

STATE OF CONNECTICUT
STATE ELECTIONS ENFORCEMENT COMMISSION

In the Matter of a Referral by the Colchester Registrar of Voters

File No. 2017-025

FINDINGS AND CONCLUSIONS

The Referring Official, a Registrar of Voters in the Town of Colchester, makes this referral pursuant to Connecticut General Statutes § 9-7b, alleging that the Respondent, Thomas Fan, voted twice in the November 8, 2016 general election, in violation of General Statutes §§ 9-7b, 9-19j, 9-20, and 9-360.¹

1. The Referring Official is a Registrar of Voters in the Town of Colchester.
2. The Referring Official alleges that the Respondent presented himself at the Colchester Election Day Registration (“EDR”) location on November 8, 2016 and requested to register to vote and vote.
3. The Referring Official further alleges that the EDR poll worker saw that the Respondent had previously registered to vote in Mansfield and contacted the Mansfield Registrar of Voters Office to confirm that the Respondent had not previously voted. The Mansfield Registrar of Voters Office confirmed that the Respondent had not voted in the November 8, 2016 election.
4. The Respondent was then allowed to register and vote in the November 8, 2016 election in Colchester.
5. However, “when researching the duplicate voters”, the Referring Official reviewed records that seemed to indicate that the Respondent had voted in both Colchester and Mansfield on November 8, 2016.
6. Based upon these records, the Referring Official referred this case to the Commission for further investigation.

¹ Any allegation not specifically addressed herein is hereby dismissed as such allegations, even if true, would not have amounted to violation of Connecticut’s election laws.

7. General Statutes § 9-7b (a) (2) (C) authorizes the State Elections Enforcement Commission to levy a civil penalty not to exceed “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[.]”
8. General Statutes 9-19j provides the procedures for EDR in the State of Connecticut. Such requirements include that the voter must sign an affirmation that states:

I, the undersigned, do hereby state, under penalty of false statement, (perjury) that:

1. I am the person admitted here as an elector in the town indicated.
2. I am eligible to vote in the election indicated for today in the town indicated.
3. The information on my voter registration card is correct and complete.
4. I reside at the address that I have given to the registrars of voters.
5. If previously registered at another location, I have provided such address to the registrars of voters and hereby request cancellation of such prior registration.
6. I have not voted in person or by absentee ballot and I will not vote otherwise than by this ballot at this election.
7. I completed an application for an election day registration ballot and received an election day registration ballot.

.... (Signature of voter)

9. General Statutes § 9-20 (a) further provides:

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.

10. General Statutes § 9-360 further provides that:

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.

11. In this case, the documentary evidence provided by the Mansfield Registrars of Voters shows that the Respondent did not vote twice in the November 8, 2016 general election. Rather, the Respondent voted via EDR in Colchester. When the Colchester election official contacted the Mansfield Registrars of Voters concerning the Respondent's Election Day registration, a clerical error was committed. Specifically, while the Mansfield poll worker marked the check list in Mansfield "EDR", this was translated as "voted" on the official Mansfield post-election reporting. Moreover, the Mansfield Registrars of Voters office failed to remove the Respondent from their registry list.² These clerical errors made it appear to the Referring Officials that the Respondent cast two votes on November 8, 2016, when he had not.

12. Accordingly, this matter should be dismissed.

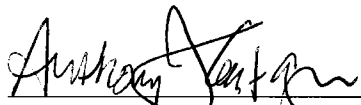
² The Commission, at this time, declines to pursue any findings or penalties against the Mansfield Registrar of Voters office with regard to this matter. However, the Mansfield Registrars should take steps to ensure such errors do not happen again, as proper documentation concerning Election Day Registration is essential to its proper functioning.

ORDER

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

This matter is dismissed.

Adopted this 15 day of November, 2017 at Hartford, Connecticut.



Anthony J. Castagno, Chairperson
By Order of the Commission