

STATE OF CONNECTICUT
STATE ELECTIONS ENFORCEMENT COMMISSION

Complaint by Paulina Jones-Torregrosa

File No. 2012-014

FINDINGS AND CONCLUSIONS

The Complainant brings this Complaint pursuant to Connecticut General Statutes § 9-7b, alleging that Respondents Janice Gionfriddo, Anne Tommassi, Sebastian N. Giuliano, and Molly Salafia made statements attempting to influence electors to stay away from the November 8, 2011 municipal election in the town of Middletown, in violation of General Statutes § 9-364.

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

1. At all times relevant to the instant Complaint: Respondent Janice Gionfriddo was Middletown Republican Registrar of Voters; Respondent Anne Tommassi was Acting Democratic Registrar of Voters; Respondent Sebastian N. Giuliano was the incumbent mayor and a candidate for re-election; and Respondent Molly Salafia was a candidate for election to Middletown Planning and Zoning Commission.
2. According to a Middletown Press article dated October 29, 2011 and included with the instant Complaint, at some point prior to the November 8, 2011 General Election, Respondents Gionfriddo and Tommassi determined that approximately 450 Wesleyan University students registered during drives by the Democratic Party had listed their campus post office boxes rather than their dormitory residential addresses when they registered to vote. This raised an issue about whether they were appropriately registered and, specifically, as to the appropriate voting locations for these students because the post office boxes are located in one polling district (the 14th district) whereas the Wesleyan dormitories are located in five different districts.
3. According to the Middletown Press article, the Office of the Registrar of Voters attempted to remedy the issue by assigning polling locations based on Wesleyan University records of specific dormitory assignments.
4. On October 28, 2011, Respondent Registrars of Voters Gionfriddo and Tommassi sent a letter to these students requesting that they come to the registrar's office and verify their information. This letter stated, in pertinent part:

Pursuant to Connecticut General Statutes § 9-12, when you registered to vote, you were required to provide this office with your "dwelling unit"

address. You provided us with a post office box, which, by this Statute, is not a proper address for the purposes of voting.

When filling out the voter registration card, you took a sworn oath that the information provided is accurate and true. The Wesleyan campus spans five (5) different polling locations. Therefore, it is imperative that we have correct information on file so that we can list you in the proper voting location.

As we are working with deadlines in creating our official voters list, we are requesting that you visit our office before Friday, November 4th at noon so that you can verify in person that your address is in fact correct.

Our regular office hours are 8:30 a.m. until 4:30 p.m. in addition we will be having [an] extended voter registration session on Tuesday, November 1st from 8:30 a.m. until 8:00 p.m. at which time you may also stop in to verify your information.

Please be aware that in the event that you cannot visit our office to confirm your physical address, you may need to fill out a transfer form should you be at an incorrect polling district. At that time, an election official will direct you to the proper polling district to cast your vote.

5. According to the Complaint, Gabriela De Golia, a Wesleyan student, sent an email on October 28, 2011 asking Ms. Gionfriddo to “confirm the following”:

If a Wesleyan student is unable to make it to the Registrar of Voters Office to confirm their physical Wesleyan address before Friday November 4th at noon, they will be able to go to their designated polling location (as confirmed in most recent letter students) on election day with a photo ID (such as their WesID or Driver’s license) with full name and photo, and give verbal confirmation of their physical address. They will not need written proof of their residency.

6. The Complaint alleges that Respondent Gionfriddo responded via email as follows: “The information below that you are asking our office to confirm is correct. If any other questions come up, please don’t hesitate to call us.”
7. The Complaint further alleges that on October 27, 2011, Respondent Molly Salafia, wrote a letter to the editor to the Middletown Patch (attached to complaint) about Wesleyan Students registering to vote which states: “These students have also not been educated, from

my understanding, to the fact that by changing their permanent address to Middletown, they are now subject to local car tax and possibly state income tax.”

8. The Complaint further alleges, and provided audio evidence in support, that on November 2, 2011, Respondent Giuliano spoke to students at a Wesleyan campus event and told Michael Linden, a Wesleyan student:

If you registered with a WesBox, the Registrar is leaving it that way, because they cannot legally change it just on a Wesleyan directory. . . . So that’s why we’re trying to get in there and correct it now. We’re telling people, I don’t want you going down to the polls and coming up empty.

9. In a letter to the students dated November 4, 2011, the Office of the Secretary of the State, through Peggy Reeves, Assistant to the Secretary of the State, stating the following:

Please be advised that it is our understanding that the office of the Middletown Registrar of Voters has corrected the Voter Registry List to include the names of dormitories for all Wesleyan students who are registered voters.

We are aware that a letter requesting that the students confirm their physical address by Friday, November 4th was sent by the registrar’s office last week.

We would like to confirm that although it would be helpful for the students to comply with this request, it will not affect their eligibility to vote on Election Day November 8 if they fail to do so.

They should be aware that their polling place may have changed with the reassignment by dormitory. If that is the case and they show up at the wrong polling location, they will be directed to the correct polling place and they will be asked to fill out a Request for Transfer of Registration that the election officials will provide.

10. Finally, the Complaint alleges that Respondent Giuliano made a written statement directed to a Wesleyan student on November 6, 2011, after the Secretary of the State’s letter had been sent, that “[w]hether people need to correct their registration information in person or not remains an unsettled question. . . .”

11. Here, the Complainant alleges that the actions and statements by the Respondents were attempts to misinform and to influence Wesleyan students to stay away from the November 8, 2011 municipal election, a violation of General Statutes § 9-364, which reads:

Any person who influences or attempts to influence any elector to stay away from any election shall be fined not more than five hundred dollars and imprisoned not more than one year nor less than three months.

12. Turning first to the allegations against Ms. Gionfriddo and Ms. Tommassi, the Commission concludes that the evidence presented is insufficient to support an allegation that the statements of these Respondents amounted to an attempt to influence the Wesleyan electors to stay away from the November 8, 2011 General Election. These statements appear to be no more than attempts to influence these student electors to verify their voter registrations ahead of the election so that they would be eligible vote at the appropriate polling location on Election Day. While they may have been incorrect in their interpretation of the urgency of the registration issue, as evidenced by the letter of November 4, 2011 by the Secretary of the State, the actions and statements appear, on their face, to be the opposite of what the Complainant alleges. As such, the allegations against these Respondents should be dismissed.
13. For the same reasons, the Commission concludes that the evidence presented is insufficient to support an allegation that the statements of Respondent Giuliano amounted to an attempt to influence the Wesleyan electors to stay away from the November 8, 2011 General Election. Indeed, in the writing attributed to Respondent Giuliano, he goes on as follows, in part:

Different Secretaries of State will have different approaches to the issue, but it will not be definitive until tested in court, which I would hope to avoid for the time being. For me, if voting was important and there was some question as to whether my registration was correct or not, I would take the time to personally insure that I was eligible, and I would not leave it up to the very people [who] screwed it up to fix it. Students who verify their information in person will absolutely, positively be eligible to vote Tuesday, without question. As we said, if we wanted to suppress voters, we would have kept our mouths shut, allowed all those “Wesbox” registrations to stand and then challenged each and every one of them. Instead, we pointed out the problem and advised students who were so inclined to fix it, while there was still time in the only foolproof manner there is. . . .

14. Like Respondents Gionfriddo and Tommassi, while Respondent Giuliano may have been incorrect in his interpretation of the urgency of the registration issue, as evidenced by the

letter of November 4, 2011 by the Secretary of the State, the actions and statements appear, on their face, to be the opposite of what the Complainant alleges. As such, the allegations against this Respondent should be dismissed.

15. Finally, turning to Ms. Salafia's letter to the Middletown Patch, the Complaint alleges that her statement, that "[t]hese students have also not been educated, from my understanding, to the fact that by changing their permanent address to Middletown, they are now subject to local car tax and possibly state income tax" amounts to an attempt to influence the voters to stay away from the November 8, 2011 General Election.
16. As an initial matter, the Commission notes that the Complaint takes the above statement attributed to Respondent Salafia out of the full context of the Letter to the Editor in which it was included. However, considering it first out of context, the Commission concludes that the statement is insufficient to support the allegation that it was made to keep the Wesleyan elections away from the polls. At the time of the publishing of the letter, the Wesleyan students were already registered electors. A warning about the potential (albeit unlikely) ramifications of registration was not relevant to the question of the eligibility of an elector to cast a ballot at a particular polling place.
17. Moreover, included within in its full context, the statement bears even less weight as evidence of a violation of General Statutes § 9-364. The Letter to the Editor, as a whole, encourages the new registrants not only to vote, but to consider voting across party lines for the Republican candidates. It finishes with the following statement:

A plea to Wesleyan students: . . . Please be careful when you vote, use your head, be kind and keep citizens at the front of your mind rather than party affiliation, and realize your vote may weigh more than you know. There are real families attached to every decision you make.

18. In consideration of the aforesaid, the allegations against this Respondent should be dismissed.

ORDER

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

That the matter is dismissed.

Adopted this 23rd day of May, 2012 at Hartford, Connecticut.



Stephen F. Cashman, Chairperson