

STATE OF CONNECTICUT
STATE ELECTIONS ENFORCEMENT COMMISSION

In the Matter of a Complaint by Carole T. Young-Kleinfeld
034

File No. 2017-

and Annalisa Stravato, Registrars of Voters and
Lori Kaback, Town Clerk, Town of Wilton

AGREEMENT CONTAINING CONSENT ORDER

This Agreement, by and between Emma Holmquist (hereinafter "Respondent"), of the Town of Wilton, State of Connecticut and the authorized representative of the State Elections Enforcement Commission is entered into in accordance with Section 97b54 of the Regulations of Connecticut State Agencies and Section 4177(c) of the General Statutes of Connecticut. In accordance herewith, the parties agree that:

1. Complainants, the Wilton Registrars of Voters and Wilton Town Clerk, filed this complaint alleging that Emma G. Holmquist (hereinafter "Respondent") voted twice at the November 8, 2016 election.
2. According to Complainants, they received information from Electronic Registration Information Center ("ERIC") that Respondent was registered in both Pennsylvania and Connecticut. Furthermore, Complainants alleged that Respondent voted by absentee ballot in Wilton, Connecticut and then voted in-person in Philadelphia County, Pennsylvania at the November 8, 2016.
3. By way of background, records received by Complainants from the "ERIC" system indicated that Respondent was registered at both 75 Carriage Road, Wilton, Connecticut and 3335 Woodland Walk, Philadelphia, Pennsylvania.
4. Further, records and information from state, county and municipal records and officials included by Complainants' to support their allegations indicate that Respondent voted in-person in Philadelphia County, Pennsylvania on November 8, 2016 election and by absentee ballot in Wilton at that same election.
5. General Statutes § 9-159o, provides:
Any elector who has returned an absentee ballot to the clerk and who finds he is able to vote in person shall proceed before ten o'clock a.m. on election, primary or referendum day to the municipal clerk's office and request that his ballot be withdrawn. The municipal clerk shall remove the ballot from the sealed package and shall mark the serially-numbered outer envelope, which shall remain unopened, "rejected" and note the reasons for rejection. The elector shall also endorse the envelope. The rejected ballot shall then be returned to the sealed package until delivered on election, primary or referendum day to the registrars of voters in accordance with section 9-140c. ...
[Emphasis added.]
6. General Statutes § 9-360, provides:

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. ...
[Emphasis added.]

7. After investigation, the Commission finds that the Town of Wilton State District 001 checkers' list for the November 8, 2016 election indicates that Respondent voted in the November 8, 2016 presidential election in Wilton by absentee ballot. This is delineated by an "A" appearing next to Respondent's name and street address on that checklist.
8. Further, the Commission finds that the records from the Commonwealth of Pennsylvania, indicate that Respondent voted in-person at Philadelphia County, Ward 27, District 19 at the November 8, 2016 election.
9. The Commission finds that Respondent registered to vote in Pennsylvania on September 23, 2016 at 3335 Woodland Walk, Philadelphia, Pennsylvania. Finally, the Commission finds at the time of the incidents detailed herein Respondent had been registered at 75 Carriage Road, Wilton, Connecticut, since April 25, 2016.
10. The Commission finds that Respondent completed a Connecticut absentee ballot application on August 5, 2016, which she requested be mailed to her Pennsylvania address at 3335 Woodland Walk address. That absentee ballot was received back to the Wilton Town Clerk's office on October 31, 2016.
11. Connecticut and Pennsylvania records for the relevant period therefore indicate that Respondent was listed as having vote in each state on November 8, 2016.
12. The Respondent represents that she was a university student in Pennsylvania and was in her first year during the events pertaining to her double-voting. Respondent provided the following written response to this complaint; which is excerpted as follows:

I am sincerely sorry for the mistake a made last fall. It was my first time voting and I got very confused and unfortunately the outcome was one that I deeply regret.

During orientation at [university] on the 24th August, I was approached by a student organizer who convinced me to register to vote in Pennsylvania. ... When I asked him how this works, he explained that after they registered me as a Pennsylvania voter, a notice would be sent to Connecticut and they would inactivate my registration in Connecticut. ... I never received any confirmation from the state of Pennsylvania in regards to my registration.

In October, I received an absentee ballot from the state of Connecticut and I had assumed that my registration for Pennsylvania did not go thorough. I assumed that since I had received the ballot I was obligated to fill it out ...

A week before the election I received a post card from the state of Pennsylvania with voting location information. At this point, I assumed that my registration to Pennsylvania was transferred at the last minute I assumed that my Connecticut vote would automatically be null and void.

I never intended to vote twice, it was an honest mistake. I was very confused and assumed that when I registered in Pennsylvania that my Connecticut registration would be nullified. ... I understand the severity of this matter and I deeply regret my actions. I was a naïve first time voter and I would never intentionally do this.

[Emphasis added.]

13. Upon investigation, it was determined that Respondent failed to complete the data field "Address of previous registration (include street and city)" on her Pennsylvania Voter Registration Mail Application that she completed on August 24, 2016.
14. The Pennsylvania application specifically warns that it is signed under penalty for a "materially false statement" and, according to that warning, the application is the "equivalent of an affidavit."
15. The Commission finds that Respondent showed contrition in her written response to this complaint and investigation. Respondent asserts that she genuinely regrets the actions that led to this complaint investigation.
16. The Commission further finds that Respondent failed to complete the data field "Address of previous registration (include street and city)" on her mail in application. The Commission notes that, at minimum, this could have served as a reminder for her to reconsider or further investigate her situation and the correct actions to take with regard to registering and voting at the November 8, 2016.
17. Respondent claims that her confusion was based on receiving voting materials (CT absentee ballot) and information (PA post card identifying polling place) from both states prior to the election. Respondent asserts therefore that she was falsely under the assumption that the aforementioned election materials would not have been issued unless the states were aware of her situation. Based on this assumption she assumed that Connecticut would have "cancelled out" her absentee ballot after they had information that she could register and vote in person in Pennsylvania.
18. The Commission, based on its authority provided by § 9-7b (a) (2), has determined that an individual is liable under its civil penalty authority for double voting at an election if it can be shown that such individual:
 - (1) improperly voted in any election, primary or referendum; and,
 - (2) had not been legally qualified to vote in such election, primary or referendum.
19. The Commission finds in this instance that Respondent by voting in Connecticut and Pennsylvania "voted improperly" when she was not "legally qualified to do so" at the November 8, 2016 election, as provided by § 9-7b (a) (2).
20. The Commission concludes therefore that the application of its civil penalty authority in this instance is warranted based on the Respondent double voting in Connecticut and Pennsylvania at the November 8, 2016 election.
21. The Commission further concludes that Respondent violated General Statutes § 9-159o by failing to withdraw her absentee ballot by 10:00 AM on the morning of the November 8, 2016 election after finding she could vote in person at the election.
22. 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 after a full hearing and shall become final when adopted by the Commission. The Respondent shall receive a copy hereof as provided in Section 9-7b-56 of the Regulations of Connecticut State Agencies.
23. 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 by either party in any subsequent hearing, if the same becomes necessary.

24. 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.

25. Upon the Respondent's compliance with the Order hereinafter stated, the Commission shall not initiate any further proceedings against Respondent pertaining to this matter.

ORDER

IT IS HEREBY ORDERED THAT Respondent shall pay a civil penalty in the amount of five hundred dollars (\$500.00).


IT IS FURTHER ORDERED THAT Respondent shall henceforth strictly comply with the requirements of General Statutes § 9-159o.

IT IS FURTHER ORDERED THAT Respondent shall refrain from improperly voting in an election when she is ineligible to do so, as prescribed by General Statutes § 9-7b (a) (2).

The Respondent:

For the State of Connecticut:

By: 
Emma Holmquist
Norwalk, Connecticut

BY: 
Michael J. Brandt, Esq.
Executive Director and General Counsel
And Authorized Representative of the
State Elections Enforcement Commission
55 Farmington Avenue, 8th Floor
Hartford, Connecticut

Dated: 3/18/2022 Dated: 3/30/22

Adopted this 6th day of April of 2022 at Hartford, Connecticut



Stephen T. Penny, Chairman
By Order of the Commission