

**STATE OF CONNECTICUT  
STATE ELECTIONS ENFORCEMENT COMMISSION**

In the Matter of a Referral by the Greenwich Registrars of Voters

File No. 2018-004

**AGREEMENT CONTAINING A CONSENT ORDER**

The parties, Carol A. Swift (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. The Referring Officials alleged that on November 7, 2017, the Respondent voted in the Town of Greenwich when she was not a *bona fide* resident of that town.

**LAW**

2. An elector is eligible to register and vote in a particular town only if such voter is a *bona fide* resident of such town. General Statutes § 9-12, provides in pertinent part:

(a) Each citizen of the United States who has attained the age of eighteen years, and who is a *bona fide* resident of the town to which the citizen applies for admission as an elector shall, on approval by the registrars of voters or town clerk of the town of residence of such citizen, as prescribed by law, be an elector, except as provided in subsection (b) of this section. . . .

(Emphasis added).

3. General Statutes § 9-170 further details the eligibility requirements for voting in a town election.

At any regular or special town election any person may vote who is registered as an elector on the revised registry list of the town last completed and he shall vote only in the district in which he is so registered, provided any person may vote whose name is restored to the list under the provisions of section 9-42 or whose name is added on the last week day before a regular election under the provisions of section 9-17. Each person so registered shall be permitted to vote unless he is not a *bona fide* resident of the town and political subdivision holding the election or has been convicted of a disfranchising crime. Any person offering to vote and being challenged as to his identity or residence shall, before he votes, prove his identity with the person on whose name he offers to vote or his *bona fide* residence in the town and political subdivision holding the election, as the case may be, by

the testimony, under oath, of at least one other elector or by such other evidence acceptable to the moderator.

4. General Statutes § 9-372 (10) defines “political subdivision” as “any voting district or combination of voting districts constituting a part of a municipality.”<sup>1</sup>
5. General Statutes § 9-7b further provides that the Commission has the authority to, “levy a civil penalty not to exceed . . . (C) two thousand dollars per offense against any person the commission finds to have (i) improperly voted in any election, primary or referendum[.]”

#### **DISCUSSION**

6. The Respondent has been a resident of the Town of Greenwich since at least 2004.
7. On September 12, 2017, the Respondent obtained and completed an absentee ballot application for the November 7, 2017 Greenwich town election.
8. Prior to October 1, 2017, the Respondent’s address within the Town of Greenwich was located on Grove Street.
9. On October 1, 2017, the Respondent moved to another address within the town of Greenwich.
10. On or about October 1, 2017, the Respondent enrolled in the Secretary of the State’s Address Confidentiality Program, pursuant to Public Act 03-290. This program allows certain individuals that have concerns for their personal safety to have their addresses suppressed on public documents such as voter registration lists.
11. While the Respondent’s new address was within the Town of Greenwich, it was not within the same voting district as the district containing the Respondent’s former Grove Street address. Thus The Respondent’s new address was not within the same political subdivision.
12. Sometime prior to November 7, 2017, the Respondent voted, via absentee ballot, in the Greenwich town election. The ballot the Respondent voted was the ballot designated for individuals within the voting district that included her previous home on Grove Street. The ballot was different than the ballot for residents in her new voting district.

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<sup>1</sup> While the definitions in General Statutes § 9-372 do not explicitly apply to General Statutes § 9-170, the definition of political subdivision in General Statutes § 9-372 necessarily applies to General Statutes § 9-170 because the definition in General Statutes § 9-372 explicitly applies to General Statutes § 9-169e and those statutes require a consistent definition of the term.

13. Liability in this case is straightforward. The Respondent admits that she was not a *bona fide* resident of the voting district in which she cast a ballot for the November 7, 2017 election.
14. Accordingly, the Commission concludes that the Respondent violated General Statutes §§ 9-12, 9-170, and 9-7b.
15. With regard to the civil penalty associated with this violation, the Commission considers voting in a jurisdiction other than the one where the voter maintains his or her bona fide residence to be a serious matter. See *In the Matter of a Complaint by the Greenwich Registrars of Voters*, File No. 2017-030; *Complaint of Darlene F. Burrell and Lynn F. Joyal, Suffield*, File No. 2013-075; *In the Matter of a Complaint by Maria Valle, Bridgeport*, File No. 2013-137B.
16. However, when a lack of intent is found, the Commission has generally elected not to pursue civil penalties. See *In the Matter of a Complaint by the Greenwich Registrars of Voters*, File No. 2017-030.
17. The Commission concludes that there was no intent on the part of the Respondent to violate Connecticut's election law in this instance.
18. In this case, the Respondent has been cooperative with the Commission's investigation and has shown good faith in attempting to comply with the applicable provisions of the General Statutes. The Commission concludes that there was no intent on the part of the Respondent to violate Connecticut's election law in this instance.
19. Moreover, the Respondent has no prior history with the Commission, and there is no indication that a civil penalty is necessary to insure immediate and continued compliance with the statute.
20. Accordingly, the Commission elects not to assess a civil penalty for this violation.

#### **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.

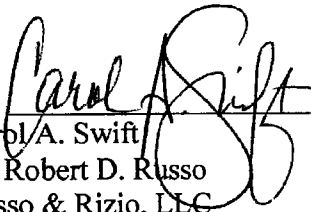
**ORDER**


It is hereby ordered that the Respondents shall henceforth strictly adhere to the requirements of General Statutes §§ 9-12, 9-20, and 9-172.

It is further ordered that a copy of this Order shall be provided to the Registrars of Voters for the Town of Greenwich who shall be directed to confirm the Respondent is no longer registered to vote at an address on Grove Street in Greenwich.

**The Respondent:**

**For the State of Connecticut:**

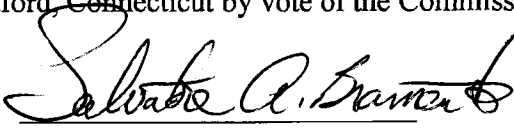
By:   
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By:   
Michael J. Brandi  
Executive Director and General Counsel and  
Authorized Representative of the  
State Elections Enforcement Commission  
20 Trinity St.  
Hartford, CT 06106

Dated: Sept. 7, 2018

Dated: 9/7/18

Adopted this 19<sup>th</sup> day of September, 2018 at Hartford, Connecticut by vote of the Commission.

  
~~Anthony J. Castagno, Chairman~~  
By Order of the Commission  
Salvatore A. Bramante CO chair