

**STATE OF CONNECTICUT**  
**STATE ELECTIONS ENFORCEMENT COMMISSION**

In the Matter of a Referral by Darlene Burrell and Lynn Joyal,  
Town of Suffield Registrars of Voters

File No. 2017-008

**AGREEMENT CONTAINING A CONSENT ORDER**

This agreement, by and between Ariel Aimee Rogeness, of the Town of Windsor Locks, County of Hartford, State of Connecticut (hereinafter "Respondent") and the authorized representative of the State Elections Enforcement Commission, is entered into in accordance with Section 9-7b-54 of the Regulations of Connecticut State Agencies and Section 4-177 (c) of the General Statutes of Connecticut. In accordance herewith, the parties agree that:

1. Town of Suffield Registrars of Voters Darlene Burrell and Lynn Joyal referred this matter pursuant to General Statutes § 9-7b (a) alleging that "*non-Suffield resident Ariel Aimee Rogeness ... voted in Suffield's Presidential Election on November 8, 2016 after signing two affidavits swearing that she resided at 790 East Street North, Suffield, CT.*"
2. The Suffield Registrars asserted that they had obtained information, from Respondent and the National Change of Address System that Respondent did *not* reside in Suffield. Rather, according to the Registrars, they learned after the November 8, 2016 election that she resided at 253 Elm Street, Windsor Locks, Connecticut.
3. The Registrars referred this matter believing that the following alleged violations occurred: "*§ 9-8 Penalty of False Statement, § 9-12 Who May Be Admitted and § 9-19j Election Day Registration.*" There is no allegation or indication that Respondent voted more than once at the November 8, 2016 election. Respondent has no prior history with the Commission.
4. General Statutes § 9-8, provides:  
*Any person who makes a false statement in any statement required to be signed under the penalties of false statement under this title and, except as otherwise provided by law, any person who signs the name of another to any such statement shall be guilty of false statement, which shall be deemed to have been committed in the town where such statement is filed and shall be subject to the penalties provided for false statement. [Emphasis added.]*

5. 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.]
6. General Statutes § 9-19j, provides in pertinent part:
- (a) As used in this subsection and subsections (b) to (i), inclusive, of this section, “election day” means the day on which a regular election, as defined in section 9-1, is held.
  - (b) Notwithstanding the provisions of this chapter, a person who (1) is (A) not an elector, or ***(B) an elector registered in a municipality who wishes to change his or her registration to another municipality pursuant to the provisions of subdivision (2) of subsection (e) of this section, and (2) meets the eligibility requirements under subsection (a) of section 9-12, may apply for admission as an elector on election day pursuant to the provisions of subsections (a) to (i), inclusive, of this section.***
  - (c) (1) The registrars of voters shall designate a location for the completion and processing of election day registration applications on election day, provided the registrars of voters have access to the state-wide centralized voter registration system from such location.  
...  
***(d) Any person applying to register on election day under the provisions of subsections (a) to (i), inclusive, of this section shall make application in accordance with the provisions of section 9-20, provided (1) on election day, the applicant shall appear in person at the location designated by the registrars of voters for election day registration, (2) an applicant who is a student enrolled at an institution of higher education may submit a current photo identification card issued by said institution in lieu of the identification required by section 9-20, and (3) the applicant shall declare under oath that the applicant has not previously voted in the election. If the information that the applicant is required to provide under section 9-20 and subsections (a) to (i), inclusive, of this section does not include proof of the applicant's residential address, the applicant shall also submit identification that shows***

*the applicant's bona fide residence address*, including, but not limited to, a learner's permit issued under section 14-36 or a utility bill that has the applicant's name and current address and that has a due date that is not later than thirty days after the election or, in the case of a student enrolled at an institution of higher education, a registration or fee statement from such institution that has the applicant's name and current address.

...

(B) If there is no such report that such applicant already voted in the other municipality, the registrars of voters of the municipality in which the applicant seeks to register shall admit the applicant as an elector and the privileges of an elector shall attach immediately.

...

***(g) The elector shall forthwith mark the election day registration ballot in the presence of the registrars of voters in such a manner that the registrars of voters shall not know how the election day registration ballot is marked. The elector shall place the election day registration ballot in the election day registration ballot envelope provided, and deposit such envelope in a secured election day registration ballot depository receptacle. .... The election day registration depository envelope shall be preserved by the registrars of voters for the period of time required to preserve counted ballots for elections.***

[Emphasis added.]

7. General Statutes § 9-19k, provides in pertinent part:

(a) The Secretary of the State shall establish and maintain a system for online voter registration. Such system shall also permit a registered elector to apply for changes to such elector's registration. An applicant may register to vote through this system, provided the applicant's (1) registration information is verifiable in the manner described in subsection (b) of this section, and (2) signature is in a database described in said subsection (b) and such signature may be imported into such system for online voter registration.

...

(c) The submission of an online application shall contain all of the information that is required for an application under section 9-23h, except that a signature shall be obtained from another state agency's database pursuant to subsection (b) of this section.

(d) In order for an applicant's registration or change in registration to be approved, the applicant shall mark the box associated with the following statement included as part of the online application: "By clicking on the box below, I swear or affirm all of the following under penalty of perjury:

(1) I am the person whose name and identifying information is provided on this form, and I desire to register to vote in the State of Connecticut.

(2) All of the information I have provided on this form is true and correct as of the date I am submitting this form.

...  
(g) ***Nothing in this section shall prevent the registrars of voters or any election official appointed by such registrars of voters to admit any applicant as an elector from utilizing the online voter registration system established pursuant to this section for the purpose of admitting such applicant on election day pursuant to section 9-19j.*** [Emphasis added.]

8. 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. ...

...  
(c) ***The application for admission as an elector shall include a statement that (1) specifies each eligibility requirement, (2) contains an attestation that the applicant meets each such requirement, and (3) requires the signature of the applicant under penalty of perjury.*** ... If a person applies for admission as an elector in person to an admitting official, such admitting official shall, upon the request of the applicant, administer the elector's oath. [Emphasis added.]

7. General Statutes § 9-172 further details the eligibility requirements for voting in a state election:  
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.]
9. The facts in this matter are uncontested. This referral occurred after Respondent, upon inquiry by the Suffield ROVs, admitted that she resided in Windsor Locks. Further, the Registrars provided a copy of Respondent's "*Confirmation of Voting Residence – Return Form*" that indicates that Respondent identified 253 Elm Street, Windsor Locks, as her new address and that she had resided there since February 2015. Respondent signed and dated the aforementioned form on September 3, 2015, prior to the November 8, 2016 election.
10. Despite this, the Commission finds after investigation, that Respondent appeared at the Election Day Registration location in Suffield and voted in the November 8, 2016 election in Suffield. Specifically, the Commission finds that Respondent voted using her driver's license with a Suffield address, completing an online Connecticut voter registration application and signing an affirmation confirming her address and eligibility to register and vote in Suffield.
11. The Commission notes that Respondent cooperated with this investigation and provided a detailed written response with attachments to Commission staff. Respondent admitted that on the day of the November 8, 2016 general election she was living at 235 Elm Street, Windsor Locks. However, Respondent asserts that she believed it was permissible because she continued to consider her Suffield address as her home.

12. According to Respondent, besides regularly returning to her former house in Suffield, she had “also continued to spend time during that period [prior to the election] at 790 East Street, Suffield, the family home where [she] grew up, although minimally so in 2016.” Respondent provided a copy of her current driver’s license with her written response and asserted that:

*While I may have been in error, I have always deemed Suffield as my official home base and place of residence for business and governmental purposes, including voting. I made a good faith decision to vote in Suffield in November.*
13. After investigation, the Commission finds nothing to contradict Respondent’s assertion that she viewed the Suffield address as being her “family home.” Further, the Commission finds that claim was consistent with corroborating information provided by a family member in the course of this investigation.
14. Respondent explained that she believed it was permissible to vote in Suffield because at all times prior to voting in November 2016, her bank account, car registration, State and Federal Tax returns, and her address for insurance purposes all identified 790 East Street, Suffield as her address.
15. The Commission notes that Respondent in the course of the investigation has since registered to vote in Windsor Locks and asserts that she has committed to consolidating “all [her] affairs” at her address in Windsor Locks.
16. The Commission considers voting in a jurisdiction, other than the one where the voter maintains her *bona fide* residence, to be a serious matter. *See Complaint by Darlene F. Burrell and Lynn F. Joyal*, Suffield, File No. 2013-075; *Complaint by Maria Valle*, Bridgeport, File No. 2013-137B. However, when a lack of intent is found the Commission has not referred such matter to the Chief State’s Attorneys’ Office. *Id.*
17. In this instance, the Respondent had moved from Suffield to Windsor Locks in February 2015, prior to the November 8, 2016 election. The Respondent claims she reasonably believed she could still register and vote in Suffield, because of continuing connections to her “family home” and the use of its address for tax, license and insurance purposes.
18. The Commission concludes that Respondent violated General Statutes § 9-172 by voting in Suffield where she was not legally qualified to do so and § 9-19j by completing an election day registration and ballot when not eligible to do so.
19. The Commission further concludes that Respondent also violated § 9-19k and § 9-20 by registering as an elector in Suffield using the Secretary of the State online system in order to vote by election day registration on November 8, 2016 election, when not eligible to do so.

20. Significantly, for purposes of weighing the egregiousness of these types of matters, and without diminishing the seriousness of Respondent's violations, the Commission stresses that that *there is no allegation or evidence that Respondent voted in more than one town at the November 8, 2016 election.*
21. Additionally, the Commission deems mitigating the fact that Respondent was credible and forthcoming in her response to questions and requests for information by Commission investigators pertaining to this this investigation and the circumstances surrounding her registering and voting in Suffield on November 8, 2016. Finally, the Commission notes that Respondent has no prior history with the Commission of similar acts or omissions pertaining to registering and voting in the wrong municipality.
22. The Commission, because of a lack of evidence to support the conclusion that Respondent purposefully voted and registered in Suffield with the knowledge that it was impermissible, therefore declines under these narrow and specific circumstances to exercise its authority pursuant to General Statutes § 9-7b (8) to refer this matter to the Chief State's Attorney office.
23. Furthermore, the Commission declines to exercise its civil penalty authority pursuant to General § 9-7b, as it believes the current order will be sufficient to ensure Respondent's future and continued compliance with relevant statutes based on the specific and narrow circumstances of this matter as detailed herein.
24. Finally, after investigation, the Commission finds insufficient evidence to support the conclusion that Respondent purposefully tried to evade the law in registering and voting in Suffield. The Commission therefore declines to pursue the allegation regarding an alleged "False Statement" by Respondent pursuant to General Statutes § 9-8 under these narrow facts.
25. The Respondent admits to all jurisdictional facts and agrees that this Agreement and Order shall have the same force and effect as a final decision and order entered into after a full hearing and shall become final when adopted by the Commission.
26. The Respondent waives:
  - a. Any further procedural steps;
  - b. The requirement that the Commission's decision contain a statement of findings of fact and conclusions of law separately stated; and,
  - c. All rights to seek judicial review or otherwise to challenge or to contest the validity of the Order entered into pursuant to this Agreement.

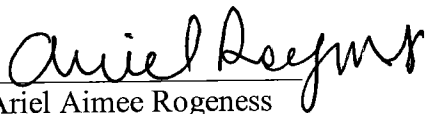
27. Upon Respondent's agreement to comply with the Order hereinafter stated, the Commission shall not initiate any further proceedings against Respondent regarding this matter.
28. It is understood and agreed by the parties to this Agreement that the Commission will consider this Agreement at its next available meeting and, if the Commission rejects it, the Agreement will be withdrawn and may not be used as an admission by the Parties in any subsequent hearing, proceeding or forum.

**ORDER**

IT IS HEREBY ORDERED that henceforth Respondent strictly comply with the requirements of General Statutes §9-19k, § 9-20 and § 9-172.

The Respondents:

BY:

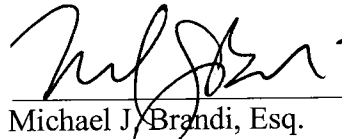


Ariel Aimee Rogeness  
235 Elm Street  
Windsor Locks, Connecticut

Dated: 10/10/17

For the State of Connecticut:

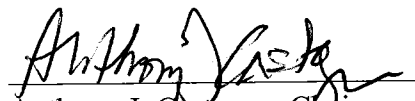
BY:



Michael J. Brandi, Esq.  
Executive Director and General Counsel  
and Authorized Agent of the  
State Elections Enforcement Commission  
20 Trinity Street, Suite 101  
Hartford, Connecticut

Dated: 10/12/17

Adopted this 18 day of October, 2017 at Hartford, Connecticut by vote of the Commission.



Anthony J. Castagno, Chairman  
By Order of the Commission