

STATE OF CONNECTICUT
STATE ELECTIONS ENFORCEMENT COMMISSION

In the Matter of a Complaint of Marquasha Osborne, Bridgeport

File No. 2015-176

FINDINGS AND CONCLUSIONS

The Complainant brings this Complaint pursuant to Connecticut General Statutes § 9-7b, alleging that her name was incorrectly crossed off at the November 3, 2015 General Election in the City of Bridgeport.

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

1. The Complainant here, a Bridgeport elector, filed a sworn Complaint with the Commission alleging that she did not vote in the November 3, 2015 General Election, but that her name was improperly crossed off the official checklist at the 136 District polling place at the Beardsley School.
2. The process of voting in a polling place is detailed in General Statutes § 9-261, which reads, 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 official checker or 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 official checker or 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 official checker or 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 form shall be used for each elector. If the elector presents a preprinted form of identification under subdivision (1) of this subsection, the official checker or checkers shall check the name of such elector on the official checklist, manually on paper or electronically. If the elector completes the form under subdivision (2) of this subsection, the registrar of voters or the assistant registrar of voters, as the case may be, shall examine the information on such form and either instruct the official checker or checkers to check the name of such elector on the official checklist, manually on paper or electronically, or notify the elector that the form is incomplete or inaccurate.

...

(e) If not challenged by anyone lawfully present in the polling place, the elector shall be permitted to pass to the separated area to receive the ballot. The elector shall give any receipt the elector has received to a ballot clerk who shall give the elector a ballot to vote only in the primary of the party specified by the receipt. The elector shall be permitted into the voting booth area, and shall then register his or her vote in secret. Having voted, the elector shall immediately exit the voting booth area and deposit the ballot in the voting tabulator and leave the room. No elector shall remain within the voting booth longer than the time necessary to complete the ballot, and, if the elector refuses to leave such booth after completing the ballot, the elector shall at once be removed by the election officials upon order of the moderator. Not more than one elector at a time shall be permitted to be within the enclosed space which the elector occupies while the elector completes his or her ballot, provided an elector may be accompanied within such enclosed space by one or more children who are fifteen years of age or younger and supervised by the elector, if the elector is the parent or legal guardian of such children. If any elector, after entering the voting booth area, asks for further instruction concerning the manner of voting, the election officials shall give such instructions or directions to the elector; but no election official instructing or assisting an elector, except as provided in section 9-264, shall look at the ballot in such a way as to see the elector's markings or in any manner seek to influence any such elector in the casting of the elector's vote.

3. The investigation here involved a thorough examination of the voting records from the Beardsley School polling place, including but not limited to the official checklists, the official tabulator tapes, the moderator's return and diary, and all materials related to the identification and training of all poll workers at that location.
4. Commission investigators also obtained statements from the official checkers working at the Beardsley School location on the day in question.
5. Notably the investigation revealed that the count on the official checklist and the tabulator tape matched up precisely at 285 votes that day. This evidence suggests that the Complainant's name was not crossed off in error.
6. Also notable is that the investigation revealed that none of the 285 voters at the Beardsley polling place identified themselves using the affidavit procedure, including but not limited to all 4 individuals registered at the Complainant's address. That is, all of the voters used some form of acceptable identification to pass through and cast their ballots.
7. Finally, the Commission notes that the Connecticut Voter Registration System ("CVRS") record for the Complainant indicates that prior to the November 3, 2015 General Election, the Complainant cast a ballot in nearly every General Election and numerous party and town committee primaries dating back to at least 2007.
8. An allegation that someone may have falsified identification to enter a polling place and vote using another person's identity is serious. With this information in hand, Commission investigators sought clarification from the Complainant as to her allegations. However, despite multiple and persistent efforts to reach the Complainant in order to verify her whereabouts on the day in question—including but not limited to certified mailings returned as signed by the Complainant—Commission investigators were unable to obtain a statement from her.^{1 2}

¹ The Commission notes that Commission investigators received a handwritten response from a Lawrence Osborne, who was also registered at the Complainant's address and did vote that day, in the same handwriting as that used in the instant Complaint affidavit. Mr. Osborne asserted in his letter, without any other evidence or elaboration, that the Complainant had a "previously scheduled commitment, which involved a personal matter" on the day of the November 3, 2015 General Election and therefore could not vote on that day. Commission investigators returned correspondence informing Mr. Osborne that the Commission could not accept his statement as that of Complainant and that the Complainant would need to reply personally.

² The Commission also notes that at present, the Complainant's CVRS status is "Off" as of June 22, 2016 pursuant to General Statutes § 9-19 due to notice from the Department of Motor Vehicles of a move out of town. She has yet to register in any other Connecticut municipality under the name "Marquasha Osborne."

9. As the Complainant in this matter refuses to cooperate in the investigation of her own allegations, the Commission will not continue to pursue this matter further.

10. This matter should be dismissed.

ORDER

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

That the matter is dismissed without prejudice.

Adopted this 19th day of April, 2017 at Hartford, Connecticut.



Anthony J. Castagno, Chairperson
By Order of the Commission