

STATE OF CONNECTICUT
STATE ELECTIONS ENFORCEMENT COMMISSION

Complaint by Eva M. Eszterhai, Niantic

File No. 2014-151

FINDINGS AND CONCLUSIONS

Complainant Eva M. Eszterhai brings this Complaint pursuant to Connecticut General Statutes § 9-7b. Complainant alleged that the Democratic State Central Committee (“DSCC”) violated election laws by sending her a letter regarding her voting history and by their expressed intent to monitor her voting record in the future. After the investigation of the Complainants’ complaint, the Commission makes the following findings and conclusions:

1. The Complainant alleged that the DSCC, by sending her a letter prior to the November 5, 2014 election that detailed her voting history and indicated that they would monitor her voting record in the future, attempted to “strong arm/bully [her] into voting.” Further, Complainant alleged that the aforementioned letter had an “intimidating tone” and implied that she “...should vote for the democratic party member.” Finally, Complainant alleged that the letter was a form of public shaming of her regarding her “...decision to exercise [her] constitutional right to vote,” such decision she asserted was “mine and mine alone.”
2. Complainant attached a copy of the DSCC letter that read in part:

Dear Eva – Our records indicate that you are eligible to vote in 2014. Who you vote for is private, but whether or not you vote is public record.

We’re sending this mailing to you and your neighbors to publicize who does and does not vote. While we have hidden the name and street number of your neighbors so as not to embarrass them, these are their true voting records.

We will be reviewing these records after the election to determine whether or not you joined your neighbors in voting. We may call you to ask about your voting experience and will update the chart for the next election. If you do not vote this year, while we will be disappointed, we’ll be interested to hear why not.

[Original emphasis.]

3. The DSCC letter included a chart with Complainant’s voting record and allegedly two of her neighbors from 2005-2012, the row ending with an empty box labeled “ 2014?” The letter was signed: Sincerely, Lora Rae Anderson, Election Day Coordinator. The attribution was: *Paid for by the Connecticut Democratic State Central Committee.*

4. General Statutes § 9-364 provides:

Any person who, *with intent to disenfranchise any elector*, influences or attempts to influence by force or threat, bribery or corrupt, fraudulent or deliberately deceitful means any elector *to stay away from any election* shall be guilty of a class D felony.
[Emphasis added.]

5. General Statutes § 9-622, provides that the following persons shall be guilty of illegal practices:

(1) Any person who, directly or indirectly, individually or by another person, *gives or offers or promises to any person any* money, gift, advantage, preferment, entertainment, aid, emolument or other *valuable thing for the purpose of inducing or procuring any person* to sign a nominating, primary or referendum petition or *to vote or refrain from voting for or against any person* or for or against any measure *at any election*, caucus, convention, primary or referendum;
[Emphasis added.]

6. In response to this complaint the DSCC, through their Director, Compliance and Law, Attorney Arnold Skretta asserted the following:

The information used on the mailer cited by [Complainant] consisted of the individual's name, address, and voting record for the past several elections. All information used on the mailers was obtained from the voter registry file which is public record. ... All of this information is contained on the state-wide centralized voter registration system housed by the Office of the Secretary of the State and utilized by every town in the State of Connecticut and available to the public.

The DSCC deeply regrets that some individuals, including [Complainant], found the mailing unsettling, [insulting] or even unsavory. ...
[Emphasis added.]

7. After investigation, and a thorough review and consideration of the letter distributed by the DSCC and described above, the Commission finds that, however offensive to the Complainant, the mailing of voting records and indications of future monitoring of whether an elector votes, in this limited instance, does not rise to the level of *attempting to influence someone from staying away from an election* as prohibited by General Statutes § 9-364.


8. Further, while the Commission is sympathetic to Complainant's concern that the letter is "intimidating," that she is being publicly shamed into voting, and/or that she faces such a consequence for not voting, the Commission finds that the DSCC letter was not *an offer or promise of something valuable* to the Complainant in exchange for her voting at the November 4, 2014 election. The Commission concludes therefore that the letter was not prohibited by General Statutes § 9-622 (1).
9. The Commission concludes that no violation of election laws as alleged occurred under the facts and circumstances detailed herein and therefore that this Complaint should be dismissed.

ORDER

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

That the Complaint be dismissed.

Adopted this 13th day of January of 2015 at Hartford, Connecticut


Anthony J. Castagno, Chairman
By Order of the Commission