

**STATE OF CONNECTICUT
STATE ELECTIONS ENFORCEMENT COMMISSION**

In the Matter of a Complaint by
Eleanor Michaud, Preston

File No. 2010-090

FINDINGS AND CONCLUSIONS

Complainant, the Democratic Registrar in the Town of Preston, brings this Complaint pursuant to Connecticut General Statutes § 9-7b, alleging that on Election Day, November 4, 2008, Respondent Candice G. Williams voted twice, once by absentee ballot in the Town of Preston and again in person in the Town of Mansfield. After the investigation, the Commission makes the following findings and conclusions:

1. The Respondent first registered to vote in the Town of Preston on August 18, 2006, approximately two months after her 18th birthday. Her voting address is a residence in town owned by her parents.
2. To date, Respondent voted twice in the town of Preston, once in person for the February 4, 2008 Democratic primary and once for the November 4, 2008 election, by absentee ballot. Her Preston registration is in active status.
3. In the fall of her freshman year at the University of Connecticut, Storrs (“UConn”), the Respondent subsequently registered to vote in the Town of Mansfield on October 10, 2006, approximately two months after the aforementioned registration in Preston. Her voting address was listed as a residence hall on the UConn campus. She failed to note her prior registration address, even though the registration form asks for this information. As such, no notice of her change of registration was forwarded to Preston and her registration status remains active in both Mansfield and Preston.
4. The records of the office of the Town of Mansfield Registrar indicate that Respondent voted once in the town of Mansfield, in the November 4, 2008 election, in person—on the same day that she is recorded as having voted in Preston by absentee ballot.
5. General Statutes § 9-7b, provides in pertinent part:

(a) The State Elections Enforcement Commission shall have the following duties and powers:

. . .

(2) To levy a civil penalty not to exceed . . . (C) *two thousand dollars per offense against any person the commission finds to have (i) improperly voted in any election, primary or referendum, and (ii) not been legally qualified to vote in such election, primary or referendum, . . .* [Emphasis added.]

6. General Statutes § 9-172, provides in pertinent part:

At any regular or special state election any person may vote who was registered on the last-completed revised registry list of the town in which he offers to vote, and he shall vote in the district in which he was so registered; provided those persons may vote whose names are restored to the list under the provisions of section 9-42 or whose names are added on the last weekday before a regular election under the provisions of section 9-17. *Each person so registered shall be permitted to vote if he is a bona fide resident of the town and political subdivision holding the election* and has not lost his right by conviction of a disfranchising crime. Any person offering so to vote and being challenged as to his identity or residence shall, before he votes, prove his identity with the person on whose name he offers to vote or his bona fide residence in the town and political subdivision holding the election, as the case may be, by the testimony, under oath, of at least one other elector or by such other evidence as is acceptable to the moderator. [Emphasis added.]

7. General Statutes § 9-360, provides in pertinent part:

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.

8. The Respondent answered to the instant Complaint and presented evidence and sworn testimony that she voted only once, by absentee ballot in the Town of Preston in the November 4, 2008 election. The Respondent presented evidence and testimony that she could *not* have voted in person on November 4, 2008, because she was out of the country from on or about July 15, 2008 through on or about November 23, 2008 studying abroad in Sydney, Australia. Her passport reflects that on Election Day, November 4, 2008, she was in the Republic of Fiji Islands. The Respondent presented a true and accurate copy of her passport, including the visa stamps from her various points of departure and arrival during the period in question. The visa stamps indicate that she left Australia on October 30, 2008 and arrived in Fiji that same day. A

departure stamp from Fiji indicates that she departed that country on November 8, 2008 and returned to Australia that same day.


9. The check-off sheet from the District One polling place in Mansfield from the November 4, 2008 election shows the Respondent's name as crossed off as having voted in person. However, immediately above the Respondent's name is the name of "Candace A. Williams," whose name is *not* crossed off.
10. A registration card obtained from the Office of the Registrar for the Town of Mansfield reflects that a Candace A. Williams registered to vote in the Town of Mansfield on October 20, 2008, just ahead of the deadline to register and vote in the November 4, 2008 election. Like the Respondent, her voting address is listed on the card as a residence hall on the University of Connecticut Storrs campus and her name appears directly above the Respondent's on the official voter list for the November 4, 2008 election. The records of the Office of the Registrar for the Town of Mansfield indicate that Candace A. Williams was not recorded as having voted in the November 4, 2008 election, or in any subsequent primary, election, and/or referendum. A search of the CVRS using Candace A. Williams' name and date of birth revealed no other individuals registered in the state with that name. Attempts by Commission staff to reach Ms. Williams, have been unsuccessful, as Ms. Williams has since moved and left no forwarding contact information.
11. However, the Commission finds that the evidence presented is sufficient to show that the Respondent Candice G. Williams was out of the country on November 4, 2008 and could not have voted in person in Mansfield on that day. The check-off sheet and the blank voting record of Candace A. Williams indicate that the most likely explanation for the Respondent's appearing to have voted in person in Mansfield is that a person with a substantially similar name (Candice G. Williams v. Candace A. Williams) voted in person on that day and that the checker erred when crossing off the Respondent's name.
12. Accordingly, the Commission finds that, there is insufficient evidence to show that the Respondent voted twice on November 4, 2008, as alleged in the Complaint. Accordingly, the matter is dismissed.
13. However, as noted above, when Respondent completed her voter registration application for Mansfield in 2006, she left the "Previous Voting Address" section blank. Had she completed said section, which is prescribed by Conn. Gen. Stat. § 9-23h(5), the Mansfield Registrar of Voters would have known to notify the Preston Registrars of Voters to remove her from their list, thus avoiding the confusion that resulted from her name appearing on and being crossed off on the checkers' list in Mansfield for the November 4, 2008 election, which resulted in the instant complaint.
14. Promptly upon receipt of notice of this final decision, the Respondent should send a notice in writing to the Registrar's office in whichever town she is *not* a bona fide resident, asking that she be removed from the registration list in that town. Alternately, if she is a bona fide resident of both towns, she cannot remain registered in two places and will need to choose a town of registration and send the above notice accordingly.

ORDER

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

That the Complaint be dismissed.

Adopted this 18th day of August of 2010 at Hartford, Connecticut



Stephen F. Cashman, Chairman
By Order of the Commission