

STATE OF CONNECTICUT
STATE ELECTIONS ENFORCEMENT COMMISSION

In the Matter of a Complaint by
Margaret H. Busch, Andover

File No. 2012-192

FINDINGS AND CONCLUSIONS

Complainant, Andover Town Clerk Margaret H. Busch, referred this complaint to the Commission, pursuant to General Statutes §9-7b, alleging that Felix Alberto Lopez- Figueroa (hereinafter "Respondent") voted in both Andover and Hebron at the November 6, 2012 election in violation of General Statutes §§ 9-357 and 9-360.

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

1. Complainant alleged that Respondent by voting in both Andover and Hebron at the November 6, 2012 election violated General Statutes §§ 9-357 and 9-360.
2. Respondent denied that he violated General Statutes § 9-357 by fraudulently registering to vote and § 9-360 by fraudulently voting at the November 6, 2012 election in more than one town, and claimed that any such errors were due to confusion caused by his sharing a name and address in Andover with his father. Respondent's father's name is Felix Alberto Lopez-Donato.
3. Upon investigation, the Commission finds that Respondent arrived at the polls in Andover to vote at the November 6, 2012 election and was informed by elections officials that he was on the "inactive" voter registry list.
4. Further, Respondent claims he was informed at the Andover polls that he could proceed to Hebron, where he had moved since the last election, and request a presidential ballot application. Respondent claims he was uncertain of his registration status in either town and followed the advice he received at the polling place in Andover, proceeded to Hebron, and executed an application for and voted a presidential ballot. Information contrary to Respondent's aforementioned assertions was not discovered upon investigation.
5. The Commission finds that Respondent Felix Alberto Lopez-*Figueroa* shares his name with his father Felix Alberto Lopez-*Donato*, the latter who still resides in Andover and voted in person at the November 6, 2012 election. Further, the Commission finds that Respondent's father admits to having voted in person, and believed at the time he was marked off the voter registry list. He now believes he was marked off under Respondent's name.

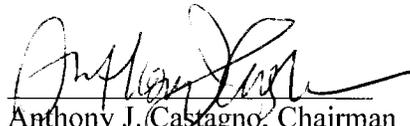
6. Records indicate that both Respondent and his father were each registered to vote from the same Andover address where Respondent had previously lived with his parents, and each claims he was unaware that only Respondent's name remained on the active voter registry list in Andover at the time of the November 6, 2012 election. Upon investigation there was a lack of evidence to contradict the aforementioned assertions.
7. Based on the information detailed herein the Commission finds it probable that Mr. Felix Alberto Lopez-Donato inadvertently voted under his son's name Felix Alberto Lopez-Figueroa in the Town of Andover, who as Respondent in this matter voted a presidential ballot in Hebron at the November 6, 2012 election, and did not cast an additional vote in Andover or otherwise.
8. Furthermore, the Commission finds that Complainant, as Andover Town Clerk, when presented with an apparent violation of the law based on record evidence that a "Felix Alberto Lopez-Figueroa" voted in person in Andover *and* by presidential ballot in Hebron exercised due diligence in referring this matter to the Commission as a potential violation of Election Laws pursuant to her authority in General Statutes § 9-7b.
9. Finally, the Commission finds, for reasons detailed herein, that there is a lack of evidence to support or corroborate the conclusion that Respondent voted in *both* Andover and Hebron at the November 6, 2012, election or completed an application for a presidential ballot and voted in the Town of Hebron unlawfully.
10. The Commission concludes, for reasons detailed herein, that there is a lack of evidence that Respondent voted or registered to vote fraudulently in violation of General Statutes §§ 9-357 and 9-360 and therefore dismisses the allegations against him.

ORDER

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

That the complaint is dismissed.

Adopted this 20th day of November, 2013, at Hartford, Connecticut.


Anthony J. Castagno, Chairman
By Order of the Commission