

STATE OF CONNECTICUT
STATE ELECTIONS ENFORCEMENT COMMISSION

In the Matter of a Complaint by
Ohan Karagozian, New Haven

File No. 2011-105

FINDINGS AND CONCLUSIONS

The Complainant brings this complaint pursuant to Connecticut General Statutes § 9-7b and alleged that Abdias Rodriguez circulated municipal primary petitions, which he was not qualified to circulate such petitions and was not qualified to appear on such petitions as a candidate due to the lack of residence, and falsely certified under penalties of false statement that he was a New Haven resident residing at Daggett Street in that city.

After the investigation of the complaint, the Commission makes the following findings and conclusions:

1. The City of New Haven Democratic Registrar of Voters certified primary petition pages for Abdias Rodriguez for the September 13, 2011 Ward 3 Democratic primary in the City of New Haven that were received by the New Haven City and Town Clerk's office on August 5, 2011.
2. Complainant alleged that Mr. Abdias Rodriguez, an unsuccessful candidate for Alderman in New Haven, was ineligible to be a candidate in Ward 3 based on the submission of documents pertaining to his voter registration and candidate registration that indicated *two* separate residences purported claimed by Mr. Rodriguez.
3. The gravamen of this complaint is that Mr. Rodriguez circulated nominating petitions for the September 13, 2011 Democratic Ward 3 primary without allegedly being a resident of that New Haven ward.
4. General Statutes § 9-406, provides in pertinent part:

A candidacy for nomination by a political party to a municipal office or a candidacy for election as a member of a town committee may be filed by or on behalf of any person *whose name appears upon the last-completed enrollment list of such party within the municipality or within the political subdivision*, senatorial district or assembly district within which a person is to be nominated or a town committee member is to be elected, as the case may be. Any such candidacy shall be filed by filing with the registrar within the applicable time specified in section 9-405 a petition signed by (1) at

least five per cent of the electors whose names appear upon the last-completed enrollment list of such party in such municipality or in such political subdivision, senatorial district or assembly district, or (2) such lesser number of such electors as such party by its rules prescribes, as the case may be. For the purpose of computing five per cent of the last-completed enrollment list, the registrar shall use the last printed enrollment list and the printed supplementary or updated list, if any, of a political party certified and last completed by the registrars of voters prior to the date the first primary petition was issued, excluding therefrom the names of individuals who have ceased to be electors.
[Emphasis added.]

5. General Statutes § 9-406a, provides:

Any person who fraudulently signs, attests or files a false certificate ***under section*** 9-333, 9-391, 9-400 ***or 9-406*** shall be guilty of a class A misdemeanor.
[Emphasis added.]

6. Upon investigation, the Commission finds that a voter registration card was received by the City of New Haven Registrar of Voters office on or about July 11, 2011 with the name Abdias Rodriguez and providing 16 Daggett Street, New Haven as an address for the applicant. Records last associate this address with Mr. Rodriguez in April 1997. The aforementioned address is in the Aldermanic Ward 3 in the City of New Haven.
7. Upon investigation, the Commission further finds that a *Registration by Candidate* (SEEC Form 1) was received by the City of New Haven Town Clerk's office on or about July 26, 2011, approximately two weeks *after* the voter registration statement described in paragraph 6 above. The aforementioned SEEC Form 1 indicated that Abdias Rodriguez was a candidate for Alderman in Ward 3, in the City of New Haven, and provided 56 Redfield Street, New Haven as an address for the candidate. Records last associate this address with Mr. Rodriguez in August 2006. The aforementioned address is in the Aldermanic Ward 4 in the City of New Haven.
8. According to Complainant, his review of the voter registration card and the SEEC Form 1 purportedly of Abdias Rodriguez, indicating two different addresses located in different Aldermanic Wards within the City of New Haven, filed within two weeks of each other, gave rise to complainant's suspicions and resulted in this complaint.


9. Furthermore, based on a review of the documents described in paragraphs 6 and 7 above, Complainant's allegations raise issues of whether Mr. Rodriguez correctly circulated petition pages for Ward 3 as a resident of Ward 3 as required by General Statutes § 9-406, and furthermore raised the issue of whether if by completing the documents detailed herein Mr. Rodriguez ran afoul of § 9-406a.
10. Upon investigation, it was discovered that Mr. Abdias Rodriguez most recent address can be identified as Lares, Puerto Rico. Records recently associate the aforementioned address with Mr. Rodriguez between August 2009 to September 29, 2011. The Commission notes that the aforementioned dates include those at all times relevant to this complaint.
11. Because the investigation revealed that Mr. Abdias Rodriguez' last known address was in Lares, Puerto Rico, various issues arise with regards to the submission of a voter registration card, an SEEC Form 1 and his qualifying as a petitioning candidate for the September 13, 2011 Ward 3 Democratic primary in the City of New Haven. Therefore, the Commission finds that there may be some merit to Complainant's allegations.
12. However, based on the above findings, and under these limited circumstances, the Commission declines to further investigate this matter, while reserving the right to do so should circumstances warrant. Finally, the Commission declines to make any factual or legal determinations pertaining to General Statutes § 9-406 and 9-406a at this time.

ORDER

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

That the case be dismissed without prejudice.

Adopted this 25th day of July, 2012 at Hartford, Connecticut.


Stephen F. Cashman, Chairperson
By Order of the Commission