

STATE OF CONNECTICUT
STATE ELECTIONS ENFORCEMENT COMMISSION

In the Matter of a Complaint by Gary Fuller
Stratford

File No. 2020-049

FINDINGS AND CONCLUSIONS

Complainant Gary Fuller of Stratford filed this complaint pursuant to General Statutes § 9-7b, alleging that Robert Bradley and other polling place officials in Stratford had intimidated him at the polling place as he attempted to vote in the Democratic Party primary on August 11, 2020. After its investigation, the Commission makes the following findings and conclusions:

ALLEGATIONS

1. Complainant Fuller alleged that when he was attempting to vote at the August 11, 2020 primary for the Democratic Party he was intimidated by polling place workers.
2. Specifically, Complainant alleged that when he approached the checkers' table at the Johnson House polling place he enquired to a woman sitting at the desk about getting a mask before he entered the polling place.
3. According to Complainant, Robert Bradley, one of the checkers, "abruptly replied [that] these masks are for POOR PEOPLE only[.] I felt that I was being intimidate[d] not to vote . . . that there was a form or forms to be filled out at the desk to disclose your financially personal life."¹
4. According to Complainant, Bradley was angry at Fuller based on a prior election-related complaint that he filed against Bradley in 2013, in which the Commission determined that Bradley had failed to follow voting procedures under General Statutes § 9-261.²

LAW

5. General Statutes § 9-236b states the Voter's Bill of Rights in Connecticut. The rights defined in that provision include the right to "[v]ote free from coercion or intimidation by election officials or any other person."³

¹ Affidavit of Complaint – Gary Fuller, Stratford (Rec'd August 27, 2020).

² See In the Matter of a Complaint by Gary Fuller, Stratford; SEEC File No. 2013-162 (March 17, 2015) (requiring Bradley to comply strictly with requirements of General Statutes § 9-261).

³ General Statutes § 9-236b.

DISCUSSION

6. The August 11, 2020 Primary was the first election in Connecticut during the COVID-19 pandemic. As such, the Secretary of the State issued guidance regarding the operation of polling places to ensure electors could exercise their right to vote without jeopardizing their health and local voting officials designed plans to keep poll workers and voters safe during the primary.
7. Complainant stated during the investigation that he was wearing a mask when he approached the checkers' table at the polling place. He stated that the mask he was wearing, however, was old and the nose piece did not work properly. When he asked for a new mask from the stack on the table, a woman at the desk was going to give him one when Bradley intervened.
8. Fuller stated that he believes that because Bradley is white and Fuller is a person of color, the inference in Bradley's statement that the masks were for "poor people" is that people of color have to fill out financial disclosures and cannot vote until the mask issue is resolved.
9. Danielle Smith worked as a checker at the Johnson House polling place on August 11, 2020. She recalled Fuller approaching the desk and asking for a mask. She recalled that he was wearing a mask at the time, which looked relatively new. Fuller requested a mask, saying that it was his right to have one, that he was a taxpayer. Smith stated, "You can have one," as she prepared to give him one, "but they're for people who don't have one." Bradley, who had come to the table at the same time as Fuller, reiterated at this point, "You have a mask on, and we're limited. But give him one." Smith gave Fuller the mask, and he left. Smith stated that the interaction lasted about 2 minutes.
10. Smith stated that she had several small bags at the table, with a small number of masks in each, for people who did not have masks but wanted one. Smith said she had been trained to ask people who did not have a mask if they wanted one and provide one if they did. If they did not have one and did not want one, they were not to be turned away from the polling place, Smith said. Smith stated that having or not having a mask was not to interfere with a person's ability to vote.
11. Bradley was represented in this matter by Stratford Town Attorney Bryan LeClerc. Attorney LeClerc recounted the interaction between Fuller, Bradley, and Smith, based on his discussions with Bradley and Smith:

Mr. Fuller presented at the polls wearing what appeared to be a new, functional mask and, after seeing another individual being provided a mask to wear while

voting, requested one for himself. After he was politely advised that the poll location only had a limited number of masks, and that they were for individuals who did not come with one, he became agitated.

In order to quickly end the encounter, Mr. Fuller was provided with a mask. At no time was there any statement to the effect that masks were “for poor people only”, there was no reference to forms at a desk for voters to “disclose your financial-personal life”, nor was there any intimidation.

12. Fuller confirmed that he did receive a mask after he asked for one and that he was able to vote in the August 11, 2020 Primary.
13. The Commission has interpreted subdivision (5) of the Voter Bill of Rights (the right to vote "free from coercion or intimidation by election officials or any other person") and found that posting a sign at a polling location stating "ID Required" was a coercive act on the part of the election official.⁴
14. In a pair of complaints filed by a mother and daughter in Voluntown, the Commission found that a registrar, who was loud and “intimidating” to a voter waiting in line, according to a witness, and who pulled the voter out of line to dissuade her from voting, had violated subdivision 5 of the Voter Bill of Rights.⁵
15. In this instance, the conduct alleged does not reach that level as experienced by the Voluntown mother and daughter. After an exchange about getting an additional mask at the checker’s desk, Fuller was allowed to vote. He was not challenged about his eligibility to vote or asked for additional documentation to prove his identity. Tension was created around the issue of whether he could have a mask. After receiving a mask, Fuller went on to vote in the polling place.
16. The unique circumstances surrounding the voting experience in 2020 during the COVID-19 pandemic created many stressors in polling places. Given the evidence collected and statements from participants in this exchange at the Johnson House polling place in Stratford, however, the Commission cannot conclude that this exchange between checkers at the polling place and Complainant resulted in “coercion or intimidation” at the polling place such that Complainant’s rights were violated under General Statutes § 9-236b.

⁴ See In the Matter of a Complaint by Daniel Garrett, Hamden, SEEC File No. 2015-274.

⁵ See In the Matter of a Complaint by Athena-Lee Maynard, Voluntown, SEEC File No. 2016-096; In the Matter of a Complaint by Deborah Maynard, Voluntown, SEEC File No. 2016-097.

ORDER

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

That the Complaint be dismissed.

Adopted this 3rd day of March 2021, at Hartford, Connecticut.



Stephen Penny, Chairman
By Order of the Commission