

# State Elections Enforcement Commission



## 2017 REGISTRAR OF VOTERS CONFERENCE

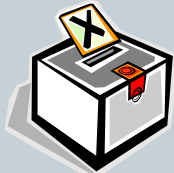
Kevin M. Ahern – Staff Attorney  
Ryan M. Burns – Staff Attorney  
*Law Enforcement Unit*

# Duties and Responsibilities of Commission Staff

- Investigate Complaints and Enforce Law
- Assist candidates and campaign staff
- Research and answer questions about campaign finance compliance
- Provide Campaign Finance Education Seminars
- Perform Audits
- Recommend Legislative Changes
- Administer and Maintain Electronic Campaign Reporting Information System (eCRIS)



# Elections Ecosystem



	<i>Compliance</i>	<i>Execution</i>	<i>Law Enforcement</i>
<i>Campaign Finance</i>	SEEC/FEC	SEEC/FEC & Town Clerks	<u>SEEC/FEC</u> (& State's Attorney/FBI)
<i>Election Administration</i>	SOTS/EAC	SOTS, <u>Registrars</u> & Town Clerks	<u>SEEC</u> (& State's Attorney/FBI)

# Discussion Points



- 2016 Primary/Election Hotline Stats
- Key SEEC cases since April 2016.
- Questions/Hypotheticals



# 2016 Hotline Statistics



- **2012**

- 18 Calls for Presidential Preference Primary
- 51 Calls for August Primary
- 596 Calls for Election Day

- **2016**

- 166 Calls for Presidential Preference Primary
- 28 Calls for August Primary
- 448 Calls for Election Day



# Case Discussion



- Key SEEC cases since April 2016.
  - 9 Cases
  - Anonymity of Cases
- Questions/Hypotheticals



# 75' Rule and Entrance v. Exit



- Case Citation: [File No. 2015-161](#)
- Facts:
  - Single Entrance to polling place, but multiple exit options
  - Electioneering occurred inside 75' of exits, but outside 75' of entrance
    - General Statutes § 9-236



# 75' Rule and Entrance v. Exit



- HOLDINGS:
  - 75' rule outside applies to the 75' radius as measured from any entrance being used as an entrance to the polling place.
  - Rule does not apply to *exits* or entrances to the building that are not being used as a designated entrance to the polling place.





# 75' Rule and Loitering



- Case Citation: [File No. 2015-162](#)
- Facts:
  - Complainant remained inside 75' radius, but was not advocating for/against any candidate on the ballot.
  - Complainant ejected by ROV, citing General Statutes § 9-236



# 75' Rule and Loitering



- HOLDINGS:

- No:

- Solicitation/electioneering
    - Loitering
    - Peddling/offering  
advertisements/ballots/circulars
  - 75' loitering rule is not content-specific.
  - Voter should be able to travel, unmolested,  
from 75' radius to privacy booth to execute  
their ballot in private



# 75' Rule and EDR



- Case Citation: [File No. 2014-160](#)
- Facts:
  - Campaign worker entered Town Hall EDR location wearing campaign paraphernalia
  - No 75' sign or any other notice of the restricted area
  - General Statutes § 9-19j (j)



# 75' Rule and EDR

- HOLDINGS:

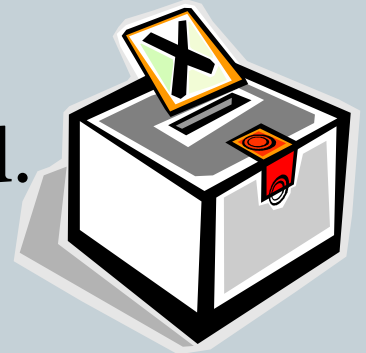
- 75' restriction applies to an EDR location, as it does in a polling place.
- No requirement for placing 75' signs exists for EDR locations
  - Best practice, but not required.



# ROV Filling Out VRA for Voters



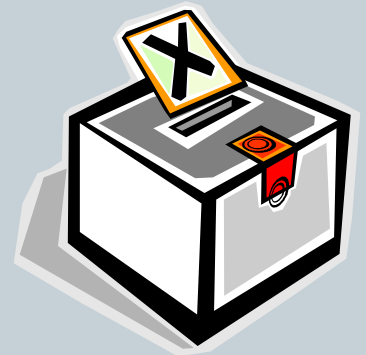
- **CASE:** [File No. 2016-025](#)
- **FACTS:**
  - On morning before Presidential Preference Primary, new voter registered in person at Town Hall.
  - Registrar Office staffer filled out VRA for the voter based on his license and stated party preference and voter signed.
  - *Incorrect Party was checked off.*



# ROV Filling Out VRA for Voters



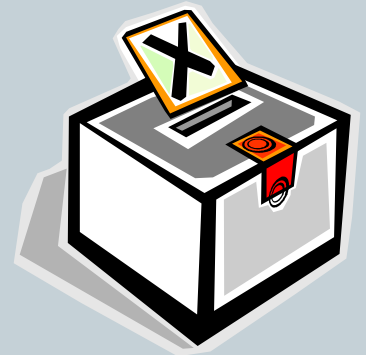
- **HOLDING:**
  - No evidence of tampering after the fact.
  - No violation for filling out VRA for the voter.
  - Voter had responsibility to review the VRA before signing and confirming the data.
  - Use discretion.



# Voter ID and Provisional Ballots



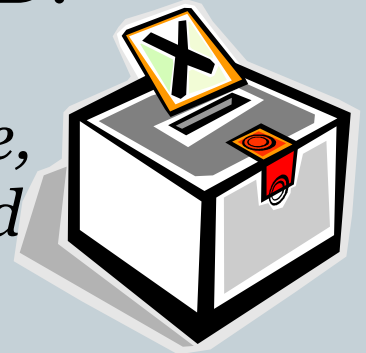
- **CASE:** [File No. 2014-183](#)
- **FACTS:**
  - Longtime voter appeared at polling place and refused to show ID when asked.
  - Moderator did not offer the affidavit and would only allow voter to vote by provisional ballot, despite no asterisk
  - In process of filling out provisional, voter showed moderator his drivers license.
  - General Statutes § 9-261



# Voter ID and Provisional Ballots



- **HOLDING:**
  - Two violations by the moderator.
    - Failure to offer affidavit.
    - Failure to offer full ballot despite display of valid identification.
  - Provisional ballot not an appropriate remedy to a voter who refuses to show ID.
- *“It is clear from his statement that at the time, the Respondent moderator did not understand the finer points of voter identification.”*

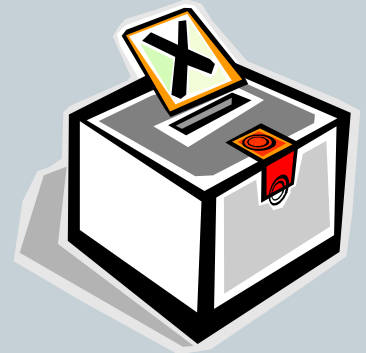




# CVRS v. Paper and Deletion of Voter



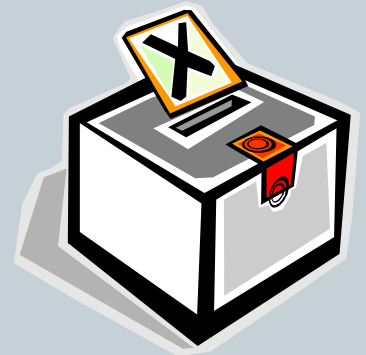
- **CASE:** [File No. 2015-097](#)
- **FACTS:**
  - Paper records indicated voter was Off
  - CVRS indicated that the voter was Active
  - Registrars deleted voter from CVRS based on paper file, which Registrars asserted were the controlling records.



# CVRS v. Paper and Deletion of Voter



- **HOLDING:**
  - Paper file does not control over CVRS
  - Both paper records and CVRS constitute the record
  - Review full CVRS record before deleting based on paper record
  - Resolve discrepancies before deleting.



# Inmate Voting Rights



- **Case Citation:** [File No. 2015-003](#)
- **Facts:**
  - An individual was being held in jail, pending trial for a felony, but was not yet convicted.
  - The inmate requested the documentation to register to vote and vote, but was denied until it was too late.



# Inmate Voting Rights



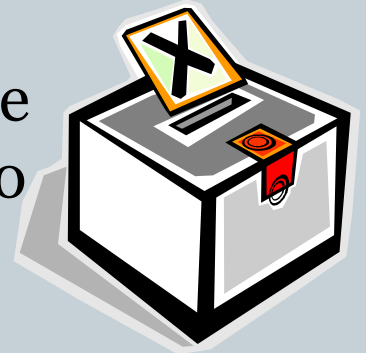
- **Law:** General Statutes §§ 9-14a, 9-46 (a), and 9-135 (b)
- **Holdings:**
  - Inmates, not yet **convicted** of a felony are entailed to register to vote and vote via absentee ballot in their town of residence prior to incarceration.
  - Misrepresenting the eligibility to of an inmate to vote via absentee ballot is a violation of General Statutes § 9-135 (b).



# Alternative Voting Systems



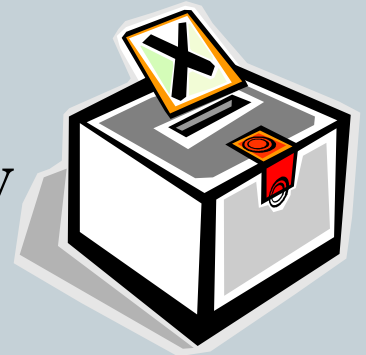
- **CASE:** [File No. 2016-043](#)
- **FACTS:**
  - Voter requested use of an AVS machine.
  - AVS machine was not properly configured and election official could not locate the Access Code.
  - Voter was delayed by 30-45 minutes.
  - Registrars took extraordinary efforts, after the election, to correct any systematic errors and to reach out to the disabled community.



# Alternative Voting Systems



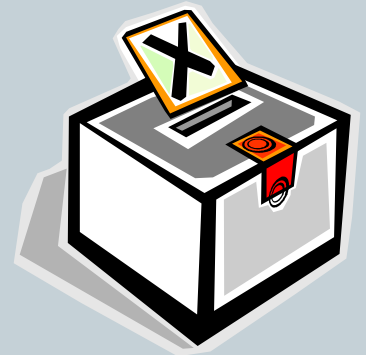
- **LAW:** General Statutes § 9-247;  
Regs. Conn. State Agencies § 9-242a-11.
- **HOLDING:**
  - Registrars failed to ensure have the AVS machine “tested and operational” as required by law.
  - Despite good faith efforts of the Registrars after the fact, they were assessed a civil penalty of \$200 each.



# Provisional Ballots



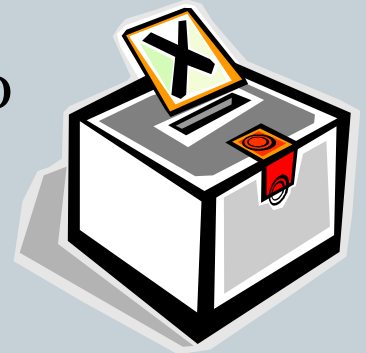
- **CASE:** [File No. 2016-024A](#)
- **FACTS:**
  - Presidential Preference Primary
  - Voter's name did not appear on checker's list or in CVRS.
  - Voter claimed to be registered.
  - Voter was provided a provisional ballot.
  - Registrars checked CVRS and confirmed that the Voter was not there.
  - Registrars did find physical registration card and counted provisional ballot.



# Provisional Ballots



- **LAW:** General Statutes §§ 9-21 (a) & 9-32 (b)
- **HOLDING:**
  - Registrars did the right thing here.
  - Checking CVRS is not enough when a voter claims to be registered.
  - Registrars should check all relevant records to confirm voter is not registered before deciding what to do with a provisional ballot.





# Where to Find SEEC Cases



- Online
  - [www.ct.gov/seec](http://www.ct.gov/seec)
    - Click “[Commission Decisions](#)” in left nav bar
    - Search by keyword, or pick case from list.
    - E-mail “[seec@ct.gov](mailto:seec@ct.gov)” if you can’t find a case
- SEEC Library
  - 20 Trinity St., Hartford, CT
  - Every SEEC legal decision bound and organized by year and category.

