

STATE OF CONNECTICUT
STATE ELECTIONS ENFORCEMENT COMMISSION

In the Matter of a Complaint of Pedro L. Cordero,
Hartford

File No. 2016-027

AGREEMENT CONTAINING CONSENT ORDER

The parties, the City of Hartford Registrars' of Voters Office, County of Hartford, State of Connecticut (hereinafter "Hartford ROVs"), and the undersigned authorized representative of the State Elections Enforcement 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. Complainant alleged that Hartford ROVs failed to register him in a political party based on an amended voter registration statement filed with their office and therefore was denied the right to vote in the April 26, 2016 presidential preference Republican primary.
2. According to Complainant, on the day of the April 26, 2016 presidential preference primary, he went to the polling place at the South End Wellness Center, 830 Maple Avenue, Hartford, to participate in the Republican primary.
3. The Complainant alleged that when he presented himself at the checkers' table an unidentified polling place official told him that he was registered as "unaffiliated" and therefore could not vote in a primary.
4. The Complainant, a high school student, alleged that after being turned away at the polls he explained the situation to the teacher who had helped him register to vote in April 2016. Further, Complainant alleged that he and the teacher realized that the Hartford ROVs were likely relying on Complainant's earlier October 2015 voter registration card and had not changed his party status based on his April 2016.
5. Complainant asserted that he and the teacher then called the Hartford ROVs to explain that he had registered as a Republican and he was listed in error as unaffiliated. According to Complainant, after waiting approximately 20 minutes, the staff member explained that his April 2016 registration card had been found and that he could return to the polls and vote in the April 26, 2016 presidential preference primary as a registered Republican.
6. Complainant asserted that he subsequently returned to his polling place at the South End Wellness Center and voted as a Republican in the April 26, 2016 presidential preference primary.

7. By way of background, Commission records indicate that Complainant and his teacher were in regular contact with Commission Staff *via* the Primary Day “Hotline,” administered by the Commission, seeking assistance pertaining to the matters detailed herein
8. General Statutes § 9-20, provides in pertinent part:
 - (a) Each person who applies for admission as an elector in person to an admitting official shall, upon a form prescribed by the Secretary of the State and signed by the applicant, state under penalties of perjury, his name, bona fide residence by street and number, date of birth, whether he is a United States citizen, whether his privileges as an elector are forfeited by reason of conviction of crime, and whether he has previously been admitted as an elector in any town in this or any other state. Each such applicant shall present his birth certificate, drivers’ license or Social Security card to the admitting official for inspection at the time of application. Notwithstanding the provisions of any special act or charter to the contrary, the application form shall also, in a manner prescribed by the Secretary of the State, provide for application for enrollment in any political party, including, on any such form printed on or after January 1, 2006, ***a list of the names of the major parties, as defined in section 9-372, as options for the applicant. The form shall indicate that such enrollment is not mandatory.*** [Emphasis added.]
9. General Statutes § 9-57, provides:

Notwithstanding the provisions of any special act or charter to the contrary, whenever any person makes application for admission as an elector in person to an admitting official, ***he may, on an application for admission as an elector, make application for enrollment on the list of the political party of his preference. Any such elector who has so applied for enrollment shall, upon acquisition of electoral privileges, immediately be entitled to all the privileges of enrollment in the party named in his application,*** unless (1) he ceases to be an elector in the town or voting district in which he is entitled to vote, as the case may be, (2) he makes application for erasure or transfer or enrollment on the list of another party in accordance with the provisions of section 9-59, (3) ***he files his application for enrollment with the registrars of voters of his town of residence after twelve o’clock noon on the last business day before a primary, in which case he shall be entitled to the privileges of party enrollment immediately after the***

primary, or (4) he files his application for enrollment with the registrars of voters of his town of residence on the day of a caucus or convention, in which case he shall be entitled to the privileges of party enrollment immediately after the caucus or convention.

The registrars of voters or assistant registrars shall add the names of all persons making such application to the enrollment list or supplementary enrollment list of the political party of each such applicant's preference, provided, if a caucus or convention is to be held, such registrars or assistant registrars shall prepare separate lists of such names according to party, on the day before such caucus or convention. [Emphasis added.]

10. Upon investigation, the Commission finds that the Hartford ROVs admit that they received a call from Complainant on April 26, 2016. Further, the Commission finds that the Hartford ROVs admit that on that day they discovered Complainant's October 6, 2015 voter registration card that indicated that he was unaffiliated. Finally, the Hartford ROVs indicated that on that day they found Complainant's April 19, 2016 voter registration card that according to them had been "misfiled" and confirmed that he was registered as a Republican since that date.
11. Additionally, the Commission finds that records indicate Complainant was added to the supplemental list at the April 26, 2016 presidential primary for Republican District 17 and that his name was crossed off checkers' list at the South End Wellness Center polling place as having voted in person.
12. The Hartford ROVS, in response to this complaint and investigation, asserted that "human error" was the cause of the complications regarding Complainant's original attempt to vote at the April 26, 2016 presidential primary at the South End Wellness Center polling place location. The Commission notes that the Hartford ROVs, through Hartford Corporation Counsel, cooperated fully with this investigation and provided sworn statements, extensive public records and contemporaneous telephone logs regarding the incidents detailed herein.
13. Finally, the Commission finds that despite the confusion and error by the Hartford ROVs, as detailed herein, regarding Complainant's status as a registered Republican voter, Complainant was ultimately able to vote at the April 26, 2016 presidential preference primary. The Commission stresses that, but for the persistence of both Complainant and his teacher, as well as through assistance by Commission Staff through the Primary Day "Hotline," Complainant very likely would have been denied his right to vote based on an error by the Hartford Registrar of Voters.

14. Pursuant to General Statutes § 9-57 Complainant's voter registration status should have been amended on April 19, 2016 to indicate that he was enrolled as a Republican. The Commission concludes therefore that the Hartford ROVs violated § 9-57 by failing to update their enrollment lists and voter registry list as detailed herein.
15. Further, had Complainant's amended application been processed correctly at that time there would have been ample time for the enrollment lists to reflect the fact that he was registered to vote at the April 26, 2016 presidential preference Republican primary.
16. The Commission stresses therefore that while the violation here is mitigated by the fact that the Hartford ROVs, through trouble-shooting on April 26, 2016, allowed Complainant to vote in person by ballot at the Republican primary, it remains troubling that without Complainant's persistence he would have been denied the right to vote because of the errors of the Hartford ROVs and their polling place officials.
17. The Hartford ROVs admits 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.
18. The Hartford ROVs waive:
 - 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.
19. Upon the Hartford ROVs agreement to comply with the Order hereinafter stated, the Commission shall not initiate any further proceedings against the Hartford ROVs.
20. 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 either party in any subsequent hearing, if one becomes necessary.

ORDER

IT IS HEREBY ORDERED THAT the Hartford ROVs will henceforth strictly comply with the requirements of General Statutes § 9-57.

For the Hartford ROVs:
By:



Office of Corporation Counsel,
City of Hartford
550 Main Street
Hartford, Connecticut

Dated: 4/26/17

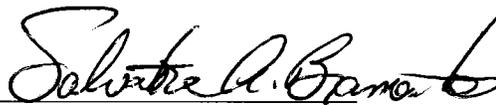
For the State of Connecticut:
By:



Michael J. Brandi, Esq.
Executive Director and General Counsel and
Authorized Representative of the
State Elections Enforcement Commission
20 Trinity Street, Suite 101
Hartford, Connecticut

Dated: 5/1/17

Adopted this 17th day of MAY, 2017 at Hartford, Connecticut by vote of the Commission.



~~Anthony J. Castagno, Chairman~~
By Order of the Commission
Savatore A. Bramante, Vice Chair

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ENFORCEMENT COMMISSION