

**STATE OF CONNECTICUT
STATE ELECTIONS ENFORCEMENT COMMISSION**

In the Matter of a Complaint by Ann Valus, Orange

File No. 2020-079

FINDINGS AND CONCLUSIONS

The Complainant brought this Complaint pursuant to Connecticut General Statutes § 9-7b, alleging that Connecticut elections official's failure to request identification with absentee ballots was a violation of General Statutes § 9-158e.

Allegation

1. The allegations here concern the November 3, 2020 General Election.
2. The Complainant here alleges that "CT law requires that all mail-in ballot applications be submitted with a copy of valid & current photo ID or document with verified name and address. (Same standard as in-person application process). CT election officials did not verify the identity of those requesting a mail-in/absentee ballot during the 2020 Presidential Election.
3. The Complainant included in her Complaint a copy of an "Application for Absentee Ballot" that was mailed to her and every registered elector in Connecticut for the 2020 General Election pursuant to Public Act 20-3 of the July Special Session and due to the Covid-19 pandemic.
4. The Complainant alleged that failure to collect identification was a violation of General Statutes § 9-158e.
5. The Complainant requests that due to the alleged violation of General Statutes § 9-158e, "ALL CT mail-in/absentee ballots for this presidential election need to be invalidated."

Analysis

6. Pursuant to General Statutes § 9-7a (g) (1) Commission staff conducted a complete preliminary examination of this Complaint.
7. Pursuant to General Statutes § 9-7a (g) (1) (A), the Commission holds that this matter can be resolved on the Complaint itself.
8. Turning to the question, the Complainant is correct that certain ballots, called colloquially “Presidential ballots,” do require identification pursuant to General Statutes § 9-158e before they are accepted.
9. General Statutes § 9-158e reads:
 - (a) A person applying for a presidential ballot in person shall present:
 - (1) A current and valid photo identification, or (2) a copy of a current utility bill, bank statement, government check, paycheck or other government document that shows the name and address of the voter. The application for a presidential ballot by mail shall be accompanied by: (A) A copy of a current and valid photo identification, or (B) a copy of a current utility bill, bank statement, government check, paycheck or government document that shows the name and address of the voter. Upon receipt of an application for a presidential ballot under sections 9-158a to 9-158m, inclusive, the clerk, if satisfied that the application is proper and that the applicant is qualified to vote under said sections, shall forthwith give or mail to the applicant, as the case may be, a ballot for presidential and vice-presidential electors for use at the election and instructions and envelopes for its return.
 - (b) Upon receipt of an application for an overseas ballot, the clerk, if satisfied that the application is proper and that the applicant is qualified to vote at the federal election for which the application is made, pursuant to the provisions of sections 9-158b to 9-158m, inclusive, shall forthwith mail a ballot containing the names and offices of the candidates for federal office and instructions and envelopes for its return to the applicant
10. Presidential ballots are a creature of federal law, but the process and prescriptions are codified in General Statutes §§ 9-158a through 9-158m.

11. Presidential ballots contain only selections for electors for President and Vice President of the United States and apply only to a narrow band of individuals who were previously electors, but who moved out of state under circumstances defined more specifically in General Statutes § 9-158b.¹

12. Importantly, the application for an absentee ballot that Complainant submitted here is not an application for a Presidential ballot.

¹ General Statutes § 9-158b reads:

(a) Each citizen of the United States who is at least eighteen years of age, is a former resident and who has not forfeited such citizen's electoral privileges because of a disfranchising crime, may vote for presidential and vice-presidential electors, but for no other offices, in the town in this state in which such citizen formerly resided in the manner provided in sections 9-158c to 9-158m, inclusive.

(b) Each citizen of the United States who is at least eighteen years of age; who resides outside the United States and who, immediately prior to moving outside the United States, was a bona fide resident of a town in this state; who is not registered to vote and is not voting in any other state or election district of a state or territory or in any territory or possession of the United States, who has a valid passport or card of identity and registration issued under the authority of the Secretary of State of the United States or alternative form of identification and who has not forfeited his electoral privileges because of a disfranchising crime, may vote in federal elections in the town in this state in which he formerly resided immediately prior to his departure from the United States in the manner provided in sections 9-158c to 9-158m, inclusive. The exercise of any right to vote in federal elections by any citizen outside the United States shall not affect the determination of his place of residence or domicile for purposes of any tax imposed under federal, state or local law.

(c) Each citizen of the United States born outside of the United States who is at least eighteen years of age, whose parent or guardian was a bona fide resident of a town in this state immediately prior to moving outside the United States, who is not registered to vote and is not voting in any other state or election district of a state or territory or in any territory or possession of the United States, who has a valid passport or card of identity and registration issued under the authority of the Secretary of State of the United States or alternative form of identification and who has not forfeited such citizen's electoral privileges because of a disfranchising crime, shall be eligible to vote pursuant to this section. Such citizen may vote in federal elections in the town in this state in which the citizen's parent or guardian formerly resided immediately prior to the parent's or guardian's departure from the United States, in the manner provided in sections 9-158c to 9-158m, inclusive.

13. Absentee ballots are different from Presidential ballots and are regulated in separate sections of Chapter 145 of Title 9 of the General Statutes.
14. Absentee ballots are for current electors in the state who meet the eligibility requirements of an elector (age, citizenship, bona fide residence in the jurisdiction, etc.) and the eligibility requirements for an absentee voter contained in General Statutes § 9-135 (a).
15. Absentee ballots are identical in content to ballots at a polling place and include all federal and state offices up for consideration for that election (President, Congress, State House, State Senate, etc.) in any particular district.
16. For Connecticut electors who have completed the registration process and submitted all the required identification at the time of registration to the satisfaction of their registrars of voters, there is no requirement to provide identification again with an absentee ballot application or an absentee ballot set beyond the signature on the inner envelope.²
17. In the limited instance when an elector has successfully submitted a mail in voter registration application but has not yet provided the required identification for registration, such elector must submit certain identification with such elector's absentee ballot set in order for it to be counted.³
18. However, in no instance is an elector who is voting by absentee ballot (as opposed to a Presidential ballot) required to follow the prescriptions of General Statutes § 9-158e, as alleged by the Complainant.
19. Considering the aforesaid and considering that the Complainant has not otherwise alleged and/or provided evidence that any Connecticut elections officials are not following the prescriptions of General Statutes § 9-158e as applied to Presidential ballots, there is nothing for the Commission to further consider here.
20. Accordingly, this matter should be dismissed pursuant to (g) (1) In the case of a written complaint filed with the commission pursuant to section 9-7b, commission staff shall conduct and complete a preliminary examination of such complaint by the fourteenth day following its receipt, at which time such staff shall, at its discretion, (A) dismiss the complaint for failure to allege any substantial violation of state election law supported by evidence,.

² See generally, General Statutes §§ 9-140 through 9-140c.


³ See General Statutes §§ 9-140a and 9-140b and the federal Help America Vote Act P.L. 107-252.

ORDER

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

Dismissed

Adopted this 16th day of December of 2020 at Hartford, Connecticut



Anthony J. Castagno, Chair
By Order of the Commission