

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

In the Matter of a Complaint by  
Allen Palmer, Groton

File No. 2007-227

**AGREEMENT CONTAINING CONSENT ORDER AND PAYMENT  
OF A CIVIL PENALTY FOR VIOLATIONS OF CONNECTICUT  
GENERAL STATUTES §§ 9-23g, 9-23h, 9-172, 9-360 and 9-361.**

This agreement, by and between Alicia Primer of the Town of Weston, State of Massachusetts (hereinafter referred to as the 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. The Complainant was the Democratic Registrar of Voters in the Town of Groton during all relevant times for purposes of this complaint, up to and including June 30, 2007, and filed a complaint alleging that the Respondent registered to vote in Groton, Connecticut in 2006 without disclosing that she was already a voter in Massachusetts, and that she voted in both Weston, Massachusetts and Groton, Connecticut in 2006.
2. Connecticut 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 he 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.]
3. "Bona fide residence" means a person's genuine domicile: More specifically, that place where a person maintains a true, fixed, and principal home to which he, whenever transiently relocated, has a genuine intent to return. Complaint of Nancy Rossi, West Haven, File No. 2006-109.
4. The Respondent's primary residence is in Weston, Massachusetts, where she lives most of the year and is an appointed member of the Historical Commission. She moved to Weston, Massachusetts from a Connecticut address in 1982, and election records indicate that she has voted in Massachusetts every year but one from 1996 up to and including September 19, 2006.
5. The Respondent also owns a property in Groton, Connecticut, where she spends time in the summer months. The Groton property was purchased by her family in 2003, and sole ownership transferred to the Respondent in 2006.

6. It is concluded that the Respondent's bona fide residence for voting purposes is in Weston, Massachusetts.
7. On or about July 31, 2006, the Respondent completed a voter registration application, including enrollment in the Democratic party, and submitted it to the Registrars of Voters of the Town of Groton, Connecticut. The Respondent did not complete the portion of the registration application for "Previous Voting Address."
8. The Respondent was admitted as an elector in the Town of Groton, Connecticut and voted by absentee ballot in the August 8, 2006 Democratic primary, which included candidates for United States Senator, Governor, Lieutenant Governor, and State Representative in the 41<sup>st</sup> Assembly District. The Respondent's vote in the August 8, 2006 primary resulted in a tie vote for State Representative in the 41<sup>st</sup> Assembly District. Pursuant to the law in effect at that time, § 9-446, General Statutes, the winner of the primary was determined by lot (a flip of a coin).
9. The Respondent also voted in a September 2006 Democratic primary in Weston, Massachusetts, and then voted again in the November 7, 2006 state election in Groton, Connecticut by absentee ballot.
10. Connecticut 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 his 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. . . . 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. . . . Such application form shall be provided by or authorized by the Secretary of the State. . . .

**(e) A registration application filed under this section shall be rejected if the application** (1) has not been signed or dated by the applicant or the authorized agent of the applicant pursuant to subsection (b) of this section, **(2) does not indicate the applicant's date of birth or bona fide residence,** (3) does not indicate United States citizenship, or (4) is determined by the Secretary of the State to be substantially defective. No registration application filed under this section shall be rejected if the application fails to provide the applicant's Social Security number or the zip code of the applicant's bona fide residence. . . .

(f) Upon admission of an applicant under subsection (d) of this section, who indicated on his registration application that he changed residence since voting last in Connecticut, **the registrar shall notify the registrar who accepted the voter's last registration, and the registrar in the voter's place of last residence,** if different. Notification shall be made upon a form prescribed by the Secretary of the State. **A registrar receiving such a notification shall delete the elector's name from the registry list.** [Emphasis added.]

11. Connecticut General Statutes § 9-23h provides, in relevant part:

The application provided for in section 9-23g shall provide spaces for the following information for each applicant: (1) Name, (2) **bona fide residence**, including street number, street address, apartment number if applicable, town and zip code, (3) telephone number, (4) date of birth, (5) **whether the applicant is registered as an elector in any other town in the state of Connecticut or in any other state, and if so, the applicant's last previous voting residence,** (6) whether the applicant is a United States citizen, (7) whether the applicant will be eighteen years of age on or before election day, (8) party affiliation, if any, (9) the applicant's signature and date of signature, and (10) the applicant's Connecticut motor vehicle operator's license number or, if none, the last four digits of the applicant's Social Security number. . . .

12. It is concluded that by completing a voter registration application stating that she lived at 72 East Shore Avenue, Groton, Connecticut, when it was not her bona fide residence, the Respondent violated Connecticut General Statutes § 9-23g.

13. Additionally, the Respondent further violated Connecticut General Statutes §§ 9-23g and 9-23h by failing to state that she was registered as an elector in Massachusetts and disclose her Massachusetts voting residence on her Connecticut voter registration application. Had she listed such address, the Groton Registrars of Voters would have notified the registrar in Weston, Massachusetts, who would have cancelled her Massachusetts registration. Failure to provide her previous voting address, as required, resulted in the inability of election officials to detect her dual registration until after she had voted.

14. Connecticut General Statutes §9-172 provides:

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.]

15. Connecticut General Statutes § 9-360 provides, in pertinent part:

*Any person not legally qualified who fraudulently votes in any town meeting, primary or election in which he is not qualified to vote*, and any legally qualified person who, at such meeting, primary or election, fraudulently votes more than once at the same meeting, primary or election, shall be fined not less than three hundred dollars nor more than five hundred dollars and shall be imprisoned not less than one year nor more than two years and shall be disfranchised. . . .

16. Connecticut General Statutes § 9-361 provides, in pertinent part:

The following persons shall be guilty of primary or enrollment violations: (1) *Any person unlawfully voting or participating or attempting to vote or participate in any primary in which he is not eligible to vote or participate*; . . . any person found to have violated subdivision (1) or (2) of this section shall be guilty of a class D felony and shall be disfranchised.

17. It is found that the Respondent was not legally qualified to vote in either the August 8, 2006 primary or the November 7, 2006 election in Groton, Connecticut, and improperly voted in both instances, as she was not a bona fide resident of Groton, Connecticut, and in fact, was already a registered elector in Weston, Massachusetts.

18. It is concluded that by voting in the August 8, 2006 Democratic primary in the Town of Groton, the Respondent violated Connecticut General Statutes §§ 9-360 and 9-361.

19. It is similarly concluded that by voting in the November 7, 2006 state election in the Town of Groton, the Respondent violated Connecticut General Statutes §§ 9-172 and 9-360.

20. Respondent claims that she did not intend to defraud the State or election officials by voting in Groton, and mistakenly believed that because she owned property she was

entitled to vote for candidates there. She claims to have understood that she could not vote for President more than once.

21. Election registration is "unitary" in all 50 states in the sense that a person registers only once to become eligible to cast ballots for both federal and nonfederal candidates. Therefore, false information given to establish eligibility to register to vote is actionable federally regardless of the type of election that motivated the subjects to act. 42 U.S.C. §§ 1973i(c), Federal Prosecution of Election Offenses, Seventh Edition, May 2007, United States Department of Justice, citing United States v. Cianciulli, 482 F. Supp. 585 (E.D. Pa. 1979).
22. The Respondent may be entitled to vote on *referenda* concerning tax issues as a non-resident property owner, if Groton permits such participation, but no individual may vote for *candidates*, or be registered to vote for candidates, at more than one location at a time.
23. Connecticut General Statutes § 9-7b(a)(2) provides that the Commission may assess a civil penalty of two thousand dollars for each violation of Conn. Gen. Stat. §§ 9-23g, 9-23h and 9-172. Connecticut General Statutes § 9-7b(a)(2)(C) provides that the Commission may also assess a \$2,000 civil penalty per offense against any individual 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. The Commission may also refer evidence of a violation of the state election laws to the Chief State's Attorney's office, United States Attorney or United States Department of Justice, pursuant to Connecticut General Statutes § 9-7b(a)(7) and (11).
24. Regulations of Connecticut State Agencies § 9-7b-46(a) provides:

The Commission is authorized to act in accordance with the powers granted to it under Section 9-7b and 9-369b and Chapter 150 of the General Statutes. *Except in circumstances when its investigation reveals significant evidence of a criminal violation or violations of the state election laws within its jurisdiction, the Commission shall attempt to resolve cases pending before it by use of its civil and administrative authority*, including but not limited to, the issuance of orders necessary to secure compliance with such laws.  
[Emphasis added.]
25. The Commission considers registering to vote and voting in more than one jurisdiction at a time to be a serious offense, but is utilizing its civil authority due to what it perceives as the lack of intent on the part of the Respondent to commit a crime. Respondent acknowledges that the above violations are serious and subject her to possible criminal penalties. In determining whether or not to refer the Respondent to the Chief State's Attorney, United States Attorney or United States Department of Justice for criminal prosecution, the Commission has carefully considered that the Respondent has no prior cases with the Commission and the Respondent's lack of specific knowledge concerning registration requirements.

26. Upon the advice of the Commission's investigator, the Respondent has formally requested that the Groton Registrars of Voters remove her as a voter, and she is no longer a registered elector in Groton, Connecticut, effective August 8, 2007.
27. The Respondent admits all jurisdictional facts and agrees that this agreement and Order shall have the same force and effect as a final decision and Order entered after a full hearing and shall become final when adopted by the Commission. The Respondent shall receive a copy hereof as provided in Section 9-7b-56 of the Regulations of Connecticut State Agencies.
28. It is understood and agreed that this agreement will be submitted to the Commission at its next meeting and, if it is not accepted by the Commission, it is withdrawn by the Respondent and may not be used as an admission in any subsequent hearing, if the same becomes necessary.
29. 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 contest the validity of the Order entered into pursuant to this agreement.
30. Upon the Respondent's compliance with the Order hereinafter stated, the Commission shall not initiate any further proceedings against her pertaining to this matter, including referral to another state or federal law enforcement agency.

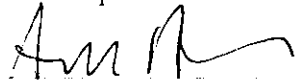
ORDER

FILED SEEC

IT IS HEREBY ORDERED THAT The Respondent shall: 2007 SEP 10 P 12: 50


Remit a civil penalty to the State Elections Enforcement Commission in the amount of four thousand dollars (\$4,000) on or before September 6, 2007, and shall Henceforth comply with Connecticut General Statutes §§ 9-23g, 9-23h, 9-172, 9-360 and 9-361.

The Respondent

  
Alicia M. Primer  
179 Church Street  
Weston, Massachusetts

Dated: 9.5.07

For the State of Connecticut

BY:   
Joan M. Andrews, Esq  
Director of Legal Affairs & Enforcement  
& Authorized Representative of the State  
Elections Enforcement Commission  
20 Trinity St., Suite 101  
Hartford, CT

Dated: 9/10/07

Adopted this 10<sup>th</sup> day of Sept. of 2007 at Hartford, Connecticut.

  
Stephen F. Cashman, Chairman  
By Order of the Commission