

STATE OF CONNECTICUT
STATE ELECTIONS ENFORCEMENT COMMISSION

In the Matter of a Complaint by Isabel Maria Vazquez, Hartford

File No. 2019-147

FINDINGS AND CONCLUSIONS

The Complainant alleged that during the September 10, 2019 Democratic Party Primary she was impermissibly turned away at her polling place due to insufficient identification, in violation of General Statutes § 9-261.¹

Background

1. At all times relevant to the instant Complaint, the Complainant was a registered elector in the City of Hartford under the name “Isabel Vazquez-Reyes” and appeared on the active list of electors enrolled in the Democratic Party on the day of the September 10, 2019 Democratic Party Primary in that city.

Allegation

2. In her Complaint, the Complainant alleged that she showed up at the Mary Hooker School polling place and showed the checker her driver’s license, which listed her name as “Isabel Vazquez,” and the checker refused to give her a ballot because the name on the license was different from the name on the official registry list.
3. The Complainant alleged that after interacting with whom she believed to be the assistant registrar and the moderator and after a substantial amount of time, she was turned away without being allowed to vote.
4. The Complainant further alleged that she returned later that day with the help of her daughter as well as Representative Minnie Gonzalez and with a piece of mail with her name and address and she was finally permitted to vote.

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 alleged that she should have been allowed to vote when she showed up the first time and that turning her away was a violation.

Law

6. General Statutes § 9-261 prescribes the process of voting and provides, 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.)

Investigation

7. By way of background, the investigation revealed that on or about December 21, 2017 the Complainant submitted a Voter Registration Application ("VRA") under the first name "Isabel" and the last name "Vazquez-Reyes" in the City of Hartford at an address on Ward Place.
8. The Complainant did not list a prior voting address on her Hartford VRA.

9. The Complainant's name appears in the Connecticut Voter Registration System without the hyphen: first name "Isabel" and last name "Vazquez Reyes."
10. Prior to the events of this case, the Complainant voted with this Hartford registration on two occasions in 2018, once by absentee ballot and once in person.
11. The investigation also revealed that a prior registration exists for the Complainant under the first name "Isabel" and last name "Vazquez" in the City of East Hartford on Stanley Street.
12. The East Hartford registration had an effective date of October 24, 2012 and remained active until it was made inactive on or about May 31, 2018 when the National Change of Address System ("NCOA") notified the East Hartford registrars that the Complainant had moved out of town.
13. At all times relevant to the instant Complaint, both the Hartford and East Hartford registrations were accessible through the Connecticut Voter Registration System ("CVRS").
14. At all times relevant to the instant Complaint, the Complainant's driver's license displayed the first name "Isabel" and last name "Vazquez" (and middle name "Maria") and listed the address of the aforementioned East Hartford registration.
15. At all times relevant to the instant Complaint, the Complainant's social security card displayed the first name "Isabel" and the last name "Vazquez Reyes" (without a hyphen).
16. Turning to the events on the date of the primary, SEEC investigators spoke with the elections officials at the polling place and they neither admitted nor denied the truth of the allegations, but rather stated that they did not recall the events alleged.
17. The moderator's diary does contain a brief note about the event, as follows:

2:15 Vazquez Reyes Isabel came in and don't vote because her mother name was wrong. Her ID was different from what in the book.
18. The Complainant's daughter Sonia Vazquez was with her at the polling place for both visits and spoke with SEEC Investigators for this case. Between her statement and the Complainant's affidavit, the following version of events can be gleaned from their statements:
 - a. The Complainant, who was unable to drive on her own, arrived at the polling place with the assistance of her daughter;

- b. When she arrived, she stated her name and address and showed her driver's license to the official checkers;²
- c. The checkers at first told her that they could not find her name on the list;
- d. After a period of time the Complainant, with the assistance of her daughter, stated that they found the name "Isabel Vazquez Reyes" at the address on Ward Place;
- e. The checkers would not allow her to get a ballot, asserting that the name on the list and the name on the ID were not the same³;
- f. At least two other unnamed election officials, possibly the assistant registrar and the moderator, became involved but would not allow her to vote, asserting that she would need to vote in East Hartford;⁴
- g. After approximately an hour, and after the Complainant suffered a medical issue, the Complainant left the polling place without voting;
- h. After leaving the polling place and dropping the Complainant off, Sonia Vazquez spoke with State Representative Minnie Gonzalez about the issue at that polling place;
- i. Rep. Gonzalez, Sonia Vazquez, and the Complainant returned to the polling place with a pre-printed piece of mail with her name and address;
- j. Upon her return, the checker who originally would not permit the Complainant to vote, allowed her to do so this time

Analysis

- 19. The initial question in this case is whether it was appropriate for the checker to reject the identification that the Complainant gave her based on the difference in last names between "Vazquez" and "Vazquez Reyes."
- 20. In the Complainant's case, she could have presented identification to the checkers in the form of her 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" per General Statutes § 9-261.
- 21. Although General Statutes § 9-261 does not specifically enumerate this, it is necessarily implied that the name on the ID should be the name on the official checklist.

² It is unclear whether the Complainant stated the name "Isabel Vazquez" or "Isabel Vazquez Reyes" as her name

³ Although there appeared to the Complainant and her daughter that there was some disagreement over this among the checkers, the result was that the checkers would not let her get the ballot.

⁴ The Complainant and her daughter assert that this statement was based solely on the address on the driver's license, but the investigation was inconclusive on whether the elections officials were aware of the East Hartford registration.

22. The main question in this instance, and one that is unanswered in any SEEC case or written SOTS materials, is whether a checker has violated General Statutes § 9-261 if such checker requires that the names match precisely.
23. In the absence of any additional advice and/or interpretation, the Commission concludes that it cannot hold such a rejection to be a per se violation.
24. This does not mean that the Commission concludes that the opposite is true—it remains an open question as to whether and to what extent a substantially similar name could or should be accepted.⁵
25. However, as concerns the specific question of whether the elections officials violated General Statutes § 9-261 by rejecting the Complainant's license because the last names did not match, the Commission concludes that even assuming the alleged facts to be true, there was no violation here.
26. However, subsequent to the rejection of the ID presented, the standard procedure should have been to offer the Complainant an affidavit giving her the option to “sign a statement under penalty of false statement that the elector is the elector whose name appears on the official checklist.”
27. The Commission has consistently held that General Statutes § 9-261 requires elections officials to offer the affidavit option to a qualifying elector when no sufficient ID is presented. See, e.g., *In the Matter of a Complaint by Bernandus Van Gool, Old Lyme*, File No. 2014-183; *In the Matter of a Complaint by Jonathan L Tunik, Stamford* File No. 2014-154; *In the Matter of a Complaint by Gary Fuller, Stratford*, File No. 2013-163; *In the Matter of a Complaint by Christine Halfar, Danbury*, File No. 2012-086.
28. Ostensibly, this should have been the most obvious option to the elections officials, especially where, as here, more than one election official was involved.
29. However, a significantly complicating factor in this case, and one that the Commission believes differentiates it from the aforementioned matters, is the existence of a second registration in another municipality that precisely matched the information on the driver's license that the Complainant presented.
30. The Commission investigation was unable to turn up any advice, regulation, and/or training materials that addressed this unique set of facts.

⁵ E.g., “Elizabeth” v. “Beth” or a middle initials v. middle names.

31. As stated above, the ideal response here would have been to offer the affidavit, as the Complainant had already satisfied the requirements for receiving a ballot in this manner.
32. Alternately, if the elections officials had sufficient concern that the Complainant was not a bona fide resident in Hartford but was rather a bona fide resident in East Hartford, another viable option would have been the issuance a challenge per General Statutes §§ 9-232, *et seq*, which would have allowed the Complainant to cast a challenge ballot and work out the question of her bona fide residence directly with the Office of the Registrar, outside the sturm and drang of an active polling place.
33. As a rule, the option of last resort should be to turn an elector away, as occurred in this instance—but for the resilience of the Complainant and the dogged support from her daughter and Representative Gonzalez, the Complainant would not have been able to exercise her franchise that day.
34. However, even assuming the facts alleged by the Complainant and her daughter to be true, this event presented a unique problem to solve. Based on the Complainant's own statements, this issue was considered by no less than 3 elections officials at the polling place over the course of about an hour.
35. In the end, even with the luxury of time, the Commission concludes that it would have been difficult to determine the correct course of action here given the lack of clear direction on point that was available to the elections officials at the time.
36. Accordingly, considering the unique facts available in this case and in the absence of evidence of sufficient law, advice, and/or training to address this particular situation, the Commission does not believe that a remedy is warranted in this limited instance.

ORDER

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

No further action.

Adopted this 20 day of JAN, 2021 at Hartford, Connecticut.



Anthony J. Castagno, Chairperson
By Order of the Commission