

STATE OF CONNECTICUT
STATE ELECTIONS ENFORCEMENT COMMISSION

In the Matter of a Complaint by Maria Valle, Bridgeport

File No. 2013-137B

AGREEMENT CONTAINING A CONSENT ORDER

The Agreement, by and between Jocelyn Centeno of the City of Bridgeport, State of Connecticut and the authorized representative of the State Elections Enforcement Commission, is entered into in accordance with Section 9-7b-54 of the Regulations of Connecticut State Agencies and Section 4-177 (c) of the General Statutes of Connecticut. In accordance herewith, the parties agree that:

ALLEGATIONS

1. The Complaint in this matter was filed by Maria Valle of the City of Bridgeport (hereinafter the "Complainant"). The Complaint alleges that Respondent Centeno voted in the 2013 Democratic municipal primary for District 137 based upon an address that was not her *bona fide* residence.¹
2. Specifically, the Complaint alleges that the address Respondent used for voting (923 Kossuth Street) was not her *bona fide* residence on the date of the primary. Rather, Complainant alleges that the Respondent lived at another address (25 Omega Street) that was not within the 137th District on the date of the primary.

LAW

3. An elector is eligible to register and vote in a particular town only if such voter is a *bona fide* resident of such town. 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. . . .

(Emphasis added.)

¹ Allegations in the Complaint concerning other Respondents shall be addressed in a separate document.

4. When registering to vote, an elector must declare under penalty of perjury, his *bona fide* residence on a form prescribed by the Secretary of the State. General Statutes § 9-20, provides in pertinent part:

(a) Each person who applies for admission as an elector in person to an admitting official shall, upon a form prescribed by the Secretary of the State and signed by the applicant, *state under penalties of perjury, his name, bona fide residence by street and number, date of birth, whether he is a United States citizen, whether his privileges as an elector are forfeited by reason of conviction of crime, and whether he has previously been admitted as an elector in any town in this or any other state.* Each such applicant shall present his birth certificate, drivers' license or Social Security card to the admitting official for inspection at the time of application. Notwithstanding the provisions of any special act or charter to the contrary, the application form shall also, in a manner prescribed by the Secretary of the State, provide for application for enrollment in any political party, including, on any such form printed on or after January 1, 2006, a list of the names of the major parties, as defined in section 9-372, as options for the applicant. The form shall indicate that such enrollment is not mandatory.

(Emphasis added.)

5. Electors are further obligated to advise the Town Clerk of a move within a municipality. General Statutes § 9-35 (e), provides in pertinent part:

(e) . . . In each municipality, any elector, upon change of residence within the municipality, may cause the elector's registration to be transferred to the elector's new address by presenting to the registrars a signed request therefor, stating the elector's present address, the date the elector moved to such address and the address at which the elector was last registered. The registrars shall thereupon enter the elector's name on the list at the elector's new residence; provided no transfer of registration shall be made on the registry list on election day without the consent of both registrars.

6. General Statutes § 9-140 details the requirements to for an application to vote via absentee ballot. Specifically General Statutes § 9-140 (a) provides, in pertinent part:

The application shall be signed by the applicant under the penalties of false statement in absentee balloting on (1) the form prescribed by the Secretary of the State pursuant to section 9-139a, (2) a form provided by any federal department or agency if applicable pursuant to section 9-153a, or (3) any of the special forms of application prescribed pursuant to section 9-150c, 9-153a, 9-153b, 9-153d, 9-153e, 9-153f or 9-158d, if applicable.

7. The legislative body of any municipal entity may further subdivide into separate voting districts. General Statutes § 9-169, provides:

The legislative body of any town, consolidated town and city or consolidated town and borough may divide and, from time to time, redivide such municipality into voting districts. The registrars of voters of any municipality taking such action shall provide a suitable polling place in each district but, if the registrars fail to agree as to the location of any polling place or places, the legislative body shall determine the location thereof. Polling places to be used in an election shall be determined at least thirty-one days before such election, and such polling places shall not be changed within said period of thirty-one days except that, if the municipal clerk and registrars of voters of a municipality unanimously find that any such polling place within such municipality has been rendered unusable within such period, they shall forthwith designate another polling place to be used in place of the one so rendered unusable and shall give adequate notice that such polling place has been so changed. The registrars of voters shall keep separate lists of the electors residing in each district and shall appoint for each district a moderator in accordance with the provisions of section 9-229 and such other election officials as are required by law, and shall designate one of the moderators so appointed or any other elector of such town to be the head moderator for the purpose of declaring the results of elections in the whole municipality. The registrars may also designate a deputy head moderator to assist the head moderator in the performance of his duties provided the deputy head moderator and the head moderator shall not be enrolled in the same major party, as defined in subdivision (5) of section 9-372. The selectmen, town clerk, registrars of voters and all other officers of the municipality shall perform the duties required of them by law with respect to elections in each voting district established in accordance with this section. Voting district lines shall not be drawn by a municipality so

as to conflict with the lines of congressional districts, senate districts or assembly districts as established by law, except (1) as provided in section 9-169d and (2) that as to municipal elections, any part of a split voting district containing less than two hundred electors may be combined with another voting district adjacent thereto from which all and the same officers are elected at such municipal election. Any change in the boundaries of voting districts made within ninety days prior to any election or primary shall not apply with respect to such election or primary. The provisions of this section shall prevail over any contrary provision of any charter or special act.

(Emphasis added).

8. Voters are only permitted to vote within the voting district to which they are assigned. General Statutes § 9-171 provides:

In all cities, unless otherwise provided by law, *any person entitled to vote at city elections who is registered on the revised registry list last completed, and any person having a legal right to vote at such elections whose name is entered on a copy of such list before voting, may vote therein in the district for which such registry list is made;* 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 week day before a regular election under the provisions of section 9-17. Each person so registered shall be permitted to vote, unless he has lost his right by removal from such city since he has registered or by conviction of a disfranchising crime. Any person offering so to vote, and being challenged as to his identity or residence, shall, before he votes, prove his identity with the person on whose name he offers to vote or his *bona fide* residence in such city, as the case may be, by the testimony, under oath, of at least one other elector or by such other evidence acceptable to the moderator. The names of those voting shall be checked on such copy of such list, and such copy so checked shall be kept on file in the office of the town clerk, as in the case of state elections.

(Emphasis added).

9. Any person who votes in any election when not qualified to do so, faces both civil and criminal liability. General Statutes § 9-7b, provides in pertinent part:

(a) The State Elections Enforcement Commission shall have the following duties and powers: (2) To levy a civil penalty not to exceed. . . (C) two thousand dollars per offense against any person the commission finds to have (i) improperly voted in any election, primary or referendum, and (ii) not been legally qualified to vote in such election, primary or referendum,

10. General Statutes § 9-360, further provides, in pertinent part:

Any person not legally qualified who fraudulently votes in any town meeting, primary, election or referendum in which the person is not qualified to vote, and any legally qualified person who, at such meeting, primary, election or referendum, fraudulently votes more than once at the same meeting, primary, election or referendum, shall be fined not less than three hundred dollars or more than five hundred dollars and shall be imprisoned not less than one year or more than two years and shall be disfranchised. Any person who votes or attempts to vote at any election, primary, referendum or town meeting by assuming the name of another legally qualified person shall be guilty of a class D felony and shall be disfranchised.

CONCLUSIONS

11. The Respondent admits that she was not a resident of 923 Kossuth Street in Bridgeport at the time of the September 10, 2013 primary. Rather, she admits that she was living at 25 Omega Street, Bridgeport, Connecticut at that time and did not move to 923 Kossuth Street until October of 2013.
12. For the purpose of municipal elections, those addresses comprise different voter jurisdictions for which different candidates appear on the ballot.
13. General Statutes § 9-7b empowers the Commission to levy a civil penalty against any person who “improperly voted in any election, primary or referendum, and (ii) not been legally qualified to vote in such election, primary or referendum”
14. General Statutes § 9-171 provides in relevant part that, “in all cities, unless otherwise provided by law, any person entitled to vote at city elections who is registered on the revised registry list last completed, and any person having a legal right to vote at such elections whose name is entered on a copy of such list before voting, may vote therein *in the district for which such registry list is made[.]*” (Emphasis added).

15. Respondent Centeno was permitted to vote in District 137 only because of her representation to the town clerk that she lived at 923 Kossuth Street. This representation was made, among other places, in her Application for Absentee Ballot. Such application was on the form prescribed by the Secretary of the State and was signed as true under penalty of false statement. The evidence shows that, at the time the document was signed, the address listed was not her *bona fide* mailing or residential address.
16. Accordingly, in submitting an absentee ballot application with an address that was neither her *bona fide* mailing or residential address, Respondent Centeno violated General Statutes § 9-140.
17. The Commission considers voting in a jurisdiction other than the one where the voter maintains her *bona fide* residence, and making representations under penalty of false statement in support of such activity, to be serious matters. *Complaint of Darlene F. Burrell and Lynn F. Joyal, Suffield*, File No. 2013-075. However, when a lack of intent is found, the Commission has generally elected not to pursue civil penalties. *Id.*
18. As the Respondent was moving to the residence listed on her Absentee Voter Application shortly after the primary, there is no reason to believe that the Respondent was not acting in good faith.
19. The Respondent has no prior history with the Commission.
20. Accordingly, the Commission elects not to pursue a civil penalty.
21. The 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 into after a full hearing and shall become final when adopted by the Commission.
22. 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.
23. Upon the Respondent's agreement to comply with the Order hereinafter stated, the Commission shall not initiate any further proceedings against her concerning this matter.

24. It is understood and agreed that this Agreement will be submitted to the Commission for consideration at its next meeting and, if the Commission does not accept it, it is withdrawn and may not be used as an admission by the Respondent in any subsequent hearing, if the same becomes necessary.

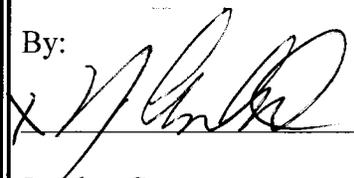
ORDER

IT IS HEREBY ORDERED THAT the Respondent shall henceforth strictly comply with the requirements of General Statutes § 9-140.

The Respondent

For the State of Connecticut

By:



Jocelyn Centeno
923 Kossuth Street
Bridgeport, CT 06608

Dated: X

6/24/16

By:



Michael J. Brandi, Esq.
Executive Director and General Counsel and
Authorized Representative of the
State Elections Enforcement Commission
20 Trinity St., Suite 101
Hartford, CT 06106

Dated:

6/29/16

Adopted this 13 day of July, 2016 at Hartford, Connecticut by vote of the Commission.



Anthony J. Castagno, Chairman
By Order of the Commission