

STATE OF CONNECTICUT
STATE ELECTIONS ENFORCEMENT COMMISSION

In the Matter of a Referral by the Bristol Town Clerk and Registrars of Voters File No. 2017-085

AGREEMENT CONTAINING A CONSENT ORDER

The parties, Tyler John Greene (the “Respondent”) and the undersigned authorized representative of the State Elections Enforcement Commission (the “Commission”), enter into this agreement as authorized by Connecticut General Statutes § 4-177 (c) and Regulations of Connecticut State Agencies § 9-7b-54. In accordance with those provisions, the parties agree that:

ALLEGATION

1. Respondent, a fulltime student at the University of Connecticut is alleged to have voted twice in the November 7, 2017 general election.

FACTUAL BACKGROUND

2. Prior to October 5, 2017, Respondent was a registered voter in the Town of Bristol.
3. On October 5, 2017, Respondent requested an absentee ballot from the Bristol Town Clerk.
4. On October 25, 2017, Respondent returned his absentee ballot to the Bristol Town Clerk.
5. On October 31, 2017, Respondent registered to vote in the Town of Mansfield.
6. On November 3, 2017, during an “absentee pre-check,” Respondent’s absentee ballot was pulled from the absentee count in Bristol. Thus, Respondent’s vote in Bristol was not counted.
7. At no time did Respondent contact the Bristol Town Clerk’s office to withdraw his absentee ballot.
8. On November 7, 2017, Respondent voted in person in the Town of Mansfield.
9. The November 7, 2017 general elections held in the Towns of Bristol and Mansfield were Municipal Elections as that term is defined in General Statutes § 9-1 (h).

10. No candidate or referendum question was listed on both the Bristol and Mansfield ballots for the November 7, 2017 general election.
11. When Respondent was contacted by a Commission investigator concerning this matter, Respondent admitted to the facts as alleged above. He stated that he believed it was permissible to vote in both locations because he had ties to both and it was a non-federal election.

DISCUSSION

12. As Respondent is a full time student with a residence in the Town of Mansfield, and also maintains a residence in the Town of Bristol, Respondent could properly be registered to vote in either town. See *Complaint of James Cropsey, Tilton, New Hampshire*, File No. 2008-047.
13. However, when an individual registers to vote, he must complete a form stating “whether he has previously been admitted as an elector in any town in this or any other state.” General Statutes § 9-20 (a). See also General Statutes § 9-21 (a).
14. If an applicant for admission to vote has previously been admitted as an elector in another town or state, the individual must not only declare such to the admitting official, but such official must:

within forty-eight hours thereafter transmit a notice of cancellation of such registration, . . . to the appropriate registration official or officials in such other town. Upon receipt of such notice of cancellation of registration, the registrars of the town from which such elector has removed shall forthwith erase the name of such elector from the registry list of the town, if the same has not been erased therefrom.

General Statutes § 9-21 (a).

15. Moreover, with regard to individuals that have cast an absentee ballot prior to voting in person, General Statutes § 9-150o provides:

Any elector who has returned an absentee ballot to the municipal 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, as amended by this act. The municipal clerk shall then give the elector a signed statement directed to the moderator of the voting district in which the elector resides stating that the elector has withdrawn his absentee ballot and may vote in person. Upon delivery of the statement by the elector to the moderator, the moderator shall cause the absentee indication next to the name of the elector to be stricken from the official checklist and the elector may then have his name checked and vote in person. Unless absentee ballots are to be counted in the respective polling places pursuant to subsection (b) of section 9-147a, as amended by this act, the municipal clerk shall also cause the absentee indication next to the name of the elector to be stricken from the duplicate checklist to be used by the absentee ballot counters.

16. Voting twice in the same election also subjects the Respondent to criminal liability. Specifically, 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. 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.

17. In this case, the Respondent cast an absentee ballot in Bristol and then registered to vote and voted in Mansfield. When he registered to vote in Mansfield he failed to provide his prior address in Bristol. Moreover, after registering to vote in Mansfield, and knowing he was planning to vote in Mansfield, Respondent never contacted the Bristol town clerk to advise them that he would like to withdraw his absentee ballot.

18. When previously faced with the question as to whether to refer similar case to criminal authorities, the Commission opined:

There is no question that voting twice in the same election in which the same races and/or questions appear on the ballot is a grave offense for which the Commission would generally expect substantial penalties to be levied against any Respondent.

However here, while the Respondent voted twice on the same day, there is some question as to whether it was in the same "election" as that term is defined General Statutes § 9-1. That is, even if the Respondent possessed the requisite criminal intent to "double vote," it is unclear that two municipal elections-with separate candidates and/or referendum questions constitute the same "election." That said, since we have a civil remedy here, we needn't answer this question. However, it does provide some context to what the Respondent did. He voted twice on the same day, but no candidate and/or question received more than one vote from him.

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19. Accordingly, the Commission concludes that the Respondent violated General Statutes §§ 9-7b, 9-20, 9-21, and 9-150o.
20. Moreover, in consideration of the specific facts of this case, a despite the seriousness with which the Commission views double voting, the Commission, in its discretion, elects to assess a civil penalty of \$250.

TERMS OF GENERAL APPLICATION

21. The Respondent admits to all jurisdictional facts and agrees that this Agreement and Order shall have the same force and effect as a final decision and order entered into after a full hearing and shall become final when adopted by the Commission.
22. 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 to contest the validity of the Order entered into pursuant to this Agreement.

23. Upon the Respondent's agreement to comply with the Order hereinafter stated, the Commission shall not initiate any further proceedings against the Respondents regarding this matter.
24. It is understood and agreed by the parties to this Agreement that the Commission will consider this Agreement at its next available meeting and, if the Commission rejects it, the Agreement will be withdrawn and may not be used as an admission by the Parties in any subsequent hearing, proceeding or forum.


ORDER

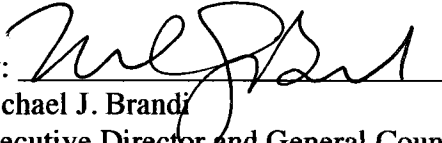
It is hereby ordered that Respondent Tyler John Greene shall henceforth strictly adhere to the requirements of General Statutes §§ 9-7b, 9-20, 9-21, and 9-150o.

It is further Ordered that Respondent Tyler John Greene shall pay a civil penalty of two hundred fifty dollars (\$250).

Respondent:

For the State of Connecticut:


By: 
Tyler John Greene
90 Lakewood Circle
Bristol, CT 06010

By: 
Michael J. Brandi
Executive Director and General Counsel and
Authorized Representative of the
State Elections Enforcement Commission
20 Trinity St.
Hartford, CT 06106

Dated: 3/25/19

Dated: 3/26/19

Adopted this 3rd day of April, 2019 at Hartford, Connecticut by vote of the Commission.


Anthony J. Castagno, Chairman
By Order of the Commission

RECEIVED
STATE ELECTIONS

APR 03 2019

ENFORCEMENT COMMISSION