

STATE OF CONNECTICUT
STATE ELECTIONS ENFORCEMENT COMMISSION

Complaint of Karen Strumkas, et al.
New Britain

File No. 2009-034

FINDINGS AND CONCLUSIONS

Complainant filed a partial complaint with the Commission on March 19, 2009 and filed the instant complaint on April 9, 2009 pursuant to General Statutes §9-7b, alleging that Amparo Castaneda of New Britain violated General Statutes § 9-360 by voting twice in the November 4, 2008 Presidential election.

After an investigation of the matter, the Commission makes the following findings and conclusions:

1. Complainant is the City of New Britain Assistant Registrar of Voters. Complainant, along with the City of New Britain Republican Registrar of Voters alleged that Amparo Castaneda had voted twice in the November 4, 2008 Presidential election. The Assistant Registrar and Registrar provided the Commission with the following items in connection with the complaint: an English language voter registration card for Amparo Castaneda with an address of 507 Commonwealth Avenue in New Britain; a Spanish language voter registration for Amparo Castaneda with an address of 1590 Stanley Street in New Britain; relevant Connecticut Voter Registration System print outs for Amparo Castaneda and relevant pages of the Transfiguration Church Hall polling place Official Voter List.
2. The Republican Registrar indicated in the complaint that he had reviewed the final voter tally and the number of ballots recorded for the District 12 polling place, Transfiguration Church Hall and that review reflected that both votes must have been counted because the number of voters checked off as having voted matched the number of recorded tabulator vote totals.
3. Ms. Castaneda completed and signed a voter registration card using her address of 1590 Stanley Street in New Britain on October 10, 2008, shortly after completing her citizenship course. The New Britain Registrar of Voters office received the voter registration card at their office on October 23, 2008. At the time she completed this voter registration card and submitted it, her address was in fact 1590 Stanley Street.
4. Ms. Castaneda also completed and signed a voter registration card using her address of 507 Commonwealth Avenue in New Britain on October 14, 2008 after becoming a citizen. The New Britain Registrar of Voters office received the voter registration card at their office on October 17, 2008. At the time she completed this voter registration card and submitted it, her address was in fact 507 Commonwealth Avenue.

5. Due to the fact that the Registrars office received Ms. Castaneda's 507 Commonwealth Avenue voter registration card on October 17, 2008 and subsequently received Ms. Castaneda's 1590 Stanley Street voter registration card on October 23, 2008, the Registrars office treated the 1590 Stanley Street voter registration card as a change of address. Accordingly, Ms. Castaneda appeared on the City of New Britain Official Voter list at 1590 Stanley Street, where she no longer resided.
6. 1590 Stanley Street appeared in Book 1 of the Official Voter list for the Transfiguration Church Hall polling place. 507 Commonwealth Avenue appeared in Book 2 of the Official Voter list for the Transfiguration Church Hall polling place, as the list was split into two books to create two lines of electors based on alphabetical street names.
7. On November 4, 2008, Ms. Castaneda went to her polling place located at the Transfiguration Church Hall in New Britain and her name appeared on the Official Voter list at 1590 Stanley Street. Ms. Castaneda informed the polling place official that her address was 507 Commonwealth and that 1590 Stanley Street was not her correct address.
8. The polling place official conferred with the moderator of the polling place who in turn contacted the Registrars office. Based on information and instructions from the Registrars office, the polling place officials crossed Ms. Castaneda's name off the Official Voter list at 1590 Stanley Street. The polling place officials then wrote Ms. Castaneda's name onto the Official Voter list along with her 507 Commonwealth Avenue address.
9. General Statutes § 9-360 provides:

Any person not legally qualified who fraudulently votes in any town meeting, primary, election or referendum in which the person is not qualified to vote, and any legally qualified person who, at such meeting, primary, election or referendum, fraudulently votes more than once at the same meeting, primary, election or referendum, shall be fined not less than three hundred dollars or more than five hundred dollars and shall be imprisoned not less than one year or more than two years and shall be disfranchised. Any person who votes or attempts to vote at any election, primary, referendum or town meeting by assuming the name of another legally qualified person shall be guilty of a class D felony and shall be disfranchised.
10. Ms. Castaneda contends that she did not vote twice when she went to the polling place, but that her name was crossed off twice due to her reporting her correct address to the polling place officials.

11. Although the Republican Registrar indicated in the complaint that the final voter tally based on the Official Voter list and the number of ballots recorded by the tabulator for the District 12 polling place, Transfiguration Church Hall reflected that both of Ms. Castaneda's votes were counted, a subsequent review by the Registrar reflected that there was a discrepancy of at least five votes in the final voter tally and the number of ballots recorded by the tabulator at the Transfiguration Church Hall polling place.
12. The sole indication for the suggestion that Ms. Castaneda voted more than once was her name being crossed the Official Voter list twice for which Ms. Castaneda has an explanation. No polling place official substantiates that Ms. Castaneda was offered more than a single ballot. There is no additional evidence that Ms. Castaneda requested or received an additional ballot.
13. The complaint is dismissed for the above mentioned reasons.

ORDER

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

That the matter be dismissed.

Adopted this 1st day of September 2009 at Hartford, Connecticut



Stephen F. Cashman, Chairman
By Order of the Commission