

**STATE OF CONNECTICUT**  
**STATE ELECTIONS ENFORCEMENT COMMISSION**

In the Matter of a Complaint by Thomas Santacroce, Groton

File No. 2019-039

**FINDINGS AND CONCLUSIONS**

The Complainant alleged that during the November 6, 2018 general election, he was deprived of his right to vote due to being delayed after showing his identification to the official checkers at his polling place and not being allowed to immediately cast his ballot.

**Law**

1. General Statutes § 9-261 describes the process of voting and 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. (Emphasis added.)

2. Regulations of Connecticut State Agencies § 9-242a-17 further reads:

After the checkers check off the name of an elector on the official check list, the ballot clerk shall issue such elector a ballot. The ballot clerk shall also offer the elector a privacy sleeve into which the ballot can be inserted so that the markings on the ballot cannot be seen or such sleeve may be placed in every voting booth for the elector's use. The elector shall not be required to accept a privacy sleeve. When a voting booth is available, the elector shall be directed to enter a booth and mark his ballot. The elector shall then be permitted to proceed to the voting tabulator and insert his ballot for counting. If the voting tabulator accepts his ballot, the elector shall immediately exit the polling place.

3. Regulations of Connecticut State Agencies § 9-242a-15 further reads:

The assistant registrars of voters or other officials designated by the moderator shall control access to the area containing the voting booths. Only electors with ballots and persons legally entitled to accompany them shall be allowed into the voting booth area. Electors shall only be admitted to this area when a booth is available. Such officials shall periodically examine the voting booths to resupply marking devices, remove campaign literature and repair defaced or damaged booths. (Emphasis added.)

**Background**

4. A General Election was held on November 6, 2018 to elect representatives to the Connecticut General Assembly, all statewide offices, a seat on the United States Senate, and all congressional offices.
5. At all times relevant to the instant Complaint, the Complainant was a registered voter in the Town of Groton in good standing, whose regular polling place is located at the Groton Public Library.
6. At all times relevant to the instant Complaint, Scott Smith was the Groton Public Library polling place moderator.

7. At all times relevant to the instant Complaint, Jennifer Grills and Beverly Washington were the Groton Public Library polling place assistant registrars.

### **Allegations**

8. The Complainant alleged that he and his wife appeared at the Groton Public Library polling place to cast their ballots at or about 5:30pm. The Complainant alleged that upon appearing at the checkers table, his wife's identification (a driver's license) was accepted and she was permitted to vote, but he was sent to a desk to the right after showing his identification (also a driver's license). He alleged that he waited in that location "for 5 or more minutes" and then "asked the person to give me my license back so I could leave before I exploded in front of everyone."
9. The Complainant alleged that due to this delay he was denied his right to vote and that after speaking with the Groton Registrars he was unable to determine a cause for the delay.

### **Investigation**

10. As an initial matter, the Commission notes that the investigation revealed that the Respondent and his wife were both checked off the official checklist and were both reported as having cast ballots.
11. After a thorough review of the Election Day records, the investigation found that there was a one-vote discrepancy between the machine tally and the number of voters crossed off the list.
12. After inspecting the cross-off lists, it appears that the Respondent's name was crossed-off, but then a notation was made beside his name. However, as the notation consisted of only an arrow, it appeared that the elections officials did not read that notation to indicate that the Respondent never received or submitted his ballot before leaving the polling place.
13. The investigation did a thorough review of the Election Day records, including but not limited to the lists of polling officials, tally sheets, moderator's diary, and the official checker's list.
14. After review, the investigation here did not reveal any indication and/or notation of the event alleged by the Complainant.

15. The moderator's diary for the Groton Public Library polling place has approximately 13 notations during the day, ranging from opening to the closing of polls, but no notation regarding interactions with the Complainant.
16. The investigation was unable to develop any other information corroborating the allegation that the Complainant was delayed (reasonably or unreasonably) and/or leading to an explanation for such delay.

**Analysis**

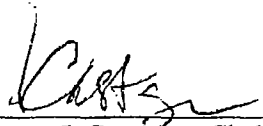
17. As an initial matter, the Commission notes that the 2018 General Election was a high-turnout election. The Town of Groton saw voter turnout of 68% in this election compared to 55% in the 2014 cycle (approximately 3,218 more voters).
18. The allegation here is that after handing his identification to the official checker, the Complainant was made to wait "five or more minutes" without receiving a ballot.
19. Under the circumstances alleged, a "five or more" minute delay after reaching the official checkers could be found to be unreasonable, depending on the facts underlying the justification for the delay, or lack thereof.
20. However, such a delay could also be found to be reasonable. For an example, it is possible that the assistant registrars could have been occupied with serving other voters and would have serviced the Complainant in short order.
21. Unfortunately, the Complainant's exit from the polling place was so precipitous and he appeared to make no further attempts to vote and/or speak with an election official and/or the Groton registrars before the close of polls that the investigation was unable to develop any facts upon which the Commission could make a finding here.
22. Accordingly, the Commission concludes that it cannot find that any violation occurred.
23. This matter should be dismissed.

**ORDER**

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

This matter is dismissed.

Adopted this 20<sup>th</sup> day of MAY, 2020 at Hartford, Connecticut.



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Anthony J. Castagno, Chairperson  
By Order of the Commission