

STATE OF CONNECTICUT
STATE ELECTIONS ENFORCEMENT COMMISSION

In the Matter of a Complaint by
David G. LaPointe, Winsted

File No. 2014-130

FINDINGS AND CONCLUSIONS

The Complainant filed this, pursuant to § 9-7b, General Statutes, alleging that Pamela Banks and Ronald Banks violated General Statutes § 9-12 by remaining registered to vote in the City of Winsted when they no longer resided there. After an investigation of this matter, the following findings and conclusions are made:

1. Complainant alleged that Ronald and Pamela Banks, who are spouses, were “former residents” of Winsted and were committing “voter fraud” by remaining on the Winsted voter registry list.
2. Further, Complainant alleged that the Ronald and Pamela Banks resided in Massachusetts for the previous two years and were in violation of General Statutes §§ 9-12 and 9-159p and that Pamela Banks’ absentee ballot that was voted in the September 13, 2014 election was therefore “voter fraud” and should not have been counted.
3. This complaint was received by the Commission on October 20, 2014, *after* the September 13, 2014 special election referenced by Complainant.
4. General Statutes § 9-12, provides:
 - (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 have attained the age of eighteen years on the day of the person’s eighteenth birthday and 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 § 9-159p, provides in pertinent part:

(a) ***Any elector may challenge the right of any person offering to vote by absentee ballot based upon*** false identity, disenfranchisement for conviction of a felony or ***lack of bona fide residence***. The failure of an elector to challenge, pursuant to this section, the right of a person to vote by absentee ballot shall not bar such elector from bringing an action to contest the primary or election under section 9-323, 9-324, 9-328 or 9-329a, based on the alleged invalidity of the absentee ballot cast at such primary or election.

(b) ***Challenges shall not be made indiscriminately and may only be made if the challenger knows or reasonably believes that the right of the person offering to vote by absentee ballot should be denied*** on one or more of the grounds specified in subsection (a) of this section. ... [Emphasis added.]

6. Upon investigation and in response to this complaint, Pamela Banks and Ronald Banks answered in writing. Specifically, they provided the following representations:

In February of 2012 after long conversations with our Landlord at 157 N. Main St., we decided that we need to move out to allow our Landlord the ability to correct problems with the house.

We kept the address [at 157 North Main Street, Winsted], our mail was delivered there and [we] stored some things there that did not need to be moved to complete repairs.

In early 2014 Ronald decided to retire from his employment from the Town of Winchester [Winsted].

[In early 2014] we started planning our move and Ronald retired in November 2014. ... We moved [from a rental in Tolland, Massachusetts] in December 2014. When we were settled permanently in the house we are now renting [out of state], we immediately changed our vehicle registrations, mailing address and voter registrations.

No one in Winsted informed us we could not vote, actually just the opposite. We considered this a completely temporary situation.

7. Upon investigation, the Commission finds that City of Winsted Registrars of Voters Deborah G. Jones and Barbara L. Braunstein had as early as October 2013 attempted to verify the residence status of Pamela and Ronald Banks through canvassing efforts.
8. Specifically, the Commission finds that the Winsted Registrars attempted such canvassing efforts in October 2013 and January 2014 and offered a written response detailing the same in response to this complaint and investigation.
9. Upon investigation, the Winsted Registrars verified in writing that they determined through their canvassing the following:
 - (1) As of October 2013 Pamela and Ronald Banks had *temporarily* left their home at 157 North Main Street in Winsted due to structural issues that their landlord was addressing;
 - (2) As of January 2014, Pamela and Ronald Banks were *temporarily* living “out of town,” while their home at 157 North Main Street was being worked on and intended to return to the home and reside in Winsted; and,
 - (3) As of January 2014, the Winsted Registrars confirmed with a Staff Attorney at the Office of the Secretary of the State, Elections Division, that electors who resided elsewhere while work was being done on their residence, but intended to reside in Winsted upon its completion, *could remain registered voters* in Winsted.
10. After investigation, the Commission finds no evidence to contradict, or otherwise discredit, the facts and conclusions drawn by the Winsted Registrars based on their canvassing efforts pertaining to Pamela and Ronald Banks between October 2013 and January 2014.
11. Further, the Commission finds the assertions made in writing by Pamela Banks and Ronald Banks in response to this complaint as credible and consistent with additional facts determined after investigation.

12. Finally, the Commission finds corroborating evidence that Winsted officials conveyed to Pamela and Ronald Banks in 2014 that they *could* remain registered electors based on their temporary absence and intent to return to Winsted as well as facts supporting their amended voter registration status that coincided with their decision to relocate outside of Connecticut in early 2015.
13. Pertaining to Complainant's allegation regarding Ms. Banks' ability to vote by absentee ballot at the September 13, 2014 special election in Winsted the Commission finds as detailed herein that it was not supported by the facts after investigation.
14. The Commission concludes after investigation that the facts and law under the circumstances detailed herein do *not* support the conclusion that General Statutes §§ 9-12 or 9-159p were violated as alleged by Complainant. The Commission therefore dismisses these allegations and takes no further action regarding the same.

ORDER

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

The Complaint is hereby dismissed.

Adopted this 19th day of May, 2015 at Hartford, Connecticut


Anthony J. Castagno, Chairman
By Order of the Commission