

STATE OF CONNECTICUT
STATE ELECTIONS ENFORCEMENT COMMISSION

In the Matter of a Complaint by of Edalique Rivera, Hartford

File No. 2019-128

FINDINGS AND CONCLUSIONS

The Complainant brought this Complaint pursuant to Connecticut General Statutes § 9-7b, alleging that the Hartford Registrars of Voters failed to process her voter registration application (“VRA”) causing her to be ineligible for the September 10, 2019 Democratic Party Primary in the City of Hartford.¹

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

Background

1. This matter concerns the September 10, 2019 Democratic Party Primary in the City of Hartford.
2. The Complainant here was a seventeen-year-old resident in the City of Hartford who would turn eighteen before the General Election and otherwise met the eligibility criteria to register to become a Hartford elector and cast a ballot in the aforementioned primary.
3. The Complainant alleges that she executed a VRA on or about August 4, 2019 and remitted it to her uncle Ramon Arroyo to deliver to the Office of the Hartford Registrars of Voters.
4. The Complainant included an affidavit from Mr. Arroyo who asserted that he personally delivered the VRA to the Office of the Hartford Registrars of Voters along with approximately 232 other VRAs and informed those present that his niece’s VRA was among the group that he was submitting at that time.

¹ The following are the Commission’s findings and conclusions based on those portions of the Complainant’s statement of complaint which the Commission could reasonably construe as alleging facts amounting to a specific violation of those laws within the Commission’s jurisdiction. Any statements within the Complaint not addressed herein either did not specifically allege a violation or alleged facts which if proven true would not have amounted to a violation within the Commission’s jurisdiction.

5. The Complainant further alleged that she when she went to vote in the primary a month later, she discovered that she was not on the official registry list and that the Hartford Registrars of Voters had no record of receiving her VRA.
6. Finally, the Complainant alleged that the Hartford Registrars of Voters negligently failed to process her voter registration application and that due to that negligence she was deprived of her right to vote in the September 10, 2019 Hartford Democratic Party Primary.

Law

7. The requirements of processing a VRA submitted in a manner other than in person by the voter are laid out in pertinent part in General Statutes § 9-23g, which provides in part:

(a) In addition to the procedures for admission of electors under sections 9-19b, 9-19c, 9-19e, 9-20 and 9-31, any person may apply to a registrar of voters of the town of his residence for admission as an elector in accordance with the provisions of this section and section 9-23h.

...

(c) Forthwith upon receipt of a registration application in the office of the registrars of voters, the registrar shall mark such date on the application and review the application to determine whether the applicant has properly completed it and is legally qualified to register. Forthwith upon completing his review, the registrar shall (1) indicate on the application whether the application has been accepted or rejected, (2) mail a notice to the applicant, (3) indicate on the application the date on which such notice is mailed, and (4) provide a copy of such notice to the other registrar. If the registrar determines that the applicant has not properly completed the application or is not legally qualified to register, the notice shall indicate that the application has been rejected and shall state any reason for rejection. If the registrar determines that the applicant has properly completed the application and is legally qualified to register, the notice shall indicate that the application has been accepted. A notice of acceptance or a notice of rejection shall be sent (A) not later than four days after receipt of an application during the period beginning on the forty-ninth day before an election and ending on the twenty-first day before such election, (B) on the day of receipt of an application if it is received (i) during the period beginning on the twentieth day before such election and ending on the seventh day before such election, (ii) during the period beginning on the sixth day before

an election and ending on election day if the application has been received by the seventh day before an election by the Commissioner of Motor Vehicles or by a voter registration agency, (iii) during the period beginning on the twenty-first day before a primary and ending on the fifth day before a primary, or (iv) during the period beginning on the fourth day before a primary and ending at twelve o'clock noon on the last weekday before a primary, if the application has been postmarked by the fifth day before the primary and is received in the office of the registrars of voters during such period or if the application is received by the fifth day before a primary by the Commissioner of Motor Vehicles or by a voter registration agency, and (C) within ten days of receipt of an application at any other time. A notice of acceptance shall be sent by first-class mail with instructions on the envelope that it be returned if not deliverable at the address shown on the envelope. A notice of acceptance shall indicate the effective date of the applicant's registration and enrollment, the date of the next regularly scheduled election or primary in which the applicant shall be eligible to vote and the applicant's precinct and polling place. If a notice of acceptance of an application is returned undelivered, the registrars shall forthwith take the necessary action in accordance with section 9-35 or 9-43, notwithstanding the May first deadline in section 9-35. An applicant for admission as an elector pursuant to this section and section 9-23h may only be admitted as an elector by a registrar of voters of the town of his residence. Not later than December thirty-first, annually, the Secretary of the State shall establish an official calendar of all deadlines set forth in this subsection for regularly scheduled elections and primaries to be held in the following calendar year.

(d) (1) Except as otherwise provided in this subsection, the privileges of an elector for any applicant for admission under this section and section 9-23h shall attach immediately upon approval by the registrar, and the registrars shall enter the name of the elector on the registry list.

...

(4) If on the day of an election or primary, the name of an applicant does not appear on the official check list, such applicant may present to the moderator at the polls either a notice of acceptance received through the mail or an application receipt that was previously provided to the applicant pursuant to section 9-19e, subsection (b) of section 9-19h, subsection (b) of this section or section 9-23n. If an applicant presents

said notice or receipt, and either the registrars of voters find the original application or the applicant submits a new application at the polls, the registrar, or assistant registrar upon notice to and approval by the registrar, shall add such person's name and address to the official check list on such day and the person shall be allowed to vote if otherwise eligible to vote and the person presents to the checkers at the polling place a preprinted form of identification pursuant to subparagraph (A) of subdivision (2) of subsection (a) of section 9-261.

(e) A registration application filed under this section shall be rejected if the application (1) has not been signed or dated by the applicant or the authorized agent of the applicant pursuant to subsection (b) of this section, (2) does not indicate the applicant's date of birth or bona fide residence, (3) does not indicate United States citizenship, provided the registrars of voters have contacted such applicant to provide an opportunity to answer such question, or (4) is determined by the Secretary of the State to be substantially defective. No registration application filed under this section shall be rejected if the application fails to provide the applicant's Social Security number or the zip code of the applicant's bona fide residence.

...

8. Otherwise qualified seventeen-year-olds who will be eighteen by the General Election may register as an elector and vote in the party primary. General Statutes § 9-431 reads in pertinent part:

(a) No person shall be permitted to vote at a primary of a party unless (1) he is on the last-completed enrollment list of such party in the municipality or voting district, as the case may be, or (2) if authorized by the state rules of such party filed pursuant to section 9-374, he is an unaffiliated elector in the municipality or voting district, as the case may be, provided if two or more such parties are holding primaries on the same day in such municipality or voting district, whether for the same offices or different offices, such unaffiliated elector may vote in the primary of only one such party. Such state party rules may authorize unaffiliated electors to vote for some or all offices to be contested at its primaries.

(b) Any such person offering to vote and being challenged as to his identity or residence shall, before he votes, prove by the testimony, under oath, of at least one other elector qualified to vote in such primary

or by such other evidence acceptable to the moderator either of the following which are applicable: (1) His identity with the person on whose name he offers to vote or (2) his bona fide residence in the municipality or political subdivision holding the primary, as the case may be. The rules of each party in each municipality shall prescribe whether members of the town committee shall be elected from the municipality at large, in which case any person on the last-completed enrollment list of such party in such municipality shall be eligible to vote in a primary for the election of such committee members, or whether such committee members shall be elected from political subdivisions of such municipality, in which case only persons on the last-completed list of such party in such a political subdivision shall be eligible to vote in a primary for the election of such committee members from such political subdivision; provided no town committee in any municipality shall be elected both at large and from political subdivisions.

(c) Any citizen who has not yet attained the age of eighteen years but who will have attained the age of eighteen years on or before the day of a regular election, and who: (1) Is otherwise qualified to be an elector, and (2) has applied for admission as an elector, may vote at a primary of a party held for such regular election pursuant to subsections (a) and (b) of this section.

...
(Emphasis added.)

Investigation

Response

9. The Hartford Registrars of Voters generally denied the allegations and specifically asserted that neither the Complainant nor Mr. Arroyo provided any evidence that he submitted a VRA on the Complainant's behalf to their office.
10. The Respondent Registrars asserted that Mr. Arroyo is a frequent visitor to their office who drops numerous VRAs culled pursuant to registration drives.
11. The Respondent Registrars asserted that while they could not prove a negative, they had faith in their office procedures for the intake and processing of VRAs.
12. The Respondent Registrars assert that their intake process is as follows:

The office worker or workers who are stationed in the front counter area of the Registrar of Voters Office take the registration cards and date and time stamp them. The cards are then split up between officer workers (to share the work) so that the information can thereafter be entered into the CVR system.

13. The Respondent Registrars asserted that it is their regular practice to make photocopies of VRAs submitted by candidates and/or campaigns (Mr. Arroyo was the campaign manager for incumbent state representative Brandon McGee) as well as time stamp the VRAs. They assert that they checked both the official VRAs as well as the photocopies and could not locate a VRA for the Complainant.
14. Finally, the Respondent Registrars asserted, and submitted evidence in support including VRAs of other qualified seventeen year olds they registered, that they are well aware of the rule in General Statutes § 9-431 (c) regarding primary eligibility for certain seventeen-year-olds and would never have rejected a VRA simply because the voter was under eighteen.

Analysis

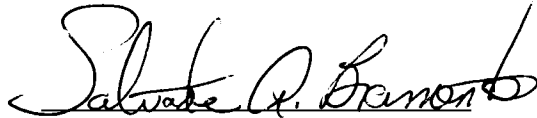
15. The facts of this matter are uncomplicated—and, but for the fact at issue, the facts are also largely undisputed. The Complainant alleges that she executed a VRA, gave it to her uncle to submit and he swears that he submitted that VRA, along with 232 others, to the Office of the Hartford Registrars of Voters. The Complainant alleges that the Registrars of Voters are responsible for her being unable to vote at the September 10, 2019 Democratic Party Primary.
16. The Respondents deny that Mr. Arroyo ever submitted the VRA and assert that there is no evidence available to them, or presented by the Complainant, indicating that they ever received it.
17. Turning to the question here, due to the lack of dispositive evidence here, there is no way to sufficiently determine who was responsible for the Complainant's inability to vote on Primary Day. That is, given what is known, it is just as likely that Mr. Arroyo was responsible for the failed registration as the Respondent Registrars.
18. Either way, the Complainant did not get to cast her first ballot in the September 10, 2019 Democratic Party Primary, which is unfortunate. She put her trust in others and somewhere along the way she was frustrated in her first attempt at exercising her franchise.
19. However, considering the aforesaid, the matter should be dismissed against these Respondents.

ORDER

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

That the matter is dismissed.

Adopted this 18 day of November, 2020 at Hartford, Connecticut.

A handwritten signature in cursive script, reading "Salvatore A. Bramante".

Anthony J. Castagno, Chairperson

By Order of the Commission

Salvatore Bramante, Vice Chair