

# State Elections Enforcement Commission



## 2015 REGISTRAR OF VOTERS CONFERENCE

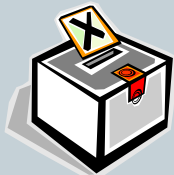
Kevin M. Ahern – Staff Attorney  
*Law Enforcement Unit*

# 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	SEEC/FEC (& State's Attorney/FBI)
<i>Election Administration</i>	SOTS/EAC	SOTS, <u>Registrars</u> & Town Clerks	SEEC (& State's Attorney/FBI)

# Discussion Points



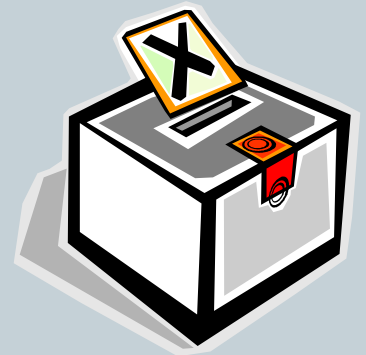
- Key SEEC cases since September 2014.
- Anonymity of Cases
- Questions/Hypotheticals



# Voter ID & Personal Recognizance



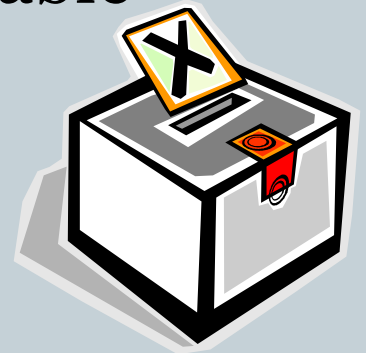
- **CASE:** [File No. 2013-163](#) (also [2012-086](#))
- **FACTS:**
  - Registered, longtime Voter arrives at polling station and refuses to produce ID
  - Moderator knows Voter has ID and demands it
  - Election worker knows Voter and vouches for his identity
  - *Moderator lets Voter cast ballot*



# Voter ID & Personal Recognizance



- **LAW:** General Statutes §§ [9-261](#) (also [9-249](#))
- **HOLDING:**
  - Established voters need not show ID, even if they have it on them.
    - BUT, they must sign affidavit instead
  - Personal recognizance is not an acceptable form of ID under § 9-261.



# Voter ID & Personal Recognizance

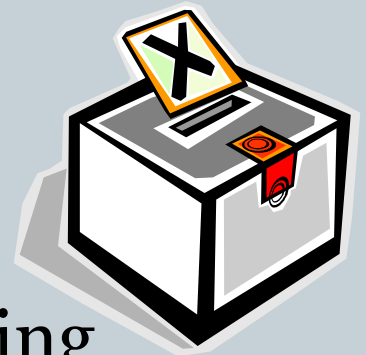


- **VOTER ID REVIEW:**

- Voter declares address in clear voice
- Checker asks for ID to prove Identity
  - Only Identity
  - Not residence!
  - IDs with a different address are OK!
- That's it!

- **NOTE:**

- *Pending Legislation: [S.B. 1051](#)*
- ROV could be fined for improper training



# Voter ID & Personal Recognizance



## Two Types of ID Requirements in CT:

### Most Voters

- Voter must present:
  - A social security card, or
  - Any preprinted form of identification that shows voter's:
    - name and address, or
    - name and signature, or
    - name and photograph

Or

- Sign affidavit on Form ED-681.

### A. First time voters who:

- a. registered by mail after 1/1/2003, and
  - b. are voting for the first time in an primary/election with *federal candidates on the ballot* and
  - c. have a “mark” next to their name on the official registry list:
- Or
- Voter must present:
    - A copy of a current and valid photo identification that shows voter's name and address; or
    - A copy of a current utility bill, bank statement, government check, paycheck or government document that shows voter's name and address;
  - Cast a provisional ballot

# Bona Fide Residence—SEEC Authority



- General Statutes § 9-12
  - (a) Each citizen of the United States who has attained the age of eighteen years, and who is a bona fide resident of the town to which the citizen applies for admission as an elector shall . . . be an elector, . . . a person shall be deemed to be a bona fide resident of the town to which the citizen applies for admission as an **elector** if **such person's dwelling unit is located within the geographic boundaries of such town**



# Bona Fide Residence—SEEC Authority



- Geographic Location of Dwelling Unit.
  - “if such person’s dwelling unit is located within the geographic boundaries of such town.”



# Bona Fide Residence—SEEC Authority



- **CASE:** File No. [2014-065](#)
- **FACTS:**
  - Approx. 10% of the property in Town B, 90% in Town A
  - No part of dwelling unit in Town B
  - Mailing Address in Town B
  - Significant connections to Town B
  - Kids in school in Town B



# Bona Fide Residence—SEEC Authority



- **FACTS** (cont.):
  - Kids in schools in Town B
    - Board of Ed granted waiver of school residency requirements under Connecticut General Statutes § 10-186.
  - Voters asked SEEC if it could grant waiver of residency requirements under § 9-12.



# Bona Fide Residence—SEEC Authority



- **HOLDING**

- SEEC has authority under § 9-7b (a) (3) (E) to determine, based on the facts, an individual's right to be an elector under the criteria set forth in § 9-12.
- SEEC may not grant rights, as § 9-12 limits electoral privileges to only those individuals who meet the criteria.



# Removal of Voters from the List



- **CASE:** File No. [2014-048](#)
- **FACTS:**
  - Voter alleged that 1<sup>st</sup> Selectman threatened ROVs to remove her for lack of bona fide residency
  - Voter was never removed, but put on inactive list after failing to respond to canvass conducted under § 9-32



# Removal of Voters from the List



- **HOLDING:**

- Threatening ROV to remove a voter could constitute a criminal violation of General Statutes § 9-364a.
- Only an ROV may remove a voter, and only under very limited and particular circumstances (notice from voter, notice from DMV, voter on “inactive list” for 4 years, SEEC order, etc.)



# 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.

