

STATE OF CONNECTICUT
STATE ELECTIONS ENFORCEMENT COMMISSION

In the Matter of a Complaint by
Darlene F. Burrell and Lynn F. Joyal, Suffield

File No. 2013-075

AGREEMENT CONTAINING CONSENT ORDER

This agreement, by and between Jonna V. Albert of the Town of Enfield, County of Hartford, State of Connecticut (hereinafter "Respondent"), and the authorized representative of the State Elections Enforcement Commission is entered into in accordance with the Regulations of Connecticut State Agencies § 9-7b-54 and Connecticut General Statutes § 4-177 (c). In accordance herewith, the parties agree that:

1. Complainants, Darlene F. Burrell and Lynn F. Joyal, respectfully the Democratic and Republican Registrars of Voters in the Town of Suffield, filed a complaint alleging that on Election Day November 6, 2012, Respondent signed the affidavit on November 6, 2012, to vote in Suffield's Presidential Election and then voted when at the time Respondent was not a *bona fide* resident of Suffield.
2. The Complaint alleges that Respondent was not a *bona fide* resident of Suffield at the time she voted, after signing a new application for voter registration signing under of penalty of false statement that she was an elector in Suffield. Respondent signed the application on November 6, 2012, to restore her status on the Suffield voter registry list to active in order to vote at the November 6, 2012 Presidential election.
3. The issue of this complaint is whether the Respondent was a "*bona fide* resident" at the address in Suffield, and therefore a qualified elector in Suffield, when she provided on the application for voter registration on November 6, 2012.
4. 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 the citizen 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. For purposes of this section
... a person shall be deemed to be a bona fide resident of the town to which the citizen applies for admission as an elector if such person's dwelling unit is located within the geographic boundaries of such town. No mentally incompetent person shall be admitted as an elector.
[Emphasis added.]

5. General Statutes § 9-42 provides, in pertinent part:

(b) If it appears at any time that the name of an elector who was formerly admitted or registered as *an elector in a town and who is a bona fide resident of such town has been omitted from the active registry list, the registrars of voters shall, upon submission of a new application for voter registration signed by the elector under penalties of false statement, add such name to the active registry list,* provided no name shall be added to the active registry list on election day without the consent of both registrars of voters. [Emphasis added.]

6. General Statutes § 9-172 provides, in pertinent part:

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. ... [Emphasis added.]

7. The Commission has previously determined that: “*bona fide* residence” means a person’s *genuine* domicile: More specifically, it is that place where a person maintains a true, fixed, and principal home to which she, whenever transiently relocated, has a genuine intent to return. *See Complaint of Nancy Rossi*, West Haven, File No. 2006-109; *In the Matter of an Appeal of Gerald and Marianne Porricelli*, File No. 2007-154.
8. The Commission finds that Respondent originally completed an application for voter registration to vote in Suffield on January 7, 2008. The Commission further finds that in July 2011 a fire at Respondent’s Suffield residence used to register to vote caused her to relocate to the Town of Enfield.
9. The Complainants on April 25, 2012, mailed Respondent a Confirmation of Voting Residence notice to her Suffield address, which was forwarded to her new Enfield address. Respondent did not respond to the aforementioned notice, which caused her voting status in Suffield to be changed to inactive in May, 2012.
10. On November 6, 2012, Respondent came to her prior Suffield polling place and discovered she was no longer on the active voting list. Respondent informed elections officials that she still lived in Suffield and filled out a new application for voter registration under penalty of false statement confirming her claim and previous residence address as her residence. Consequently she was put back on the active voter list pursuant to General Statutes § 9-42, checked in as an elector, and given a ballot which she proceed to cast.
11. The Commission finds, upon investigation, that the Respondent at the time of this agreement and prior to the November 6, 2012 election maintained an Enfield residence after the destruction of her Suffield residence by fire as detailed herein. Further, the Commission finds that in the course of this investigation Respondent provided that she maintained a residence in Enfield, rather than Suffield, from utility bills with her Enfield address.
12. Furthermore, the Commission finds that the Suffield fire precluded Respondent from occupying her Suffield residence as a genuine domicile prior to the November 6, 2012 election. Moreover, the Commission finds that by September 2012, just weeks § to the election, when the renovation was completed to the residence and Respondent learned and determined that she could no longer afford to re-occupy such premises in Suffield where she had previously been registered as an elector due to increased rents.

13. The Commission finds for the reasons detailed herein that Respondent, at the time of the election did not have sufficient connections to her prior Suffield property when she voted on November 6, 2012 in Suffield. The Commission concludes, for the reasons detailed herein, that the Suffield address provided by Respondent at the November 6, 2012 election did not satisfy the standards for being Respondent's genuine domicile pursuant to elector qualifications as required by General Statutes § 9-612. *See also Complaint of Nancy Rossi, West Haven, File No. 2006-109; In the Matter of an Appeal of Gerald and Marianne Porricelli, File No. 2007-154.*
14. The Commission therefore concludes, for the reasons detailed in paragraphs 10 through 13 above, that Respondent violated General Statutes §§ 9-12, 9-42 and 9-172 by registering to vote and voting in a town in which Respondent was *not a bona fide* resident or elector using a former address that no longer served as her genuine domicile.
15. The Commission considers voting in a jurisdiction other than the one where the voter maintains her *bona fide* residence and genuine domicile, and making representations under penalty of false statement in support of such activity, to be very serious offenses, but is nevertheless 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 very serious and otherwise subject her to possible criminal penalties.
16. The Commission has carefully considered that the Respondent has no prior cases with the Commission and the Respondent's lack of specific knowledge concerning voter registration requirements and sympathetic circumstances surrounding the loss of her Suffield residence used to complete a new application for voter registration. Further, Commission notes that at the time of the November 6, 2012 election, Respondent did not attempt to vote more than once or other than in Suffield. While not excusing conduct, under the narrow circumstances detailed herein the Commission deems such factors as mitigating and therefore lessen the gravity of Respondent's actions.
17. 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 of this agreement and order as provided in Section 9-7b-56 of the Regulations of Connecticut State Agencies.

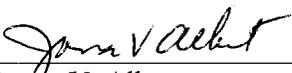
18. It is understood and agreed that this agreement will be submitted to the Commission at its next meeting and, if it is not accepted by the Commission, it is withdrawn by the Respondent and may not be used as an admission in any subsequent hearing, if the same becomes necessary.
19. The Respondent 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.
20. Upon the Respondent's agreement and compliance with the Order hereinafter stated, the Commission shall not initiate any further proceedings against Respondent with respect to this matter.

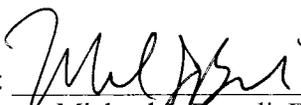
ORDER

IT IS HEREBY ORDERED that Respondent shall henceforth strictly comply with General Statutes §§ 9-12, 9-42 and 9-172.

The Respondent:

For the State Elections Enforcement Commission:

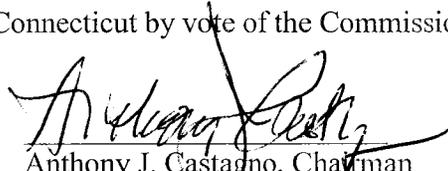
By: 
Jonna V. Albert
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~~Enfield, Connecticut~~
202 Mountain Rd Apt 5
Suffield, CT 06078

By: 
Michael J. Brandi, Esq.
Executive Director and General Counsel
and Authorized Representative of the
State Elections Enforcement Commission
20 Trinity Street, Suite 101
Hartford, Connecticut

Dated: 10-4-13

Dated: 10/8/13

Adopted this 16th day of October, 2013 at Hartford, Connecticut by vote of the Commission.


Anthony J. Castagno, Chairman
By Order of the Commission

RECEIVED
STATE ELECTIONS

OCT 8 2013

ENFORCEMENT COMMISSION