

STATE OF CONNECTICUT
STATE ELECTIONS ENFORCEMENT COMMISSION

In the Matter of a Complaint by Peter J. Gostin,
New Britain

File No. 2013-041

FINDINGS AND CONCLUSIONS

Complainant brought this complaint pursuant to General Statutes §9-7b, alleging that James Rodriguez (hereinafter "Respondent") voted in-person *and* by Presidential Ballot in the City of New Britain at the November 6, 2012 election in violation of General Statutes § 9-360.

After investigation, the Commission makes the following findings and conclusions:

1. Complainant at all times relevant to this complaint was the Republican Registrar of Voters for the City of New Britain.
2. Respondent cooperated with this investigation and does not deny that he completed a Presidential Ballot application and ballot at the November 6, 2012 in the City of New Britain *and* thereafter went to the polls and voted in person. However, Respondent claims that he was following instructions of elections officials at that time, was very confused by the process of voting, and was not aware that he was voting more than once on November 6, 2012.
3. Upon investigation, the Commission finds that on November 6, 2012 Respondent went to the New Britain Registrars' office to register to vote and vote in the election. Further, the Commission finds that Respondent, after speaking with an individual at the aforementioned office, proceeded down to the City Clerk's office under the impression that he needed to complete an application and vote by Presidential Ballot.
4. Additionally, the Commission finds that Respondent presented himself at the City Clerk's office on November 6, 2012 and requested and completed an *Application for Presidential Ballot – Unregistered Resident, Former Resident* (ED-30 Rev. 12/03). Respondent at that time also received and completed a voter registration card checking the box "New Voter Registration." Respondent provided 217 Fremont Street as his address and 136 Claremont Street, New Britain as address "Before becoming a resident of said town."
5. The Commission further finds that Respondent, after executing a Presidential Ballot, was informed by an individual in the City Clerk's office that he was on the voter registry list and could vote in-person at the November 6, 2012 election. Respondent admits that remaining uncertain of the process he proceeded to the District 7 polling place at the State Armory and voted in what he claims was his mistaken belief that he had been instructed to do so by town officials.


6. The Commission finds Respondent's admission of uncertainty in connection with his efforts to vote *along with* the issuance of both a Presidential Ballot by town officials *and* the indication that Respondent remained on the voter registry, leads to an inference of mistaken belief rather than an intention to commit fraud by the Respondent with regards to executing more than one ballot on November 6, 2012.
7. The Commission finds after investigation and review of pertinent documents from City of New Britain, as well as interviews of relevant municipal and election officials, insufficient evidence to establish that Respondent *with the intent to commit fraud* voted twice at the November 6, 2012 in violation of General Statutes § 9-360.
8. The Commission for the reasons detailed herein therefore declines to take further action under these limited and specific circumstances against Respondent and therefore dismisses this complaint regarding a potential violation of General Statutes § 9-360.

ORDER

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

That the complaint is dismissed.

Adopted this 15th day of January, 2014, at Hartford, Connecticut.


Anthony J. Castagno, Chairman
By Order of the Commission