

STATE OF CONNECTICUT
STATE ELECTIONS ENFORCEMENT COMMISSION

Referral of Hartford Democratic Registrar of Voters Olga Vasquez

File No. 2014-162

FINDINGS AND CONCLUSIONS

The Complainant alleged that Respondent Clorinda Soldevila cast an absentee ballot in the November 4, 2014 and then voted again at her polling place under false pretenses.¹

1. At all times relevant to the instant Complaint, the Referring Official was the Democratic Registrar of Voters for the City of Hartford.
2. The events in this Referral concern the November 4, 2014 General Election in the City of Hartford.
3. The Respondent here is Clorinda Soldevila, an elector in the City of Hartford.
4. The Referring Official alleged that Ms. Soldevila came to City Hall in the morning of the November 4, 2014 General Election and spoke with her, asserting that she had been informed by the Town Clerk that her absentee ballot had not been received by that office. However, the Referring alleged that her name had been crossed off the official registry list.
5. The Referring Official alleged that Ms. Soldevila informed her, with witnesses present, that she would be going to her polling place to cast a ballot.
6. The Referring Official alleged that she personally remembered seeing the envelope enclosing Ms. Soldevila's absentee ballot and that she had personally instructed her staff to cross off the name.

¹ The following are the Commission's findings and conclusions based on those portions of the Complainant's statement of complaint which the Commission could reasonably construe as alleging facts amounting to a specific violation of those laws within the Commission's jurisdiction. Any statements within the Complaint not addressed herein either did not specifically allege a violation or alleged facts which if proven true would not have amounted to a violation within the Commission's jurisdiction.

7. The Referring Official alleges that Ms. Soldevila went to her polling place and was able to vote by alleging an error by an election official.
8. The Referring Official alleges that she believes that Ms. Soldevila may have voted twice in the November 4, 2014 General Election in the City of Hartford.

LAW

9. General Statutes § 9-7b (a) (2) (C) reads, in pertinent part:

State Elections Enforcement Commission's duties and powers. (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, . . .

10. General Statutes § 9-232a reads, in pertinent part:

Any elector qualified to vote and offering to vote at any election, who is denied the right to *vote because his name has been checked off on the check list in use at his polling place, but who claims that he has not in fact voted or offered himself to vote either in person or by absentee ballot*, shall be permitted to vote upon signing and furnishing to the moderator a statement, under penalties of false statement, that he is an elector qualified to vote in that election and has neither offered himself to vote nor voted in person or by absentee ballot at said election (Emphasis added.)

11. General Statutes § 9-232b reads, in pertinent part:

Any person wilfully making a false statement in a statement which he signs and furnishes to a moderator of an election under section 9-232a shall be guilty of false statement, as provided in section 9-8, and shall be subject to the penalties provided for false statement

12. General Statutes § 9-360 reads, 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.

RESPONSE

13. The Respondent asserts that many days prior to Election Day November 4, 2014 she checked with the Office of the Town Clerk to inquire whether her absentee ballot had been received by their office and had been informed by that office, up to and including Election Day, her absentee ballot had not been received by that office.
14. The Respondent asserts that she did nothing wrong in going down to her polling place and requesting that she be allowed to vote due to an error by the Registrar of Voters' Office.

FACTUAL FINDINGS

15. The investigation here was extensive and involved interviews and/or statements from multiple members of the staff of the Registrars of Voters, including but not limited to the Referring Official, the Respondent, Assistant Town Clerk Eric Lusa, Democratic Deputy Registrar of Voters Garey Coleman, Ms. Bowen, Registrar of Voters staff member Anthony Reid and others in those offices.
16. Additionally, the investigation here involved extensive reviews of the records of the November 4, 2014 General Election of both the Registrar of Voters' Office and the Office of the Town Clerk.
17. Key to the investigation here was a review of the records of absentee ballots received by the Town Clerks Office, as well as of the outer envelopes of the absentee ballots received by the City of Hartford in that election and impounded after the filing of the instant Complaint.

18. The Hartford Town Clerk's Office did not record receiving an absentee ballot set from the Respondent and the Respondent's absentee ballot set was not found among the 1309 absentee ballot sets retained by the Hartford Town Clerk.
19. After a full investigation, the Commission finds that no record supports the Referring Official's assertion that the Respondent's absentee ballot set was received by the City of Hartford other than the cross off on the Official Registry List.
20. Moreover, the Commission finds that no witness could corroborate the Referring Official's claim of seeing Ms. Soldevila's absentee ballot set. Ms. Bowen supported the Referring Official's recitation of events; the evidence supports that Ms. Bowen crossed the name off the Official Registry List. However, Ms. Bowen did not claim to personally witness the absentee ballot set.

CONCLUSION

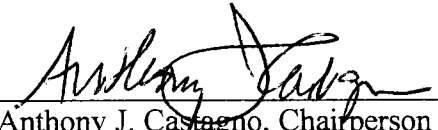
21. Considering the aforesaid, the Commission concludes that the investigation into this Referral revealed no evidence supporting the allegations made herein.
22. Accordingly, this matter should be dismissed.

ORDER

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

Dismissed.

Adopted this 18th day of January, 2017 at Hartford, Connecticut.


Anthony J. Castagno, Chairperson
By Order of the Commission