

**STATE OF CONNECTICUT
STATE ELECTIONS ENFORCEMENT COMMISSION**

In the Matter of Complaints by
Joseph J. Borges, Bridgeport &
Luci F. Corelli, Stamford

File Nos. 2008-131 & 135

FINDINGS AND CONCLUSIONS

Complainants, Joseph J. Borges, Republican Registrar of Voters, City of Bridgeport and Luci F. Corelli, Republican Registrar of Voters, City of Stamford, bring these complaints pursuant to General Statutes §9-7b, alleging that hundreds of Voter Registration Applications (“VRAs”) were submitted to their respective Registrars’ offices by Association of Community Organizations for Reform Now (hereinafter “ACORN”) with nonexistent addresses, duplicate applicants, and other deficiencies that they determined to be “problem cards.” Due to perceived threats to the integrity of the voter registration process prior to the 2008 election and consequent “burdens” on their offices in processing such VRAs, Complainants sought investigations of ACORN’s voter registration efforts in and around the cities of Bridgeport and Stamford.

After an investigation of this matter, the following findings and conclusions are made:

1. Complainant Borges alleged that: The organization ACORN during the summer of 2008 “conducted a registration drive which has produced over a hundred rejections due to incomplete forms and individuals who are not citizens, also [the Bridgeport Registrars] have a box of duplicate cards and three boxes of forms returned by the P.O. as undeliverable. All of this has put a strain on my office and jeopardizes our ability to enter legitimate registration cards. Enclosed are several copies of problem cards.”
2. Complainant Borges provided seven aforementioned “problem cards” with his complaint which he alleged contained specific deficiencies that had been submitted to the Bridgeport office by ACORN. Mr. Borges’ complaint was docketed as File No. 2008-131.
3. Complainant Corelli alleged that: “On or about August 1, 2008 [the Stamford Registrars] received from the Secretary of the State’s Office approximately 1200 voter registration cards from ACORN. Over 300 of these were rejected because of duplicates, under age, illegible, and invalid addresses.”
4. Complainant Corelli also enclosed several alleged “problem cards” with her complaint that the Stamford Registrar of Voters’ office had received from ACORN. Ms. Corelli’s complaint was docketed by the Commission as File No. 2008-135. The Complaints in File Nos. 2008-131 & 135 are each treated and considered herein.

5. In each instance described in paragraphs 1 through 4 above, Connecticut ACORN (hereinafter "CT ACORN"), an independent affiliate under the national body of ACORN, was the entity which submitted the VRAs to the Bridgeport and Stamford Registrars' offices which are the subjects of these complaints. Mr. Nicolas Garber-Grace was the State Head Organizer of CT ACORN. He responded to each complaint with great effort, candor and cooperation. As described herein, Mr. Graber-Grace volunteered extensive internal records of CT ACORN as well as copies of tens of thousands of VRAs solicited and processed by CT ACORN as part of their 2008 voter registration drive.

6. General Statutes § 9-23g provides in pertinent part:

(a) In addition to the procedures for admission of electors under sections 9-19b, 9-19c, 9-19e, 9-20 and 9-31, any person may apply to a registrar of voters of the town of his residence for admission as an elector in accordance with the provisions of this section and section 9-23h.

(b) The Secretary of the State shall prescribe, and provide to registrars of voters, town clerks and voter registration agencies, as defined in section 9-23n, application forms and other materials necessary to complete such application and admission process. The Secretary of the State, registrars of voters and town clerks shall provide a reasonable number of such forms and materials to any elector who requests such forms and materials. The secretary shall also, in the course of the secretary's elections duties, prepare instructions and related materials describing procedures for such application and admission process and shall provide the materials to registrars of voters and town clerks. The application shall contain the information required under section 9-23h. All statements of the applicant shall be made under the penalties of perjury. The application for admission as an elector shall include a statement that ***(1) specifies each eligibility requirement, (2) contains an attestation that the application meets each such requirement, and (3) requires the signature of the applicant under penalty of perjury.*** Nothing in this section or section 9-23h shall require that the application be executed in the state. An applicant who is unable to write may cause the applicant's name to be signed on the application form by an authorized agent who shall, in the space provided for the signature, write the name of the applicant followed by the word "by" and the agent's own signature. The completed

application may be mailed or returned in person to the office of the registrars of voters or the office of the town clerk of the applicant's town of residence or a voter registration agency. If the applicant entrusts the applicant's application to another person or to such a voter registration agency for mailing or return to the registrars of voters, such person or agency ***shall immediately mail or return the application***. Any such voter registration agency shall also provide the applicant with an application receipt, on which the agency shall record (A) the date that the agency received the application, using an official date stamp bearing the name of the agency, and (B) the party affiliation, if any, of the applicant. The agency shall provide such receipt whether the application was submitted in person or by mail. The town clerk shall promptly forward any application which the town clerk receives to the registrars of voters. Such application form shall be provided by or authorized by the Secretary of the State. [Emphasis added.]

7. General Statutes § 9-357 provides,

Any person who fraudulently procures himself or another to be registered as an elector shall be fined not more than five hundred dollars or imprisoned not more than one year or be both fined and imprisoned.

8. General Statutes §9-23 provides that “If the applicant entrusts his application to another person or agency for mailing or return to the registrars of voters, such person or agency shall immediately mail or return the application;” while §9-357 states in part that “any person who fraudulently procures himself or another to be registered as an elector shall be fined not more than five hundred dollars or imprisoned not more than one year or be both fined and imprisoned.”
9. The Commission pursuant to its authority in General Statutes § 9-7b and cognizant of its powers pertaining to interpreting and applying §§ 9-23g and 9-357, conducted extensive field investigations and interviews to determine the nature and integrity of CT ACORN’s voter registration and canvassing efforts prior to the 2008 election.
10. The Commission, pursuant to § 9-7b (7), consulted with the Chief State’s Attorney regarding these matters, as well as with Special Agents with the Department of Justice, Federal Bureau of Investigation, to determine any mutual or reciprocal interests or jurisdiction pertaining to the investigation and pursuit of these matters. In each instance, the Commission offered the expertise of its Legal Unit in cooperation with the

aforementioned State and Federal authorities to determine a course of action, if any, necessary to resolve any issues discovered during or subsequent to its own investigations.

11. The Commission notes with appreciation that, while each of the agencies declined to independently pursue these matters based on these specific allegations and evidence, each nevertheless in comity offered its cooperation and efforts to the Commission as it undertook and executed its investigations into what it deemed matters of the utmost seriousness, including the voter registration process and upholding the integrity of the electoral process.
12. This investigation has required extensive document production and investigative resources. It has included multiple days of Commission staff field investigations, as well as extensive field interviews and interviews at Commission offices. In addition, staff investigators have attempted and conducted extensive telephone interviews. Additionally, numerous written demands and requests have been made of potential witnesses and Respondents.
13. Furthermore, Mr. Graber-Grace provided the Commission with an electronic database of some 20,000 VRAs that ACORN had processed. This data was received on February 17, 2009, which prolonged the staff's ability to develop and execute a strategy for investigation. Finally, the Commission finds that there was a persistent difficulty in identifying the location or whereabouts of both canvassers and applicants, many of whom appear to have short term rental agreements, are transient, or frequently move within the public housing system.
14. Since the filing of this Complaint, ACORN's national body, largely due to the withholding of Federal funds by Congress, has ceased operations. Specifically, on November 2, 2010, ACORN filed for I.R.C. Chapter 7 liquidation, effectively closing the organization.
15. ACORN also provided evidence of detailed Employment Records, which were used to screen individuals who were hired at \$8.00 an hour as canvassers for the voter registration drive. There were no bonuses paid by ACORN per voter registration card turned in by canvassers. In addition, ACORN supervisors screened batches of VRAs delivered by each canvasser, who was responsible for initialing each completed application in an effort to track the quality and accuracy of cards by individual canvasser. ACORN set a quality threshold of a 30% deficiency of VRAs turned in to assess whether a canvasser was adequately soliciting individuals, processing their VRAs and turning them in to ACORN.
16. Mr. Graber-Grace detailed the protocols of hiring and training the ACORN canvassers for the Bridgeport and Stamford area, and the system in place to verify the quality of the work. Individuals subsequently hired to canvass with VRAs were required to return each completed application to ACORN with their initials on each VRA they solicited to track the quality of individual canvassers work. ACORN, in turn, as required by § 9-23g (b) submitted *every* VRA to respective Registrars of Voters, regardless of whether they were incomplete, duplicative or otherwise defective.

17. After screening each VRA for deficiencies, CT ACORN identified on the top portion of each VRA whether CT ACORN deemed them deficient or not and then submitted them to Registrars' of Voters offices. Part of the voter registration drive included unit managers who were assigned a group of canvassers to manage. While ACORN hired district managers who assigned geographic areas to individual canvassers, permanent ACORN staff did not participate in the field with the canvassers to solicit VRAs.
18. Based on documents, protocols and evidence that indicating a system that included screening and checking individual canvassers, as well as the protocols in place prior to the complaint which detailed a system to monitor the quality of VRAs, the Commission finds that there was no systemic or institutional attempt by CT ACORN to manipulate the voter registration drive, or the content of the VRAs that were the results of the drive. Further, the Commission finds that CT ACORN, prior to the Commission's receipt of either of these complaints, maintained a system designed to prevent or diminish inaccuracies or inefficiencies in the voter registration drive, as well as in the process and submission of VRAs to Registrars of Voters. The Commission finds that CT ACORN by flagging on the top portion of the VRA what they deemed incomplete or otherwise defective VRAs to respective Registrars' offices evidenced great care in concern in maintaining the integrity of their voter registration drive. Unfortunately, these attempts to flag problem cards were rendered useless upon processing when the top portion of the VRA was separated and discarded from the voter registration card below which was retained for record keeping.
19. Upon excluding any institutional role by CT ACORN, the Commission focused on and narrowed its investigations regarding those individual canvassers who were responsible for soliciting the VRAs and turning them into their field managers for further review by CT ACORN. To this end, the Commission notes the Commission investigators made extensive field investigations which included verification of addresses on "problem" cards, as well as field interviews with individuals whose names appeared on suspect VRAs.
20. The Commission finds that six canvassers in Bridgeport could be linked to a sampling of suspect or deficient VRAs. The investigation revealed the following regarding these individuals:
 - a. Bridgeport Canvasser A submitted a VRA to the Respondent for a Juan Cajigas, which was then turned over to the Bridgeport Registrar's Office ("Bridgeport ROV"). The Complainant alleges that Mr. Cajigas already had a registration on file with the Bridgeport ROV and that the signature on this new VRA did not match the signatures on Mr. Cajigas' prior VRAs on file with the Bridgeport ROV. After investigation, including field visits to Mr. Cajigas' home and interviews with Mr. Cajigas, the Commission finds the final VRA, attributed to Canvasser A, was verified by the Bridgeport ROV as being valid. Moreover, the signature on the VRA collected by Bridgeport Canvasser A and submitted by the Respondent was verified by Mr. Cajigas' as being his own. And, it is not impermissible *per se* to submit multiple VRAs for the same individual so long as that individual has agreed to do so and signed the VRA

under his own volition. That is, even though Mr. Cajigas was already a registered voter in the City of Bridgeport, it was not impermissible for Canvasser A to collect the VRA or for the Respondent to submit the VRA to the Bridgeport ROV. Accordingly, considering the aforesaid, the Commission finds that there was insufficient evidence to corroborate the Complainant's allegation that either the registrant, Canvasser A or the Respondent procured and/or submitted such application fraudulently or that the registrant violated General Statutes § 9-23g.

- b. Bridgeport Canvasser B submitted a VRA to the Respondent for a Stephanie Jurkowski, which was then turned over to the Bridgeport ROV. The Complainant alleges that Ms. Jurkowski lived in Stratford rather than Bridgeport and alleges further that she told his office that she was pressured to fill out the VRA by the canvasser. The VRA submitted to the Bridgeport ROV by the Respondent included other identifying information for Ms. Jukowski, including but not limited to her street address, but does not include her town of residence. After investigation by the Bridgeport ROV, Ms. Jurkowski's true residence was discovered in Stratford and the VRA was forwarded to that town's ROV. In an interview with Ms. Jurkowski in Stratford, she maintained that Bridgeport Canvasser B approached her at a Bridgeport shopping center and asked her to fill out a VRA, which she agreed to do. However, she did not concur with the Complainant's allegation that she was pressured to fill out the application. Moreover, Ms. Jurkowski stated that it was she who filled out the VRA and signed it, but forgot to include her town. Accordingly, there was insufficient evidence to corroborate the Complainant's allegation that either the registrant, Bridgeport Canvasser B or the Respondent procured and/or submitted such application fraudulently or that the registrant violated General Statutes § 9-23g.
- c. Bridgeport Canvasser C submitted a VRA to the Respondent for two voters, Frankie Coss and Philly Shelley, which were then turned over to the Bridgeport ROV. The Complainant alleges that Mr. Coss told him that he did not fill out or sign the VRA submitted by Bridgeport Canvasser C as he was incarcerated at the time. The Complainant further alleges that the address on the VRA for Mr. Shelley was fictitious. After an extensive investigation, including field visits to the addresses listed on the VRAs, Commission staff found that both addresses were either fictitious or verified to not be that of either registrant. However, Commission staff was unable to locate and/or make contact with either Mr. Coss or Mr. Shelley. Accordingly, while the addresses listed on both Mr. Coss' and Mr. Shelley's VRAs were invalid, there was insufficient evidence to corroborate the Complainant's allegation that either the registrant, Bridgeport Canvasser C or the Respondent procured and/or submitted such applications fraudulently or that the registrant violated General Statutes § 9-23g.

- d. Bridgeport Canvasser D submitted a VRA to the Respondent for an Ojahnae Turner, which was then turned over to the Bridgeport ROV. The Complainant alleges that the VRA was rejected because he spoke with Mr. Turner's legal guardian who told him that Mr. Turner was a seven year old minor not eligible to vote. However, after an extensive investigation, including field visits to the address listed on the VRA, Commission staff was unable to locate and make contact with either Mr. Turner or his legal guardian. Accordingly, there was insufficient evidence to corroborate the Complainant's allegation that either the registrant, Bridgeport Canvasser D or the Respondent procured and/or submitted such application fraudulently or that the registrant violated General Statutes § 9-23g.
- e. Finally, Complainant alleges that Bridgeport Canvassers E and F both submitted VRAs to the Respondent, one month apart, which were for the same individual, but which contained dissimilar signatures. Upon inspection for the two VRAs, for a "Dennis Williams" and a "Denis Williams," the signatures do appear to be from different individuals. However, aside from the birth date, the information for the two individuals is markedly different, including the spelling of the first name. It is unclear from an inspection of the face of the VRAs whether they are more likely than not for the same person. Moreover, after an extensive investigation into the two names, including field visits to Bridgeport, Commission staff was unable to confirm whether the names on the two VRAs submitted were for two different individuals or for the same individual. Accordingly, the Commission finds that there was insufficient evidence to corroborate the Complainant's allegation that either the registrant, Bridgeport Canvasser E, Bridgeport Canvasser F or the Respondent procured and/or submitted either application fraudulently or that the registrant(s) violated General Statutes § 9-23g.

21. In Bridgeport, a sampling of the data provided by CT ACORN resulted in seven "suspect" VRAs, which specifically implicated seven different registrants and six different canvassers in Bridgeport. The investigation first focused on the registrants identified in the Bridgeport complaint. However, after considerable effort and multiple visits to Bridgeport, only four applicants were able to be located, of which, only three agreed to interviews.

22. In summary, the Commission finds that little useful testimony was gleaned from the aforementioned three individual Bridgeport applicants who could be located and agreed to be interviewed. Two of the registrant interviews yielded potentially exculpatory information. One of the registrant interviews, with a minor individual, yielded possibly inculpatory information. However, the registrant, a friend of the canvasser (who was also a minor at the time), refused to provide testimony at hearing and would not identify the canvasser in an array at the time of the interview. Commission investigators were unable to locate the other three Bridgeport applicants through the agency's available means.

23. The Commission finds that 13 canvassers in Stamford were linked to a sampling of suspect or deficient VRAs. The investigation revealed the following information regarding the 13 individual canvassers that submitted VRAs in Stamford:
- a. Stamford Canvasser A submitted two VRAs for the same individual. One of the addresses did not exist, and the other could not be confirmed for the applicant. The address for Stamford Canvasser A could not be confirmed either as provided on employment application or through electronic database searches.
 - b. Stamford Canvasser B submitted a VRA an for individual who denied that it was his signature on the VRA. Stamford Canvasser B is within the criminal justice system.
 - c. Stamford Canvasser C submitted a VRA for an individual who denied signing the VRA or completing data fields within VRA. Stamford Canvasser C provided multiple addresses in employment materials.
 - d. Stamford Canvasser D submitted a VRA for an individual who denied completing data fields. The address of Stamford Canvasser D could not be confirmed by electronic database searches.
 - e. Stamford Canvasser E is within the criminal justice system.
 - f. Stamford Canvasser F has multiple addresses appearing on employment application and public records. Considerable resources may be necessary to determine which, if any, of the many addresses will assist in locating the whereabouts of Stamford Canvasser F.
 - g. Stamford Canvasser G is within the criminal justice system.
 - h. Stamford Canvasser H submitted VRAs with address that did not exist, or address which was not that of applicant. Stamford Canvasser H identified an address on her employment application as temporary social services housing, and a search of the electronic data base does not otherwise identify a current address.
 - i. Stamford Canvasser I submitted a VRA with an address that does not exist. Public records indicate several addresses for Stamford Canvasser I.
 - j. Stamford Canvasser J submitted a VRA with an address that does not exist. Stamford Canvasser J provided multiple addresses within his employment application and is within the criminal justice system.

- k. Stamford Canvasser K submitted two VRAs for an individual where the signature and handwriting was not that of the applicant. Stamford Canvasser K is within the criminal justice system.
 - l. Stamford Canvasser L submitted a VRA with a false address and false name for applicant. Stamford Canvasser L submitted employment records with a different first name than those available on public records. Identifying canvasser will be difficult if not impossible.
 - m. Stamford Canvasser M submitted a VRA with a false name for applicant. Public records indicate multiple addresses for Stamford Canvasser M in more than one municipality.
24. Due to the substantial errors and inaccuracies pertaining to the addresses revealed by the investigation detailed in paragraph 23 above, the Commission has determined that, even if the considerable resources necessary were available, it is not likely that the Respondents and witnesses could be located, nor that sufficient evidence could otherwise be gathered to support a case.
25. The Commission further finds that of the individuals whose names appeared on the VRAs connected with the 13 canvassers described in paragraph 23 above, at least three could identify a VRA as their own, but also denied completing VRAs which contained their names and purported signatures. Finally, the Commission finds that one individual in Stamford, a minor at the time a VRA was completed in his name, and who remains a minor, denied ever completing a VRA, and denied that the handwriting and signature was his.
26. While the Commission finds the circumstances surrounding suspect and deficient cards as described in paragraphs 20 through 23 above of are a serious nature, it nevertheless recognizes the inherent difficulty in identifying specific instances of fraud in Bridgeport or Stamford based on the evidence under these circumstances.
27. The Commission further finds that its investigators discovered that many of the applicants and canvassers purported addresses were difficult to identify, while other addresses were non-existent in Bridgeport or Stamford. In addition Commission investigators have determined that some of the applicants and canvassers had moved from Connecticut.
28. The Commission has determined that because of the aforementioned results of its investigations detailed in paragraphs 12, 13, 27 and 28, and due to records indicating that many of the canvassers were repeat offenders within the criminal justice system, that considerable resources are likely required to investigate the current whereabouts and status of both the applicants and the canvassers associated with the suspect VRAs described herein.

29. Further, The Commission concludes that pursuant to General Statutes § 9-23g (b), that while an *applicant* could be liable for fraudulently completing a voter registration application, it is less certain whether there is sufficient evidence that individual canvassers identified by these investigations would be liable under this section for returning defective VRAs to the Registrars of Voters without evidence that clearly indicates that individuals whose names appear on the VRAs in question were induced by the canvassers to provide false statements when completing them. The Commission finds that the evidence as it exists and under these circumstances does not support such a conclusion.
30. Additionally, the Commission notes that it remains to be determined whether there is proof that the canvassers who submitted the VRAs to CT ACORN submitted these applications, having completed data fields or completed VRAs, without the individual registrants' knowledge. The Commission finds that while some of the applicants denied signing a VRA, it was determined through comparisons of writing exemplars by Commission investigators that the signatures on some VRAs that were disavowed by some individuals were more likely than not those individuals' signatures.
31. The Commission concludes, based on the findings detailed herein, that the evidence does not provide a sufficient basis to determine that CT ACORN had an institutional or systemic role in designing and implementing a scheme or strategy to fraudulently register or enroll electors in the City of Bridgeport and the City of Stamford prior to the November 2, 2008 election.
32. Furthermore, the Commission finds that that due to the nature of the individual canvassers' past criminal backgrounds; the difficulty in locating the seemingly transient canvassers and witnesses; and the question of sustaining legal claims against any individuals under these facts and existing law; that any additional expenditure of Commission resources to pursue this matter would not be within the best interests of the Commission or the public.

ORDER

The following order is recommended on the basis of the aforementioned findings and conclusions:

The Commission takes no further action.

Adopted this 26th day of January of 2011 at Hartford, Connecticut.



Stephen F. Cashman, Chairman
By Order of the Commission