10. The Respondent admits to all jurisdictional facts and agrees that this Agreement and Order shall have the same force and effect as a final decision and order entered into after a full hearing and shall become final when adopted by the Commission.
11. The Respondent waives:
 - a. Any further procedural steps;
 - b. The requirement that the Commission's decision contain a statement of findings of fact and conclusions of law, separately stated; and
 - c. All rights to seek judicial review or otherwise to challenge or to contest the validity of the Order entered into pursuant to this Agreement.
12. Upon the Respondent's agreement to comply with the Order hereinafter stated, the Commission shall not initiate any further proceedings against the Respondent regarding this matter.
13. It is understood and agreed by the parties to this Agreement that the Commission will consider this Agreement at its next available meeting and, if the Commission rejects it, the Agreement will be withdrawn and may not be used as an admission by the Parties in any subsequent hearing, proceeding or forum.

ORDER

It is hereby ordered that the Respondent shall henceforth strictly adhere to the requirements of General Statutes §§ 9-19h, 9-23j, 9-23k, 9-23n & 9-23o.

The Respondent:



Roderick L. Brezby
Commissioner
Department of Social Services
55 Farmington Avenue
Hartford, CT 06105

For the State of Connecticut:

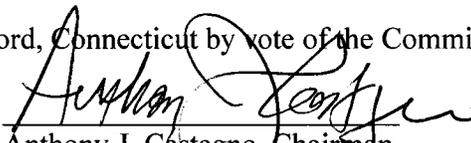
BY: 

Michael J. Brandi
Executive Director and General Counsel and
Authorized Representative of the
State Elections Enforcement Commission
20 Trinity St., Suite 101
Hartford, CT 06106

Dated: 7/22/2016

Dated: 7/22/16

Adopted this 10 day of AUG, 2016 at Hartford, Connecticut by vote of the Commission.



Anthony J. Castagno, Chairman
By Order of the Commission

RECEIVED
STATE ELECTIONS

JUL 26 2016

ENFORCEMENT COMMISSION