

**STATE OF CONNECTICUT
STATE ELECTIONS ENFORCEMENT COMMISSION**

In the Matter of a Complaint by
Olga Iris Vazquez, Hartford

File No. 2009-097

FINDINGS AND CONCLUSIONS

The Complainant, the Democratic Hartford Registrar of Voters, brings this complaint pursuant to §9-7b, General Statutes, challenging Rafael Pimentel's (hereinafter the "Respondent") qualifications to vote in the City of Hartford after discovering, through Respondent's own accounts, that he was not a U.S. Citizen.

After an investigation of this matter, the following findings and conclusions are made:

1. The Complainant is the Democratic Registrar of Voters of the City of Hartford and filed this complaint after learning that the Respondent submitted a Voter registration application to her office and checked off the "yes" box at the question: "Are you a US Citizen?" although he is not a US Citizen.
2. The Respondent contacted the Registrar of Voters after receiving a letter from that office admitting him as a voter in Hartford. The Respondent, a legal resident of the United States, but a non-citizen and unqualified to vote in the United States, met with the Complainant in her office in Hartford to resolve the purported voter registration problem. The Complainant confronted the Respondent with his voter registration application. The Respondent identified the signature on the voter registration application as his signature.
3. Additionally, the Complainant asked the Respondent if the signature on the voter registration application was his application, to which he responded that it was his signature.

4. General Statutes § 9-12 provides in pertinent part:

(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, on approval by the registrars of voters or town clerk of the town of residence of such citizen, as prescribed by law, be an elector, except as provided in subsection (b) of this section. For purposes of this section a person shall be deemed to have attained the age of eighteen years on the day of the person's eighteenth birthday and 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. No mentally incompetent person shall be admitted as an elector. ... [Emphasis added.]

5. General Statutes § 9-23g provides in pertinent part:

(a) In addition to the procedures for admission of electors under sections 9-19b, 9-19c, 9-19e, 9-20 and 9-31, any person may apply to a registrar of voters of the town of his residence for admission as an elector in accordance with the provisions of this section and section 9-23h.

(b) The Secretary of the State shall prescribe, and provide to registrars of

voters, town clerks and voter registration agencies, as defined in section 9-23n, application forms and other materials necessary to complete such application and admission process. The Secretary of the State, registrars of voters and town clerks shall provide a reasonable number of such forms and materials to any elector who requests such forms and materials. The secretary shall also, in the course of the secretary's elections duties, prepare instructions and related materials describing procedures for such application and admission process and shall provide the materials to registrars of voters and town clerks. *The application shall contain the information required under section 9-23h. All statements of the applicant shall be made under the penalties of perjury. The application for admission as an elector shall include a statement that (1) specifies each eligibility requirement, (2) contains an attestation that the application meets each such requirement, and (3) requires the signature of the applicant under penalty of perjury.* Nothing in this section or section 9-23h shall require that the application be executed in the state. An applicant who is unable to write may cause the applicant's name to be signed on the application form by an authorized agent who shall, in the space provided for the signature, write the name of the applicant followed by the word "by" and the agent's own signature. The completed application may be mailed or returned in person to the office of the registrars of voters or the office of the town clerk of the applicant's town of residence or a voter registration agency. If the applicant entrusts the applicant's application to another person or to such a voter registration agency for mailing or return to the registrars of voters, such person or agency shall immediately mail or return the application. Any such voter registration agency shall also provide the applicant with an application receipt, on which the agency shall record (A) the date that the agency received the application, using an official date stamp bearing the name of the agency, and (B) the party affiliation, if any, of the applicant. The agency shall provide such receipt whether the application was submitted in person or by mail. The town clerk shall promptly forward any application which the town clerk receives to the registrars of voters. Such application form shall be provided by or authorized by the Secretary of the State. [Emphasis added.]

6. General Statutes § 9-23h provides in pertinent part:

The application provided for in section 9-23g shall provide spaces for the following information for each applicant: (1) Name, (2) bona fide residence, including street number, street address, apartment number if applicable, town and zip code, (3) telephone number, (4) date of birth, (5) whether the applicant is registered as an elector in any other town in the state of Connecticut or in any other state, and if so, the applicant's last previous voting residence, (6) *whether the applicant is a United States citizen*, (7) whether the applicant will be eighteen years of age on or before election day, (8) party affiliation, if any, (9) the applicant's signature and date of signature, and (10) the applicant's Connecticut motor vehicle operator's license number or, if none, the last four digits of the applicant's Social Security number. ... [Emphasis added.]

7. General Statutes § 9-357 provides in pertinent part:

Any person who fraudulently procures himself or another to be registered as an elector shall be fined not more than five hundred dollars or imprisoned not more than one year or be both fined and imprisoned.

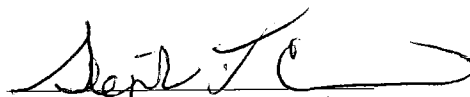
8. By way of background, the Respondent is a native of Dominican Republic and has been a permanent resident of the United States since 1984. He has a valid Resident Alien Card (commonly known as the "green card"), USCIS Form I-551, and he is a co-owner of a property in Hartford. Though he has been living in the United States since 1984 he has remained monolingual (Spanish.)
9. With regard to the voter registration application, the Respondent admitted that the signature on the voter registration application was his signature.
10. It is found that on or about August 12, 2009, the Respondent was a bona fide resident of the City of Hartford and a legal resident of the United States, but not a U.S. Citizen and therefore not qualified to vote.
11. It is therefore concluded that by completing and submitting a voter registration card and affirming that he was a U.S. Citizen when, in fact, he was not, violated Connecticut General Statutes §9-23g.
12. Respondent, however, maintained that he was unaware of what document he signed at the health fair and that he was induced by an unidentified woman into signing such document.
13. He stated that on or about August 12, 2009 he was at a health fair in Hartford when a woman kept insisting on him to fill in some papers for her. He contended that in his limited English he told the woman that he did not speak English and that he was a non-voter. The Respondent further stated that the unidentified woman followed him around, and in order to get rid of her, he consented to signing the voter registration application for her. He maintained that he did not read the form that he signed and was unaware that it was a voter registration application.
14. The Respondent declared that several weeks later he received a letter, written in both English and Spanish, from the Hartford Registrars of Voters welcoming him as elector. He proactively contacted the Registrars to apprise them of his status as non-citizen and his consequent inability to vote. He was, in essence, pursuing his removal from the City of Hartford registry list.
15. Based on the description given by Respondent of the unidentified woman, Commission staff located a suspect, prepared a photo array and presented it to the Respondent for possible identification, but he was unable to recognize and/or identify the purported woman from the collection of photographs displayed.
16. Had Respondent identified the purported woman, an investigation into whether such individual knowingly solicited a non-citizen to register to vote, in violation of Connecticut General Statutes §9-357, would have been warranted .
17. A mitigating factor in Respondent's favor, which gave credibility to his claim that a woman coerced him into signing a voter registration application and that he was oblivious to the document that he signed, is that he, upon finding that his name has been added to the Hartford Official List of Voters, he immediately took steps to resolve the matter by contacting the Hartford Registrars of Voters to alert that office of his status as a non-citizen and to have his name removed from the registry list.

ORDER

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

The Hartford Registrars of Voters are hereby ordered to remove Rafael Pimentel from the registry list of electors for the City of Hartford. Under the facts and circumstances of this case no further action is taken with respect to the Respondent Rafael Pimentel.

Adopted this 16th day of December of 2009 at Hartford, Connecticut.



Stephen F. Cashman, Chairman
By Order of the Commission