

STATE OF CONNECTICUT
STATE ELECTIONS ENFORCEMENT COMMISSION

In the Matter of a Complaint by Joanne Marquis, Waterbury

File No. 2020-082

FINDINGS AND CONCLUSIONS

The Complainant here alleged in her complaint that she was permitted to enter her polling place during the November 3, 2020 General Election in Waterbury and vote without being asked to provide identification.¹

Allegation

1. The Complainant here alleged that at or about 7:00am on November 3, 2020 she entered her polling place at Kennedy High School in Waterbury to cast her ballot.
2. She alleged that upon entering the polling place she was directed to the table occupied by the official checkers, who asked her name and street address, which she provided.
3. She further alleged that after giving her name and street address, she was handed a ballot without being asked to provide any identification.
4. She alleged that she asked the official checkers if they needed to see any identification and that she was told that she did not and that she needed to move to the privacy booth to execute her ballot.

Law

5. General Statutes § 9-261 enumerates the process of voting, including the requirements for identification 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

¹ The following are the Commission's findings and conclusions based on those portions of the allegations which the Commission could reasonably construe as alleging facts amounting to a specific violation of those laws within the Commission's jurisdiction. Any statements 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.

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. (Emphasis added.)

Investigation

6. As an initial matter, the Commission notes that the Complainant here was an established elector in Waterbury and did not have the "mark" next to her name and as such the "each other elector" identification rules applied to her.
7. Turning to the factual allegations, the Commission notes that in addition to the Complaint filed here, the Complainant also contacted the Election Day Hotline that day to relay her concerns.

8. However, no evidence was found by the investigation here or on Election Day to corroborate the allegation made by the Complainant with either a witness to the events alleged, or some other evidence to support the factual allegations.
9. The Commission investigation did a thorough review of the training procedures for elections officials on that day. The investigation reviewed all of the training materials used to train official checkers in the 2020 General Election in Waterbury, including both written materials and the slide presentation used specifically for checker orientation and interviewed the Office of the Registrar of Voters.
10. The Registrars of Voters provided evidence that each of the official checkers who worked that day had been trained using the materials provided.
11. The Registrars also provided copies of the voter identification posters that were posted in all Waterbury polling places on that day, as well as the voter identification requirements sheet that was affixed to the checkers' table at each polling place, per the requirements of General Statutes § 9-236b (f).²
12. The slide presentation used by the Registrars included slides clearly identifying the rules regarding identification in General Statutes § 9-261 and in no way indicated that an elector was not required to either provide a pre-printed form of ID or execute the affidavit.
13. Waterbury Republican Registrar of Voters Timothy DeCarlo provided a narrative of the procedures demonstrated to the official checkers during their training:

When an elector enters a polling place they are asked by the checker for their street, street number and name, after which they ask the elector to produce a form of identification. If an elector does not appear on the Official List, they are sent to the Assistant Registrar to determine why. If an elector has no form of identification or has an asterisk by [their] name and cannot produce a proper form of identification, the Checker is to send the elector to the Assistant Registrar. A Checker is never to send an elector away

² General Statutes § 9-236b (f) reads:

(f) For use at each primary, election and referendum, the Secretary of the State shall prescribe and the registrars of voters shall provide for all polling places in the municipality a display of the provisions of section 9-261, describing requirements for identification. Such display shall be prominently posted where the official checkers are located in each polling location so that such display is visible to each elector whose name is being checked on the official checklist.

without consultation from either the Moderator or Assistant Registrar.

There are five different poll worker positions, Moderator, Assistant Registrar, Checker, Ballot Clerk and Tabulator Tender. Each poll worker is given an hour or more class prior to each election. Checkers and Assistant Registrars are given an hour training while Moderators are given two hours (in addition to the Moderator Certification Training). Training for the 2020 Election took place in person at the Waterbury City Hall on October 20th and 21st. Checkers, as well as all poll workers were given a PowerPoint presentation on their duties and responsibilities for Election Day. They also received a paper copy of the presentation to take with them after the training concluded.

Voter ID posters were posted in the polling place per state and federal law in English as well as Spanish. The Voter ID Federal Poster was posted on the wall and the Voter Identification Requirements poster as prescribed by 9-261 was posted on the table facing the electors.

Analysis and Conclusion

14. While the investigation was unable to discover evidence supporting the Complainant's factual allegations here, it is important to note that the Complainant's legal allegations are correct.
15. It is common to hear that Connecticut does not "require voter ID" but that statement can be misleading insofar it does not mean that electors are not required to identify themselves.
16. While it is true that electors are not required to provide a *photo ID* or any other a pre-printed form of identification, electors may not pass through and receive their ballot unless and until the electors have identified themselves in the manner described in General Statutes § 9-261 by either presenting the pre-printed form of identification or executing the affidavit stating that the elector is the elector whose name appears on the official checklist.
17. The Commission has established in the past that even when the elections officials know the elector, § 9-261 does not allow an elector to get their ballot based on the personal assurance and/or recognizance of an election official or anyone else in the polling place. See, e.g., *In the Matter of a Complaint by Gary Fuller, Stratford*, File No. 2013-163 (impermissible to

allow voter to enter polling place and cast ballot by the personal recognizance of an election official instead of presenting identification or submitting the statement under oath per § 9-261 (a)).

18. In this case, since the Complainant was already an established elector in Waterbury, she was required to either present a pre-printed form of identification or execute the affidavit under the penalties of false statement. According to the Complainant she was not required to provide either. As in *Fuller*, above, if the evidence had supported this allegation, the Commission could find that the elections officials failed in their duty to execute the process of voting requirements in General Statutes § 9-261
19. However, as the evidence was insufficient to prove that it was more probable than not that any violation of General Statutes § 9-621 occurred in this instance, this matter should be dismissed.

ORDER

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

Dismissed.

Adopted this 2nd day of March, 2022 at Hartford, Connecticut.



Stephen T. Penny, Chairperson
By Order of the Commission