

STATE OF CONNECTICUT
STATE ELECTIONS ENFORCEMENT COMMISSION

Referral of Town Clerk and Registrars of Voters, Waterbury

File No. 2011-131

FINDINGS AND CONCLUSIONS

Waterbury Town Clerk Antoinette C. Spinelli and Registrars of Voters Timothy T. DeCarlo and Patricia Mulhall submitted this Referral pursuant to Connecticut General Statutes § 9-7b and alleged that during the November 2011 general election 12 individuals may have requested absentee ballots under addresses at which they did not reside in Waterbury and that they and Respondent Luis Lopez, the assister on 11 of the 12 absentee ballot applications, may have provided false statements on their applications.

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

1. On November 8, 2011 a General Election was held in the City of Waterbury.
2. At all times relevant to the instant Referral, the following individuals were registered voters at an apartment building on Pine Street and requested absentee ballots for the November 8, 2011 General Election: Andrea Bailey; Ivan Grillasca; Jose Laracuent; Brian Lozada; Daniel Rivera, Sr.; Daniel Rivera, Jr.; and Brenda Rivera.
3. At all times relevant to the instant Referral, the following individuals were registered voters at an apartment building on Center Street and requested absentee ballots for the November 8, 2011 General Election: Theresa Grifa and Leonard Capone.
4. At all times relevant to the instant Referral, the following individuals were registered voters at an apartment building on Cherry Ave. and requested absentee ballots for the November 8, 2011 General Election: Marlana Middleton; Richard S. Perez, II; and George Mattocks.
5. Pursuant to General Statutes §§ 9-159q and 9-159r, absentee balloting at the above locations was conducted through the supervised absentee ballot process.
6. According to the referring officials, Dennis Buckley, the Waterbury coordinator for supervised absentee balloting for the November 2011 General Election, was unable to contact the above-referenced individuals at their registered addresses and when he made

inquires with the management of the respective properties, he was told that the individuals did not appear in their records as residents.

7. Additionally, after Mr. Buckley's report, the referring officials scrutinized the applications and found three applications containing signatures that in their opinion appeared to have been executed by the same individual. While the referring officials did not enumerate specifically the applications to which they were referring, they contacted Commission staff after the filing of the instant referral and identified the applications from Daniel Rivera, Sr., Daniel Rivera, Jr., and Brenda Rivera.
8. The above facts and evidence were referred to the Commission in order to determine whether the above individuals were bona fide residents of the above addresses and whether the applications by Daniel Rivera, Sr., Daniel Rivera, Jr., and Brenda Rivera were executed by those individuals or whether some other individual impermissibly signed all or some of the applications.
9. An elector is eligible to register and vote in a particular town only if such voter is a bona fide resident of such town. 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. . . . (Emphasis added.)
10. When registering to vote, an elector must declare under penalty of perjury, his bona fide residence on a form prescribed by the Secretary of the State. General Statutes § 9-20, provides in pertinent part:
 - (a) Each person who applies for admission as an elector in person to an admitting official shall, upon a form prescribed by the Secretary of the State and signed by the applicant, state under penalties of perjury, his name, bona fide residence by street and number, date of birth, whether he is a United States citizen, whether his privileges as an elector are forfeited by reason of conviction of crime, and whether he has previously been admitted as an elector in any town in this or any other state. Each such applicant shall present his birth certificate, drivers' license or Social Security card to the admitting official for inspection at the time of application. Notwithstanding the provisions of any special act or charter to the contrary, the application form shall also, in

a manner prescribed by the Secretary of the State, provide for application for enrollment in any political party, including, on any such form printed on or after January 1, 2006, a list of the names of the major parties, as defined in section 9-372, as options for the applicant. The form shall indicate that such enrollment is not mandatory. (Emphasis added.)

11. General Statutes § 9-170, provides in pertinent part:

At any regular or special town election any person may vote who is registered as an elector on the revised registry list of the town last completed and he shall vote only in the district in which he is so registered, provided any person may vote whose name is restored to the list under the provisions of section 9-42 or whose name is added on the last week day before a regular election under the provisions of section 9-17. Each person so registered shall be permitted to vote unless he is not a bona fide resident of the town and political subdivision holding the election or has been convicted of a disfranchising crime. Any person offering 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 acceptable to the moderator. (Emphasis added.)

12. General Statutes § 9-171, provides in pertinent part:

In all cities, unless otherwise provided by law, any person entitled to vote at city elections who is registered on the revised registry list last completed, and any person having a legal right to vote at such elections whose name is entered on a copy of such list before voting, may vote therein in the district for which such registry list is made; 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 week day before a regular election under the provisions of section 9-17. Each person so registered shall be permitted to vote, unless he has lost his right by removal from such city since he has registered or 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 such city, as the case may be, by the testimony, under oath, of at least one other elector or by such other evidence acceptable to the moderator. The names of those voting shall be checked on such copy of such list, and such copy so checked shall be kept on file in the office of the town clerk, as in the case of state elections. (Emphasis added.)

13. 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.)

14. Any person who votes in any election when not qualified to do so, faces both civil and criminal liability. 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,

...

15. Additional penalties apply to any individual who provides a false statement, regarding residency or any other fact, on an absentee ballot application, whether such individual is the voter or someone providing assistance to such voter.

16. General Statutes § 9-140, provides in pertinent part:

(a) Application for an absentee ballot shall be made to the clerk of the municipality in which the applicant is eligible to vote or has applied for such eligibility. *Any person who assists another person in the completion of an application shall, in the space provided, sign the application and print or type his name, residence address and telephone number. Such signature shall be made under the penalties of false statement in absentee balloting.* The municipal clerk shall not invalidate the application solely because it does not contain the name of a person who assisted the applicant in the completion of the application. . . . *The application shall be signed by the applicant under the penalties of false statement* in absentee balloting on (1) the form prescribed by the Secretary of the State pursuant to section 9-139a, (2) a form provided by any federal department or agency if applicable pursuant to section 9-153a, or (3) any of the special forms of application prescribed pursuant to section 9-150c, 9-153a, 9-153b, 9-153d, 9-153e, 9-153f or 9-158d, if applicable. Any such absentee ballot applicant who is unable to write may cause the application to be completed by an authorized agent who shall, in the spaces provided for the date and signature, write the date and name of the absentee ballot applicant followed by the word “by” and his own signature. If the ballot is to be mailed to the applicant, the applicant shall list the bona fide personal mailing address of the applicant in the appropriate space on the application. (Emphasis added.)

17. General Statutes § 9-358, provides in pertinent part:

Any person who, upon oath or affirmation, legally administered, wilfully and corruptly testifies or affirms, before any registrar of voters, any moderator of any election, primary or referendum, any board for admission of electors or the State Elections Enforcement Commission, falsely, to any material fact concerning the identity, age, residence or other qualifications of any person whose right to be registered or admitted as an elector or to vote at any election, primary

or referendum is being passed upon and decided, shall be guilty of a class D felony and shall be disfranchised.

18. General Statutes § 9-359a, provides in pertinent part:

(a) A person is guilty of false statement in absentee balloting when he intentionally makes a false written statement in or on or signs the name of another person to the application for an absentee ballot or the inner envelope accompanying any such ballot, which he does not believe to be true and which statement or signature is intended to mislead a public servant in the performance of his official function.

(b) False statement in absentee balloting is a class D felony.

19. In order to establish liability in the present case, such Respondent elector must not have been qualified to register and/or vote at the respective address in Waterbury at the time that such Respondent cast an absentee ballot using such registered address. As noted above, General Statutes § 9-12 sets forth elector qualifications. In the present case, no one contests that any Respondent was a citizen of the United States and had attained the age of eighteen years at the time s/he registered to vote, and/or voted. Moreover, no allegation has been made, and no evidence has been found, that any Respondent voted, or tried to vote, more than once in the election in question. As such, the question to answer here is only whether each Respondent was a “bona fide resident” at their respective address in Waterbury.

20. According to the Commission, an individual’s bona fide residence is the place where that individual maintains a true, fixed, and principal home to which he or she, whenever transiently relocated, has a genuine intent to return. *See, e.g., In the Matter of a Complaint by Ralph Arena, Hartford*, 2012-030; *In the Matter of a Complaint by Gary Amato, North Haven*, File No. 2009-158; *In the Matter of a Complaint by Cicero Booker, Waterbury*, File No. 2007-157. In other words, “bona fide residence” is generally synonymous with domicile. *Id.; cf. Hackett v. The City of New Haven*, 103 Conn. 157 (1925). The Commission has concluded, however, that “[t]he traditional rigid notion of ‘domicile’ has . . . given way somewhat but only to the extent that it has become an impractical standard for the purposes of determining voting residence (i.e., with respect to college students, the homeless, and individuals with multiple dwellings).” (Emphasis added.) *In the Matter of a Complaint by James Cropsey, Tilton, New Hampshire*, File No. 2008-047 (Emphasis added.). *See also Wit v. Berman*, 306 F.3d 1256, 1262 (2d Cir. 2002) (stating that under certain circumstances the domicile rule for voting residency can give rise to administrative difficulties which has led to a pragmatic application of that rule in New York); *Sims v. Vernon*, Superior Court, Fairfield County, No. 168024 (Dec. 22,

1977) (concluding that an absentee ballot of an individual should be counted as that individual was a bona fide resident of the town in which the ballot was cast.); *Farley v. Louzitis*, Superior Court, New London County, No. 41032 (Oct. 4, 1972) (considering issue of voter residency with respect to college students and stating that “a student, *and a nonstudent as well*, who satisfies the . . . residence requirement, may vote where he resides, without regard to the duration of his anticipated stay or the existence of another residence elsewhere. It is for him alone to say whether his voting interests at the residence he selects exceed his voting interests elsewhere.”) (Emphasis added.)

21. The Commission has previously concluded that “[a]n individual does not, therefore, have to intend to remain at a residence for an indefinite period for that residence to qualify as that individual’s bona fide residence. *In the Matter of a Complaint by James Cropsey, Tilton, New Hampshire*, File No. 2008-047. Rather, the individual only has to possess a present intention to remain at that residence. *Id*; *see also Maksym v. Board of Election Com’rs of City of Chicago*, Illinois Supreme Court, Docket No. 111773 (January 27, 2011), 2011 WL 242421 at *8 (“[O]nce residency is established, the test is no longer physical presence but rather abandonment. Indeed, once a person has established residence, he or she can be physically absent from that residence for months or even years without having abandoned it. . . .”)
22. As such, where an individual truly maintains two residences to which the individual has legitimate, significant, and continuing attachments, that individual can choose either one of those residences to be their bona fide residence for the purposes of election law so long as they possess the requisite intent. *Cropsey*, File No. 2008-047; *see also Wit*, 306 F.3d at 1262 (quoting *People v. O’Hara*, 96 N.Y.2d 378, 385 (2001) for this principle.)
23. Here, Commission staff made on-site visits to each of the addresses listed in the instant Referral and made investigation into the question of bona fide residence for each individual listed in the instant Referral.

Theresa Grifa – Center Street

24. An application bearing Respondent Theresa Grifa’s information and signature was submitted to the Waterbury Town Clerk on or about October 17, 2011. Luis Lopez declared on the application that he assisted Ms. Grifa with filling it out. Mr. Lopez appears to have filled out most of the application on Ms. Grifa’s behalf.
25. Ms. Grifa was a registered voter at the Center Street address starting in October 2011 and at all times relevant to the instant Referral. She remains a registered voter at this address at present.

26. Management at the Center Street address confirmed that Ms. Grifa's father was a lease-holding resident at that address at all times relevant to the instant Referral.
27. Ms. Grifa was not identified on any lease or in any other records at the facility. However, facility management confirmed that it was not uncommon for undeclared individuals to be living in facility apartments without specific knowledge of facility management. Moreover, facility management confirmed that it was known to them that Ms. Grifa was living with her father and caring for him during a serious illness.
28. Management at the Center Street address confirmed that Ms. Grifa and her father moved out shortly after the November 2011 General Election and left no forwarding address.
29. The records of the Waterbury Registrar of Voters Office indicate that Ms. Grifa did not ultimately cast a ballot in the November 2011 General Election or in any subsequent election, primary or referendum. She cast her last ballot in the November 2010 General Election.
30. Considering the aforesaid, the Commission concludes that the evidence is insufficient to establish that Respondent Theresa Grifa was not a bona fide resident at the Center Street property in Waterbury at the time that she applied for the absentee ballot. As such, the Commission declines to conclude that Respondent Grifa provided a false statement on her absentee ballot application.
31. However, the Commission also concludes that the evidence in this matter is sufficient to establish that Ms. Grifa no longer resides at the Center Street address at this time. Accordingly, the Commission, pursuant to its authority under General Statutes § 9-7b (a) (3) (E), orders the Waterbury Registrars of Voters to immediately remove Ms. Grifa from the registry list.

Leonard Capone – Center Street

32. An application bearing Respondent Leonard Capone's information and signature was submitted to the Waterbury Town Clerk on or about October 19, 2011. The handwriting on the application is consistent throughout. No person is declared as having assisted Mr. Capone with the application.
33. Mr. Capone was a registered voter at the Center Street address starting in March 2004 and at all times relevant to the instant Referral. On or about August 6, 2012, Mr. Capone's registration changed to a property on Nottingham Terrace. He remains a registered voter at this address at present.

34. After investigation, the Commission finds that Mr. Capone submitted his absentee ballot application in person and executed his ballot at the Town Clerk's office on or about October 19, 2011. By Mr. Capone's own admission, he lived at the Center Street address up to approximately October 17, 2011, at which point he moved to the Nottingham Street address. He admits that he failed to change his voting address for this election.
35. Considering the aforesaid, the Commission concludes that the evidence is sufficient to establish that Respondent Leonard Capone was not a bona fide resident at the Center Street property in Waterbury at the time that he applied for the absentee ballot and at the time of the November 2011 General Election. However, the Commission also concludes that Mr. Capone was still a bona fide resident in the City of Waterbury, at the Nottingham Street address, and had a right to cast his ballot in that election. Moreover, Mr. Capone's ballot at the Center Street address was identical to the ballot at the Nottingham address, as all offices being considered in Waterbury that election were at-large.
36. As such, while Respondent Capone provided a false statement on his absentee ballot application, his failure to change his voting address ultimately proved immaterial, as he had never lost the right to cast his ballot during that election. Taking the above into consideration, the Commission declines to take any further action concerning Mr. Capone.

George Mattocks – Cherry Avenue

37. An application bearing Respondent George Mattocks' information and signature was submitted to the Waterbury Town Clerk on or about October 11, 2011. Luis Lopez declared on the application that he assisted Mr. Mattocks with filling it out. Mr. Lopez appears to have filled out most of the application on Mr. Mattocks' behalf. However, the signature on Mr. Mattocks's registration card matches the signature on the application.
38. At all times relevant to the instant Referral, Mr. Mattocks was a registered voter at the Cherry Avenue address starting from February 2010 when his registration was moved from a prior Waterbury address via the National Change of Address system.
39. Mr. Mattocks' mother Julia Mattocks was also a registered voter at the same address at all times relevant to the instant Referral. She remains a registered voter at this address at present.
40. Management at the Cherry Avenue address confirmed that Ms. Julia Mattocks was a lease-holding resident at that address during all times relevant to the instant Referral.

41. Mr. Mattocks was not identified on any lease or in any other records at the facility. However, facility management confirmed that it was not uncommon for undeclared individuals to be living in facility apartments without specific knowledge of facility management.
42. The records of the Waterbury Registrar of Voters Office indicate that Mr. Mattocks did not cast an absentee ballot in the November 2011 General Election, but rather voted in person. The records also indicate that Mr. Mattocks passed away in February 2013 and has been removed from the voter list.
43. After investigation, the Commission confirmed that Mr. Mattocks passed away on or about February 3, 2013. However, the Commission also confirmed through on-site visits that while Mr. Mattocks did not appear on the lease, he had significant attachments to his mother's apartment. The Commission found evidence suggesting that Mr. Mattocks may also have maintained another address in Waterbury during the relevant period. However, no specific evidence was found connecting to any specific address other than the Cherry Avenue apartment.
44. Considering the aforesaid, the Commission concludes that the evidence is insufficient to establish that Mr. Mattocks was not a bona fide resident at the Cherry Avenue property in Waterbury at the time that he applied for the absentee ballot. As such, the Commission declines to conclude that Mr. Mattocks provided a false statement on his absentee ballot application.

Marlana Middleton – Cherry Avenue

45. An application bearing Respondent Marlana Middleton's information and signature was submitted to the Waterbury Town Clerk on or about October 11, 2011. Luis Lopez declared on the application that he assisted Ms. Middleton with filling it out. Mr. Lopez appears to have filled out most of the application on Ms. Middleton's behalf. However, the signature on Ms. Middleton's registration card matches the signature on the application.
46. At all times relevant to the instant Referral, Ms. Middleton was a registered voter at the Cherry Avenue address starting from October 2011 when her registration was moved from a prior Waterbury address, at which she had been registered since at least 1998.
47. Ms. Middleton was not identified on any lease or in any other records at the Cherry Avenue facility. However, as stated above, this was not uncommon at this address.

48. The records of the Waterbury Registrar of Voters Office indicate that Ms. Middleton did cast an absentee ballot in the November 2011 General Election.
49. The instant investigation of this matter revealed that Ms. Middleton's mother, Dolores Middleton, lived at the Cherry Avenue address at all times relevant to the instant Referral. During the relevant period and to date, Ms. Middleton helps her mother around the house in exchange for lodging; Ms. Dolores Middleton is sight impaired. During the relevant period, Ms. Marlana Middleton lived with her mother in this home. The Commission found evidence suggesting that Ms. Middleton may also have maintained another address in Waterbury during the relevant period. However, no specific evidence was found connecting to any specific address other than the Cherry Avenue apartment.
50. Considering the aforesaid, the Commission concludes that the evidence is insufficient to establish that Ms. Middleton was not a bona fide resident at the Cherry Avenue property in Waterbury at the time that she applied for the absentee ballot. As such, the Commission declines to conclude that Ms. Middleton provided a false statement on her absentee ballot application.

Richard Perez II – Cherry Avenue

51. An application bearing Respondent Richard Perez's information and signature was submitted to the Waterbury Town Clerk on or about October 11, 2011. Luis Lopez declared on the application that he assisted Mr. Perez with filling it out. Mr. Lopez appears to have filled out most of the application on Mr. Perez's behalf. However, the signature on Mr. Perez's registration card matches the signature on the application.
52. At all times relevant to the instant Referral, Mr. Perez was a registered voter at the Cherry Avenue address starting from October 2011 when his registration was moved from a prior Waterbury addresses, at which he had been registered since at least 1998.
53. Mr. Perez was not identified on any lease or in any other records at the Cherry Avenue facility. However, as stated above, this was not uncommon at this address.
54. The records of the Waterbury Registrar of Voters Office indicate that Mr. Perez did cast an absentee ballot in the November 2011 General Election.
55. The instant investigation of this matter revealed that an individual with whom Mr. Perez was in a relationship lived at the Cherry Avenue address at all times relevant to the instant Referral. During the relevant period, Mr. Perez lived full time in the apartment. Subsequent to the November 2011 General Election, the relationship ended and Mr. Perez

vacated the apartment. The investigation did not reveal a forwarding address for Mr. Perez.

56. Based on the investigation in this matter, the Commission concludes that the evidence is inconclusive as to whether Respondent Richard Perez II lacked bona fide residence at the Cherry Avenue address at the time he applied for an absentee ballot. The evidence suggests, but is inconclusive, that he lived in an apartment at Cherry Avenue with a woman with whom he maintained a relationship during the relevant period. As such, the Commission declines to conclude that Respondent Perez provided a false statement on his absentee ballot application.
57. However, the Commission also concludes that the evidence in this matter is sufficient to establish that Mr. Perez no longer resides at the Cherry Avenue address at this time. Accordingly, the Commission, pursuant to its authority under General Statutes § 9-7b (a) (3) (E), orders the Waterbury Registrars of Voters to immediately remove Mr. Perez from the registry list.

Jose Laracuente – Pine Street

58. An application bearing Respondent Jose Laracuente's information and signature was submitted to the Waterbury Town Clerk on or about October 6, 2011. Luis Lopez declared on the application that he assisted Mr. Laracuente with filling it out. Mr. Lopez appears to have filled out most of the application on Mr. Laracuente's behalf. However, the signature on Laracuente's registration card matches the signature on the application.
59. At all times relevant to the instant Referral, Mr. Laracuente was a registered voter at the Pine Street address starting from October 2011 when his registration was moved from a prior Waterbury addresses. Mr. Laracuente has been a registered voter at various addresses in Waterbury since at least 2004.
60. The records of the Waterbury Registrar of Voters Office indicate that Mr. Laracuente did not cast an absentee ballot in the November 2011 General Election. Mr. Laracuente has never cast a ballot since becoming a registered voter.
61. The instant investigation of this matter revealed that a Loretta Lang was a leaseholder at the Pine Street address since 2005 and at all times relevant to the instant Referral. Mr. Laracuente and Ms. Lang were married, but divorced in 2005 and she moved into the Pine Street address. However, Ms. Lang, who is visually impaired, and Mr. Laracuente remained close friends. Mr. Laracuente was frequently at the Pine Street apartment to visit with Ms. Lang and assist her with her chores.

62. The investigation revealed that on or about October 2, 2011, Mr. Laracuate was visiting Ms. Lang when Luis Lopez knocked on the door and asked both Ms. Lang and Mr. Laracuate if they wished to vote by absentee ballot in the November 2011 General Election. At this time, Mr. Laracuate was a registered voter at an address on Hillside Avenue, a former residence at which Mr. Laracuate maintained his primary residence. Mr. Laracuate admits, and the investigation confirmed, that he currently lives at an address on Mitchell Avenue.
63. On or about October 2, 2011, Mr. Lopez provided Mr. Laracuate a voter registration card and an absentee ballot application and urged Mr. Laracuate to fill them out so that he could vote in the upcoming municipal election.¹
64. Mr. Laracuate admits that he did not read either document carefully. English is not his first language and both forms were in English and not in his native Spanish. While Mr. Lopez filled out the absentee ballot form for Mr. Laracuate, he did not explain anything to him about the bona fide residency requirements of registrations and/or the specific restrictions on absentee balloting enumerated in General Statutes § 9-135.
65. As Mr. Lopez distributed the absentee ballot in person, and not by mail, he was not subject to the notice requirements in General Statutes § 9-140 (l). As such, the responsibility to understand the nature and requirements on the forms was entirely Mr. Laracuate's.
66. Mr. Laracuate admits that he did not fully understand the ramifications of what he agreed to do and at no point was it his intent to make a false statement on an absentee ballot form.
67. Considering the aforesaid, the Commission concludes that the evidence is sufficient to establish that Respondent Jose Laracuate was not a bona fide resident at the Pine Street property in Waterbury at the time that he changed his registration and applied for the absentee ballot and at the time of the November 2011 General Election. However, the Commission also concludes that Mr. Laracuate was still a bona fide resident in the City of Waterbury, at the Mitchell Avenue address, and likely had a right to cast his ballot in that election. Moreover, the ballot at the Pine Street address was identical to the ballot at the Mitchell Avenue address, as all offices being considered in Waterbury that election were at-large.

¹ Mr. Lopez also provided an absentee ballot application for Ms. Lang, which she filled out and returned. Ms. Lang cited illness as her reason for applying for the absentee ballot application. Ms. Lang cast an absentee ballot in this 2011 General Election. The instant Referral does not allege any impermissible activity on Ms. Lang's behalf.

68. As such, while Respondent Laracuate provided a false statement on his absentee ballot application and registration card, this ultimately proved immaterial, as he had never lost the right to cast his ballot during that election. Moreover, no vote was ever ultimately cast under either address. Taking the above into consideration, the Commission declines to take any further action concerning Mr. Laracuate.
69. However, the Commission also concludes that the evidence in this matter is sufficient to establish that Mr. Laracuate no longer resides at the Pine Street address at this time. Accordingly, the Commission, pursuant to its authority under General Statutes § 9-7b (a) (3) (E), orders the Waterbury Registrars of Voters to immediately remove Mr. Laracuate from the registry list and send notice of this removal to Mr. Laracuate at both the Pine Street address as well as 2 Mitchell Avenue in Waterbury.

Andrea Bailey – Pine Street

70. An application bearing Respondent Andrea Bailey's information and signature was submitted to the Waterbury Town Clerk on or about October 6, 2011. Luis Lopez declared on the application that he assisted Ms. Bailey with filling it out. Mr. Lopez appears to have filled out most of the application on Ms. Bailey's behalf. However, the signature on Ms. Bailey's registration card matches the signature on the application.
71. Ms. Bailey was a registered voter at the Pine Street address starting in March 2011 and at all times relevant to the instant Referral. She remains a registered voter at this address at present.
72. Thelma Bailey, whom Management at the Pine Street address reported was Ms. Andrea Bailey's mother, was also a registered voter at the same address at all times relevant to the instant Referral. She also remains a registered voter at this address at present.
73. Management at the Pine Street address confirmed that Ms. Thelma Bailey was a lease-holding resident at that address from approximately March 2007 until she moved out in October 2011.
74. Ms. Andrea Bailey was not identified on any lease or in any other records at the facility. However, facility management confirmed that it was not uncommon for undeclared individuals to be living in facility apartments without specific knowledge of facility management.
75. Management at the Pine Street address confirmed that Ms. Thelma Bailey moved out in October 2011 and left no forwarding address.

76. The records of the Waterbury Registrar of Voters Office indicate that neither Ms. Thelma Bailey nor Respondent Andrea Bailey cast a ballot in the November 2011 General Election or any subsequent election, primary or referendum.
77. After its investigation, the Commission was unable to locate either the Respondent Ms. Andrea Bailey or Ms. Thelma Bailey, the leaseholder. Based on the investigation in this matter, the Commission concludes that the evidence is inconclusive as to whether Respondent Andrea Bailey lacked bona fide residence at the Pine Street address at the time she applied for an absentee ballot. The evidence suggests, but is inconclusive, that she was related to Ms. Thelma Bailey. Moreover, her voter registration date coincides with the date that Ms. Thelma Bailey first moved into the Pine Street address.
78. Considering the aforesaid, the Commission concludes that the evidence is insufficient to establish that Respondent Andrea was not a bona fide resident at the Pine Street property in Waterbury at the time that she applied for the absentee ballot. As such, the Commission declines to conclude that Respondent Andrea Bailey provided a false statement on her absentee ballot application.
79. However, the Commission also concludes that Respondent Andrea Bailey was not a bona fide resident at the Pine Street property at the time of the election itself, as the only known connection to the property, Ms. Thelma Bailey, moved out in October 2011. As the evidence in this matter is sufficient to establish that Ms. Andrea Bailey and Ms. Thelma Bailey do not reside at the Pine Street address at this time, the Commission, pursuant to its authority under General Statutes § 9-7b (a) (3) (E), orders the Waterbury Registrars of Voters to immediately remove these individuals from the registry list.

Brian Lozada – Pine Street

80. An application bearing Respondent Brian Lozada's information and signature was submitted to the Waterbury Town Clerk on or about October 6, 2011. Luis Lopez declared on the application that he assisted Mr. Lozada with filling it out. Mr. Lopez appears to have filled out most of the application on Mr. Lozada's behalf. However, the signature on Lozada's registration card matches the signature on the application.
81. Respondent Brian Lozada was a registered voter at the Pine Street address starting in October 2011 and at all times relevant to the instant Referral. He remains a registered voter at this address at present.
82. Mr. Lozada was not identified on any lease or in any other records at the Pine Street facility.

83. The instant investigation of this matter revealed that Mr. Lozada's mother was a resident at the Pine Street address at all times relevant to the instant Referral. During the relevant period, Mr. Lozada was caring for his mother in her apartment while she recovered from an illness. Mr. Lozada slept at the apartment most nights and kept his belongings there during the three months of his mother's recovery from September 2011 through November 2011, at which point he moved out of the apartment. The investigation did not reveal a forwarding address.
84. The records of the Waterbury Registrar of Voters Office indicate that Mr. Lozada did not ultimately cast a ballot in the November 2011 General Election or any subsequent election, primary or referendum.
85. Considering the aforesaid, the Commission concludes that the evidence is insufficient to establish that Respondent Brian Lozada was not a bona fide resident at the Pine Street property in Waterbury at the time that he applied for the absentee ballot. As such, the Commission declines to conclude that Respondent Lozada provided a false statement on his absentee ballot application.
86. However, the Commission also concludes that the evidence in this matter is sufficient to establish that Mr. Lozada no longer resides at the Pine Street address at this time. Accordingly, the Commission, pursuant to its authority under General Statutes § 9-7b (a) (3) (E), orders the Waterbury Registrars of Voters to immediately remove Mr. Lozada from the registry list.

Ivan Grillasca – Pine Street

87. An application bearing Respondent Ivan Grillasca's information and signature was submitted to the Waterbury Town Clerk on or about October 6, 2011. Luis Lopez declared on the application that he assisted Mr. Grillasca with filling it out. Mr. Lopez appears to have filled out most of the application on Mr. Grillasca's behalf. However, the signature on Mr. Grillasca's registration card matches the signature on the application.
88. Ivan Grillasca was a registered voter at the Pine Street address starting in October 2010 and at all times relevant to the instant Referral. He remains a registered voter at this address at present.
89. Mr. Grillasca was not identified on any lease or in any other records at the Pine Street facility.
90. The instant investigation of this matter revealed that Mr. Grillasca's grandmother, Marta Gali, was a resident at the Pine Street address at all times relevant to the instant Referral.

During the relevant period, Mr. Grillasca was in college in Pennsylvania, but claimed his grandmother's property as his primary home. He stayed there when not at college during the relevant period in this matter. Presently, Mr. Grillasca is no longer in college and lives at the address full time and works in Waterbury.

91. The records of the Waterbury Registrar of Voters Office indicate that Mr. Grillasca did not ultimately cast a ballot in the November 2011 General Election or any subsequent election, primary or referendum. He cast his last ballot in the November 2010 General Election.
92. Considering the aforesaid, the Commission concludes that the evidence is insufficient to establish that Respondent Ivan Grillasca was not a bona fide resident at the Pine Street property in Waterbury at the time that he applied for the absentee ballot. As such, the Commission declines to conclude that Respondent Grillasca provided a false statement on his absentee ballot application.

Daniel Rivera Sr., Daniel Rivera Jr. and Brenda Rivera – Pine Street

93. Absentee ballot applications bearing the information and signatures of Respondent Daniel Rivera Sr., Daniel Rivera Jr. and Brenda Rivera were submitted to the Waterbury Town Clerk on or about October 6, 2011. Luis Lopez declared on the application that he assisted each applicant with filling out such individual's application. Mr. Lopez appears to have filled out most of the application on each applicant's behalf. The signature on Daniel Rivera, Sr.'s registration card matches his application. However, the signatures on Daniel Rivera Jr.'s and Brenda Rivera's registration cards do not match the signature on their applications. Daniel Rivera, Jr. and Brenda Rivera are Daniel Rivera, Sr.'s children.
94. At all times relevant to the instant Referral, Daniel Rivera, Sr. was a registered voter at the Pine Street address starting from October 2006 when his registration was moved from a prior Waterbury addresses. He has been a registered voter at various addresses in Waterbury since at least 2005. He has been a registered voter since 1992.
95. At all times relevant to the instant Referral, Daniel Rivera, Jr. was a registered voter at the Pine Street address starting from September 2010 when his registration was moved from a prior Waterbury addresses. He has been a registered voter at various addresses in Waterbury since at least 2004. He has been a registered voter since 1995.
96. At all times relevant to the instant Referral, Brenda Rivera was a registered voter at the Pine Street address starting in October 2006.

97. The records of the Waterbury Registrar of Voters Office indicate that Daniel Rivera, Sr. did cast an absentee ballot in the November 2011 General Election.
98. The records of the Waterbury Registrar of Voters Office indicate that Daniel Rivera, Jr. did not cast an absentee ballot in the November 2011 General Election.
99. The records of the Waterbury Registrar of Voters Office indicate that Brenda Rivera did not cast an absentee ballot in the November 2011 General Election. She has never cast a ballot since becoming a registered voter.
100. The instant investigation of this matter revealed that Mr. Daniel Rivera, Sr. was the leaseholder at the Pine Street address at all times relevant to the instant Referral, but that neither Daniel Rivera, Jr. nor Brenda Rivera appear in the records of the management of the facility.
101. However, the instant investigation also revealed that both Daniel Rivera, Jr. and Brenda Rivera lived with their father. Brenda has an impairment and requires her father's care.
102. The investigation revealed that on or about October 2, 2011, Luis Lopez knocked on the door and spoke with Mr. Daniel Rivera Sr. and asked if he and his children wished to vote by absentee ballot in the November 2011 General Election. At this time, Daniel Rivera, Sr. was the only individual present in the apartment. Mr. Lopez provided Mr. Rivera, Sr. an absentee ballot application and urged him to fill them out so that he could vote in the upcoming municipal election. Mr. Rivera, Sr. asked Mr. Lopez if he could sign the absentee ballot applications for his children who were not present at the time and Mr. Lopez answered affirmatively that he believed that he could as their father. Mr. Rivera, Sr. admits that he signed the applications for his children.
103. Mr. Rivera, Sr. admits that he did not read the documents carefully. English is not his first language and both forms were in English and not in his native Spanish. While Mr. Lopez filled out the absentee ballot forms for Mr. Rivera, Sr., he did not explain anything to him about the specific restrictions on absentee balloting enumerated in General Statutes § 9-135. Moreover, Mr. Lopez did not explain to him that a 3rd party may only sign an absentee ballot application on another's behalf when the individual requesting the ballot cannot write, designates the signer as his agent and the signer specifically acknowledges the agency on the form. See General Statutes § 9-140 (a), *supra*.
104. As Mr. Lopez distributed the absentee ballot in person, and not by mail, he was not subject to the notice requirements in General Statutes § 9-140 (l). As such, the responsibility to understand the nature and requirements on the forms was entirely Mr. Rivera, Sr.'s.

105. Mr. Rivera, Sr. admits that he did not fully understand the ramifications of what he agreed to do and at no point was it his intent to make a false statement on an absentee ballot form.
106. Considering the aforesaid, the Commission concludes that the evidence is sufficient to establish that Respondents Daniel Rivera Sr., Daniel Rivera Jr. and Brenda Rivera were bona fide residents at the Pine Street property in Waterbury at the time that the applications for the absentee ballots were submitted and at the time of the November 2011 General Election. However, the Commission also concludes that Mr. Rivera, Sr. provided a false statement on his children's absentee ballot applications by signing on their behalf.
107. However, the Commission also considers that while it was Mr. Rivera, Sr.'s responsibility to understand the forms, he relied on the misrepresentations of Mr. Lopez when he executed the applications on behalf of his children.
108. Moreover, while Respondent Rivera, Sr. provided a false statement on his children's absentee ballot applications, this ultimately proved immaterial, as both were eligible voters living at the property and no vote was ever ultimately cast by either individual. Taking the above into consideration, the Commission declines to take any further action concerning Mr. Rivera, Sr.

Luis Lopez

109. Considering the aforesaid, while the Commission finds that Mr. Lopez's carelessness was either the proximate cause of, or at the very least could have prevented, the errors by Mr. Laracuate and Mr. Rivera, Sr., we cannot conclude that Mr. Lopez made any false statements in the applications upon which he was an assister. The requirements of an assister are merely to acknowledge that such individual assisted the elector with the application; there is no requirement that such individual verify the truth of the statements within the application. As such, the Commission declines to conclude that Mr. Lopez committed any violations under the facts in this matter.

ORDER

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

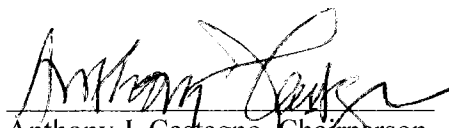
As to the following individual respondents:

<u>Theresa Grifa:</u>	Dismissed
<u>Leonard Capone:</u>	No further action
<u>George Mattocks:</u>	Dismissed
<u>Marlana Middleton:</u>	Dismissed
<u>Richard Perez II:</u>	Dismissed
<u>Jose Laracuente:</u>	No further action
<u>Andrea Bailey:</u>	Dismissed
<u>Brian Lozada:</u>	Dismissed
<u>Ivan Grillasca:</u>	Dismissed
<u>Daniel Rivera, Sr.</u>	No further action
<u>Daniel Rivera, Jr.</u>	Dismissed
<u>Brenda Rivera:</u>	Dismissed
<u>Luis Lopez:</u>	Dismissed

Additionally, the Commission, pursuant to its authority under General Statutes § 9-7b (a) (3) (E), orders the Waterbury Registrars of Voters to immediately remove the following individuals from the registry list:

Theresa Grifa (Center Street)
Richard Perez II (Cherry Avenue)
Jose Laracuente (Pine Street)
Andrea Bailey (Cherry Avenue)
Thelma Bailey (Cherry Avenue)
Brian Lozada (Pine Street)

Adopted this 21st day of August, 2013 at Hartford, Connecticut.


Anthony J. Castagno, Chairperson
By Order of the Commission