

STATE OF CONNECTICUT
STATE ELECTIONS ENFORCEMENT COMMISSION

In the Matter of a Referral by Fred A. DeCaro III,
and Michael A. Aurelia, Registrars of Voters, Greenwich

File No. 2017-039

FINDINGS AND CONCLUSIONS

Greenwich Registrars of Voters Fred A. DeCaro III and Michael A. Aurelia referred this matter to the Commission pursuant to General Statutes §9-7b, alleging that Elizabeth Fretty (hereinafter "Respondent") voted in Cumberland County, Pennsylvania in-person *and* by absentee ballot in Greenwich at the November 8, 2016 election 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 Respondent appeared on the Electronic Registration Information Center ("ERIC") State Report as having voted in-person in Cumberland County, Pennsylvania and also voting by absentee ballot in Greenwich at the November 8, 2016 election.
2. Respondent cooperated fully with this investigation and denied voting the absentee ballot that she received from Greenwich. Respondent asserted that she returned the absentee ballot set in its envelopes with the "blank" or unmarked ballot to the Town of Greenwich because she believed it was the correct protocol.
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. The Commission finds after investigation that Respondent denied that she voted twice at the November 8, 2016 election. Respondent responded to the allegation in writing and asserted that she was a college student in Pennsylvania and "... registered in Pennsylvania so [she] could vote in person, and [she] was told the protocol for returning the absentee ballot without double voting was to return in blank." Therefore, according to Respondent she "...mailed it back blank using the [outer] envelope I was given with the absentee ballot."

5. Based on Respondent's representations that she did not mark the ballot that she returned to Greenwich, Commission investigator obtained Respondent's absentee ballot set for the November 8, 2017 election from the "Keeper of Records" of the Town of Greenwich by a Subpoena Duces Tecum authorized by the Commission for purposes of investigation pursuant to General Statutes § 9-7b.
6. A Commission investigator, in the course of this investigation and in the presence of a witness, examined the documents returned by Greenwich under subpoena and discovered that Respondent's absentee ballot set delivered to the Commission was complete. Further, the absentee ballot set was contained in an envelope that was marked by hand: *11-8-16 Election Challenged ballot Rejected*. Finally, applying Commission protocols a Commission investigator, in the presence of a witness, opened and inspected the outer and sealed inner envelopes of Respondent's absentee ballot issued by the Town of Greenwich for the November 8, 2016 and confirmed that the "official" ballot returned by Respondent remained unmarked.¹
7. 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).
8. The Commission concludes that, based upon Respondent's testimony and the inspection of Respondent's absentee ballot under authority of a subpoena, which corroborated her claim that she returned the absentee ballot "blank" or unmarked to Greenwich², the Respondent lacked the sufficient intent to vote twice at the November 8, 2016 in violation of General Statutes § 9-360 and therefore the claim remains unsubstantiated.

¹ The official ballot returned by Respondent to the Town of Greenwich and obtained by Commission subpoena was printed on yellow paper and contained the following heading: *State of Connecticut Official Ballot, Greenwich Connecticut, State Election, November 8, 2016, Congressional District 4 – Senatorial District 36 – Assembly District 151 – Voting District 8 (original emphasis)*.

² The Commission notes that the ballot, if voted, would not have been counted because it was rejected due to lack of a required signature on the inner envelope.

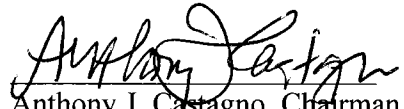
9. The Commission therefore dismisses the allegation pertaining to a potential violation of General Statutes § 9-360 based on the referral by the Greenwich Registrars of Voters to the Commission pertaining to Respondent voting both in-person in Cumberland County, Pennsylvania and by absentee ballot in Greenwich, Connecticut at the November 8, 2016 election.
10. Finally, the Commission commends the Greenwich Registrars of Voters for vigilance in referring this matter to the Commission pursuant to the statutory authority in General Statutes §9-7b (a), based on a report from ERIC that indicated 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