

**STATE OF CONNECTICUT
STATE ELECTIONS ENFORCEMENT COMMISSION**

In the Matter of a Complaint by Carol A. Marelli &
Nancy J. Moran, Registrars of Voters, East Lyme

File No. 2009-007

FINDINGS AND CONCLUSIONS

The complainants filed this complaint with the Commission, pursuant to Conn. Gen. Stats. §9-7b(a)(1), on January 22, 2009. The complainants alleged that David M. Adams, Jr. (hereinafter the "Respondent") may have voted in both East Lyme and Norwalk during the November 4, 2008 presidential election. The complainants requested an investigation on the alleged duplicate voter and his status as an elector.

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

1. The Respondent's name appeared on both the Town of East Lyme and Town of Norwalk official active list of voters for the November 4, 2008 presidential election. The name David M. Adams, Jr. appears on the Town of East Lyme registry list at the address of 5 Scott Road and on the Town of Norwalk registry at the address of 83 Washington Street.
2. The voter history section of the Connecticut Voter Registry System (CVRS) for both East Lyme and Norwalk indicates that David M. Adams, Jr., voted in person in both locations at the November 4, 2008 presidential election. The Respondent's name is physically crossed off at each corresponding address on the official voter registry list at his registration address in each town, as identified above.
3. Conn. Gen. Stat. §9-360 provides:

*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. Any person who votes or attempts to vote at any election, primary or town meeting by assuming the name of another who is registered or enrolled, as the case may be, shall be fined five hundred dollars and be imprisoned one year and shall be disfranchised. [Emphasis added.]*
4. The Respondent moved to Norwalk in August 2008 after accepting employment there, and completed a new voter registration card for Norwalk in September 2008.
5. The Respondent maintains that he did not vote in East Lyme on November 4, 2008, and that he only voted in Norwalk, where he now resides. A witness can account for the

Respondent's presence at work in Norwalk between approximately 8:00 a.m. to 6:30 p.m., exclusive of a brief period around lunchtime, making it extremely unlikely that he could have traveled between East Lyme and Norwalk to vote in both locations.

6. The Respondent's father, David M. Adams, Sr., owns adjoining parcels of land at 5 Scott Road and 455 Boston Post Road in the Town of East Lyme. His Connecticut Department of Motor Vehicles operator's license reflects 5 Scott Road as his residence address, however, he appears on the official registry list for East Lyme at the street address of 455 Boston Post Road.
7. On November 4, 2008, David M. Adams, Sr., showed up at the East Lyme High School polling place and provided the checkers with his driver's license containing the 5 Scott Road address. The checker looked up his name on the voter list under the Scott Road address and checked him off. However, the only David M. Adams on Scott Road was the one with the junior suffix. The David M. Adams with the senior suffix was listed under the Boston Post Road address. David M. Adams, Sr.'s name is not crossed off as having voted in the presidential election on November 4, 2008.
8. The investigation revealed that David M. Adams, Jr., only voted in Norwalk and did not vote more than once in the November 4, 2008 presidential election, and further, that when David M. Adams, Sr. presented himself to vote in East Lyme, David M. Adams, Jr.'s name was checked off instead.
9. The Commission concludes that the evidence does not support the conclusion that a violation of Conn. Gen. Stats. §9-360 has occurred.

ORDER

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

That the complaint is dismissed, and based upon the evidence gathered in this matter, the Complainants should remove David M. Adams, Jr. from the East Lyme voter registry list.

Adopted this 1st day of July of 2009 at Hartford, Connecticut.


Stephen F. Cashman, Chairman
By Order of the Commission