

STATE OF CONNECTICUT
STATE ELECTIONS ENFORCEMENT COMMISSION

In the Matter of a Complaint by Jane H. Weiner
Hamden

File No. 2021-193

FINDINGS AND CONCLUSIONS

Complainant Jane H. Weiner of Hamden filed this complaint pursuant to General Statutes § 9-7b, alleging that George S. Schneider and other polling place officials in Hamden had intimidated her as she attempted to vote in the election on November 2, 2021. After its investigation, the Commission makes the following findings and conclusions:

1. Complainant Weiner alleged that when she was attempting to vote in the November 2, 2021 election she was confronted by polling place workers, primarily an individual later identified as George Schneider, the head moderator at the Spring Glen School polling place in Hamden.
2. Complainant stated in her sworn complaint:

I went to vote on November 2, 2021 at Spring Glen School in Hamden CT. I do not wear a mask. I was able to walk into the room . . . and receive my ballot. I filled out my ballot and was walking over to the machine to cast my ballot. Mr. Schneider, the head poll worker, comes running over, physically grabbed my ballot and tried to rip it out of my hand, but I was able to hold onto it. He is very against unmasked people. He said loudly so the people nearby could hear "She is not allowed to cast her ballot", and then he planted his body in front of the ballot machine and would not let me deposit my ballot.

I told him to call the police (I had already stopped by Hamden police station 2 weeks earlier to ask what would happen if I didn't wear a mask; they were unsure). So he made another poll worker come over and stand in front of the machine while he went to call the police. He was gone for about 15-20 minutes and came back in with Officer Manning of the Hamden police dept. He comes toward me very aggressively and said "You will deposit your ballot and leave immediately". I responded "That's all I ever wanted to do, and don't you ever do that to me again" . . . He said "yeah, do this next time and you'll see what happens". I took that as a threat. I deposited my ballot, thanked Officer Manning, and left.

3. Ms. Weiner noted in her complaint that in 2020 she had also attempted to vote without using a mask, and "this same poll worker" prevented her from entering the room where the

tabulators were located. Ms. Weiner said she executed her ballot in the hallway that time and a police officer and another poll worker deposited the ballot in the tabulator.

4. In his response to the complaint, Mr. Schneider, the moderator at the Spring Glen School polling place, laid out his recollection of events regarding the incident with Ms. Weiner:

At approximately 1:15 I noticed a person in the voting area without a mask, and determined it was Ms. Weiner. At this point she had walked past two greeters, two checkers, and two ballot clerks, and was issued a ballot. I was standing at the ballot box at the time, so when she approached it I stood in front and told her she needed to either don a mask, or continue voting from her car or the desk in the northeast corner. She told me she had a constitutional right to vote.

I told her that she had a constitutional right to vote in accordance with the rules of the polling place.

She told me that those were 'just rules and mandates, not laws'.

When she refused to move I advised her that she was now trespassing.

At no time in this exchange did I approach or walk towards Ms. Weiner, nor did I attempt to take her ballot. My back remained to the ballot box.

I requested one of the assistant registrars to phone the police to have Ms. Weiner removed from the polling place, or at least to the northeast corner desk. I went outside to greet the officer, which took approximately 20 minutes, and had one of the poll workers monitor the ballot box in my absence.

I enlisted the assistance of Ms. Karlen Meinsen to ensure I told a complete and factual story to the officer. Ms. Meinsen added that as a school teacher, she was very much aware of the continued state requirement for masks to be worn in school buildings. The officer asked what assistance he could offer, and I said I wanted Ms. Weiner moved to an area where she could vote in accordance with the rules provided. He said that he didn't see a need to take sides, and asked why I didn't just let her vote since she was there already. I told him that I had rules to follow. We determined that I would tell Ms. Weiner to vote and leave immediately. Ms. Meinsen remained outside.

The officer remained near the checker's table when I walked over to Ms. Weiner and told her to 'vote and get out'.

Ms. Weiner warned me 'don't ever do this to me again' as she left. I don't recall any further comment from me.

5. In preparation for the November 2, 2021 election, the Secretary of the State, the chief elections officer for the state of Connecticut, issued guidance regarding the use of facemasks in the polling place.¹ That advice was based on Executive Order 13A, which was issued by Gov. Lamont on August 5, 2021, and directed unvaccinated individuals to wear masks when indoors where socially distancing was not possible. Executive Order 13A expired on September 30, 2021, before the November 2, 2021 election. The Secretary of the State's advice allowed unmasked individuals to vote with some accommodations:

It is the opinion of this office that if a person appears at a polling place and is not in compliance with Executive Order No. 13A, the moderator and/or poll workers should offer the voter options to vote in a manner that does not endanger the health of other individuals in the polling place. Those options include (but are not limited to) the following:

- (1) Offer the voter an opportunity to return to their car without losing their space in line to obtain a mask;
 - (2) Offer the voter a mask;
 - (3) Offer the voter the option to complete their ballot outside of the polling place;
 - (4) Offer the voter a provisional ballot that they can complete in their car and leave the ballot with a poll worker upon completion; or
 - (5) Offer the voter the opportunity to complete their ballot in a segregated part of the polling location away from other voters.
6. There is no doubt that the COVID-19 pandemic and its masking requirements created tension in the polling place. That tension was exacerbated by the location of many polling places in schools, where masking was mandatory in the fall of 2021. The guidance from the Secretary of the State reflected the uncertainty surrounding the use of masks in the polling place given that the memorandum relied on Executive Order 13A, which expired on the day the memorandum was released.

¹ See Memorandum of Opinion: Face mask requirements on Election Day (Secretary of the State, September 30, 2021).

7. Connecticut's general statutes afford electors the right to vote free of intimidation or coercion. General Statutes § 9-236b lays out 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."
8. The situation about which Ms. Weiner complained involving Mr. Schneider was obviously tense, but the tension here stems from the masking rules created by COVID-19. The facts do not reach intimidation and coercion as envisioned under the Voter's Bill of Rights regarding whether an individual is allowed to vote at all.
9. In this instance, the conduct here stemmed not from an intention by a polling worker to intimidate an individual from casting her ballot, but rather, from the requirement that poll workers enforce not only election laws in the polling place but also masking directions that were in place stemming from the COVID-19 pandemic. Ms. Weiner intended to vote without a mask and had intended to do so well before November 2, 2021, as evidenced by her inquiries to police as to what would happen to her if she went into the polling place without a mask that she recounted in her complaint. As moderator of the polling place, Mr. Schneider was charged with enforcing the rules regarding mask as directed by the secretary of the state. Those rules implied what poll workers should do to keep the public safe when voting but the masking requirements but were sown with confusion upon the expiration of the executive orders that required masking in public places.
10. The unique circumstances surrounding the voting experience in 2020 and 2021 during the COVID-19 pandemic created many stressors in polling places. The evidence collected from the participants in this exchange as well as the fact that the contention focused on the wearing of a mask in the polling place and not whether Ms. Weiner was eligible to vote or how she should vote means that any intimidation she experienced was associated with masking and not whether she was able to exercise her franchise. Had she agreed to one of the options laid out in the secretary of the state's guidance, such as completing a ballot outside the polling place or in a distinct area of the polling place for unmasked individuals, offered to her by Mr. Schneider, the confrontation would not have taken place.
11. The Commission cannot conclude that this exchange between checkers at the polling place and Complainant resulted in "coercion or intimidation" regarding an individual's right to vote at the polling place such that the Complainant's rights were violated under General Statutes § 9-236b.

ORDER

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

That the Complaint be dismissed.

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



Stephen Penny, Chairman
By Order of the Commission