

STATE OF CONNECTICUT
STATE ELECTIONS ENFORCEMENT COMMISSION

In the Matter of a Referral by Cynthia A. Bruno,
Registrar of Voters, Ridgefield

File No. 2017-007

FINDINGS AND CONCLUSIONS

Ridgefield Registrar of Voters Cynthia A. Bruno referred this matter to the Commission pursuant to General Statutes §9-7b, alleging that Megan Carr (hereinafter "Respondent") voted in Redding in-person *and* by obtaining a ballot via the Election Day Registration (EDR) process in Ridgefield at the November 8, 2016 in violation of Connecticut election laws.

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

1. This matter was referred to the Commission based upon information indicating that after Respondent completed an EDR application and ballot at the Ridgefield Registrars of Voters' office on November 8, 2016, the EDR official then confirmed with the town of Redding that Respondent's name had been checked off earlier on election day as having voted in-person in Redding.
2. Respondent cooperated fully with this investigation and denied voting in-person in Ridgefield at the November 8, 2016 election and asserted that she had been directed by Ridgefield polling place officials to vote in Redding based on having moved there from Ridgefield prior to election day. Further, Respondent denied being issued a ballot at the polling place in Redding on the morning of November 8, 2016.
3. General Statutes § 9-360, provides in 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. ...
4. Respondent, in the course of this investigation, claimed that on the morning of November 8, 2016 she went the District 2 polling place in Redding where she had last voted, explained to a polling place official that she had moved to Ridgefield, and asked where she should vote. Respondent asserts that she was instructed by that official to go to Ridgefield to vote.

5. Upon investigation, the Commission finds that Respondent on July 7, 2016 Respondent applied for and was issued a Connecticut driver's license that listed her address as 79 Lawson Lane, Ridgefield, Connecticut. Further, the Commission finds that Respondent, at all times relevant to this complaint remained registered to vote at 107 Topstone Road in Redding.
6. The Commission finds that the Deputy Registrar at the District 2 polling place in Redding corroborated Respondent's explanation of events on the morning of the November 8, 2016 election at the Redding District 2 polling place.
7. In response to this complaint and investigation the District 2 polling place official indicated that she was approached by an individual who presented a driver's license with a Ridgefield address on the morning of the election. Further, she assumed at the time that the individual had been sent to her by the checkers. The individual explained to the Deputy Registrar that that the District 2 polling place was the last place she had voted but she had since moved to Ridgefield.
8. The Deputy Registrar for the District 2 polling place on November 8, 2016 confirmed that in response to the individual's inquire and explanation, and after reviewing her driver's license, she instructed the individual that she should go to Ridgefield to vote.
9. The Commission finds that the voter registry list used by the checkers at the Redding District 2 polling place on November 8, 2016 election included Respondent's name and address at 107 Topstone Road in Redding, as well as two other individuals' names at the 107 Topstone Road address.
10. Further, the Commission finds that the two individuals whose names also appeared next to 107 Topstone Road address on the Redding District 2 polling place registry list indicated that they both voted in-person at the November 8, 2016 election. The Commission finds that the District 2 polling place checkers' list used at the November 8, 2016 election has all three names registered at 107 Topstone Road, Redding, crossed off as having voted in-person.
11. The Commission finds that, while not dispositive, the cumulative testimony and evidence regarding Respondent having voted at the District 2 polling place remains inconclusive after investigation. Further, based on its investigation, the Commission deems a reasonable inference to be that Respondent's name may have been checked off the District 2 voter registry list used at the checkers' table in error.

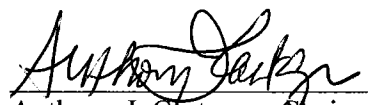
12. The Commission has consistently held that where there is insufficient factual evidence to corroborate or support an allegation of double-voting, or where there is an inference that such claims rest on administrative errors, or that the accused individual lacks *the requisite intent to commit fraud* by voting twice at a single election, that violations of General Statutes § 9-360 remain unsubstantiated. See *In the Matter of a Complaint by John T. Coffindaffer*, Oxford, File No. 2012-075 (where state and municipal records did not contain a voting history for Respondent); *In the Matter of a Complaint by Margaret H. Busch*, Andover, File No. 2012-192 (where a father and son shared the same name and address after the son had moved, which led to administrative error by election officials); and *In the Matter of a Complaint by Peter J. Gostin*, File No. 2013-041 (where an individual was instructed in error to vote by presidential ballot even though he remained an active voter).
13. The Commission concludes that, based upon witness testimony that corroborated Respondent's explanation as well as record evidence, that it is more likely than not a clerical error at the District 2 polling place in Redding led to the appearance that Respondent voted twice in Redding and Ridgefield on November 8, 2016 in violation of General Statutes § 9-360.
14. The Commission therefore dismisses the allegation pertaining to a potential violation of General Statutes § 9-360 based on the referral by the Ridgefield Registrar of Voters to the Commission pertaining to Respondent and the November 8, 2016 election.
15. Finally, the Commission commends Ridgefield Registrar of Voters Cynthia A. Bruno for vigilance in referring this matter to the Commission pursuant to the statutory authority in General Statutes §9-7b (a), based on records from Ridgefield and Redding that Respondent may have voted twice at the November 8, 2016 election.

ORDER

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

That the complaint is dismissed.

Adopted this 18th day of October, at Hartford, Connecticut.


Anthony J. Castagno, Chairman
By Order of the Commission