

STATE OF CONNECTICUT
STATE ELECTIONS ENFORCEMENT COMMISSION

In the Matter of a Complaint by Kaitlyn L. Fydenkevez, West Hartford

File No. 2016-024A

FINDINGS AND CONCLUSIONS

The Complaint in this matter alleges that the West Hartford Registrars improperly removed the Complainant from the voter rolls prior to the April 26, 2016 Democratic Presidential Preference Primary.¹ As detailed hereinafter, it is the Commissions determination that this matter should be dismissed.

1. Complainant, Kaitlyn L. Fydenkevez was, at all times relevant hereto, an elector in the State of Connecticut.
2. Respondent, Beth Kyle was, at all times relevant hereto, the Republican Registrar of Voters in the Town of West Hartford.
3. Respondent, Alice Weibel was, at all times relevant hereto, the Democratic Registrar of Voters in the Town of West Hartford.
4. On April 26, 2016, Complainant presented herself to the official checkers at the Elmwood Community Center and stated that she was there to vote in the Democratic Presidential Preference Primary.
5. The Complainant was informed that her name did not appear on any of the registry lists.
6. The Complainant stated that she was a registered voter in the town of West Hartford, and further stated that she was registered as a member of the Democratic Primary.
7. Based upon those representations, and because the Democratic Presidential Primary was a "primary for federal office", Complainant was provided with a provisional ballot, pursuant to General Statutes § 9-232i, which the Complainant completed and delivered to the elections officials.

¹ Allegations concerning the Hartford Registrars of Voters shall be address is a separate document.

8. General Statutes § 9-21 (a) provides:

If any applicant for admission as an elector in any town has previously been admitted as an elector in any other town in this state, or in any other state, the District of Columbia, the Commonwealth of Puerto Rico, American Samoa, the Virgin Islands, Guam or the Trust Territory of the Pacific Islands, he shall, under penalties of perjury, so declare, and shall also declare by what name and in what town and state, district or territory he was last admitted as an elector and the street address from which he last voted therein. The admitting official shall within forty-eight hours thereafter transmit a notice of cancellation of such registration, upon a form prescribed by the Secretary of the State to the registrars of such other town or, in the case of a town in another state, district or territory, to the appropriate registration official or officials in such other town. Upon receipt of such notice of cancellation of registration, the registrars of the town from which such elector has removed shall forthwith erase the name of such elector from the registry list of the town, if the same has not been erased therefrom.

9. General Statutes § 9-32 (b) further provides:

No elector's name shall be removed from the registry list, pursuant to section 9-35, unless (1) the elector confirms in writing that the elector has moved out of the municipality, or (2) the elector has been sent, by forwardable mail, a notice and a postage prepaid preaddressed return card in accordance with the National Voter Registration Act of 1993, P.L. 103-31, as amended from time to time, four years prior to removal from the registry list and such elector has failed to respond and has not restored the elector's name to the active registry list under section 9-42 or voted in an election or primary in the municipality during the period beginning on the date of the notice and ending four years later. If a registrar or a registrar's designee conducts a telephone canvass, a telephone call by any such person shall constitute an attempt to contact the elector only if the elector's household has a published telephone number and the telephone is in operating order. If a registrar, or a registrar's designee, during a telephone canvass contacts a telecommunication device for the deaf in an elector's household, such call shall not constitute an attempt to contact the elector unless the registrar, or

the registrar's designee, uses a similar device or uses a message relay center. No elector's name shall be removed from the active registry list pursuant to said section 9-35 as a result of information obtained during a telephone canvass, unless the registrar believes such information is reliable and sufficient to enable the registrar to determine if the elector is entitled to remain on the list under the provisions of this chapter.

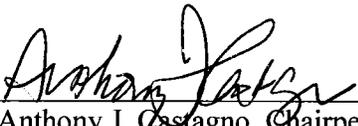
10. Removal of a voter from a registry list for reasons other than those specifically enumerated by statute is a violation for which the Commission may assess a civil penalty not to exceed \$2,000. General Statutes § 9-7b. *See also Complaint by Patricia A. Plourde, Middletown, File No. 2012-006.*
11. After voting was completed, the Respondents investigated whether the Complainant was authorized to vote in the West Hartford Democratic Primary, in accordance with General Statutes § 9-232n.
12. The Respondents discovered, in the course of their investigation, that the Complainant had been improperly removed from the registry list in West Hartford by an employee in Hartford Registrars of Voters office. This was confirmed by an independent investigation by the Commission staff.
13. Specifically, evidence shows that a seasonal worker in the Hartford Registrar's Office, upon learning that there was a duplicate registration for the Complainant, removed the Complainant from the West Hartford voter rolls via the Connecticut Voter Registration System, even though the Complainant's West Hartford registration was more recent in time.
14. In the course of their investigation, the Respondents further confirmed that the Complainant was properly registered as a member of the Democratic Party.
15. Based upon the Respondents' determination that the Complainant was authorized to vote in the April 26, 2016 Democratic Presidential Preference Primary, the Complainant's vote was counted.
16. Because the Respondents were not responsible for the removal of the Complainant from the West Hartford registry list, and because they complied with their statutory obligations relating to issuance and counting of provisional ballots, it is the conclusion of the Commission that this matter should be dismissed as to Respondents Beth Kyle and Alice Weibel.

ORDER

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

This matter is dismissed.

Adopted this 6 th day of November, 2016 at Hartford, Connecticut.



Anthony J. Castagno, Chairperson
By Order of the Commission