

**STATE OF CONNECTICUT**  
**STATE ELECTIONS ENFORCEMENT COMMISSION**

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

File No. 2021-135B

**FINDINGS AND CONCLUSIONS**

The Referring Officials asserted in their referral that they received information from the Electronic Registration Information Center (“ERIC”)<sup>1</sup> indicating that Milford elector, Charles Barnes, Jr. cast a ballot twice in the November 3, 2020 General Election, once by absentee ballot in Milford and again in person using a registration Sumter County, Florida.

**Allegation**

1. The allegations here concern the November 3, 2020 General Election.
2. Here, the Milford Registrars of Voters received a delivery of data from the ERIC System after the November 3, 2020 General Election that included information indicating that Milford elector Charles Barnes, Jr. was also an elector in The Villages, Florida, which is located in Sumter County.
3. The ERIC data also indicated that Mr. Barnes cast an absentee ballot in Milford and in person in Sumter County in the November 3, 2020 General Election.
4. As the above records indicated that Mr. Barnes may have voted twice in the same election, the Milford Registrars of Voters referred the ERIC data to the Commission for investigation.

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<sup>1</sup> For more information on ERIC, see File No. 2021-131.

Law

5. General Statutes § 9-7b reads, in pertinent part:

(a) The State Elections Enforcement Commission shall have the following duties and powers:

...

(2) 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, and (ii) not been legally qualified to vote in such election, primary or referendum,

6. General Statutes § 9-360 provides, in pertinent 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. 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. (Emphasis added.)

Voting more than once in the same election is also a federal offense.

52 USC § 10307 reads, in pertinent part: (e) Voting more than once

(1) Whoever votes more than once in an election referred to in paragraph (2) shall be fined not more than \$10,000 or imprisoned not more than five years, or both.

(2) The prohibition of this subsection applies with respect to any general, special, or primary election held solely or in part for the purpose of selecting or electing any candidate for the office of President, Vice President, presidential elector, Member of the United States Senate, Member of the United States House of Representatives, Delegate from the District of Columbia, Guam, or

the Virgin Islands, or Resident Commissioner of the Commonwealth of Puerto Rico.

(3) As used in this subsection, the term "votes more than once" does not include the casting of an additional ballot if all prior ballots of that voter were invalidated, nor does it include the voting in two jurisdictions under section 10502 of this title, to the extent two ballots are not cast for an election to the same candidacy or office.

7. General Statutes § 9-7b reads, in pertinent part:

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8. Voting more than once in the same election is also a federal offense. 52 USC § 10307 reads, in pertinent part:

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jurisdictions under section 10502 of this title, to the extent two ballots are not cast for an election to the same candidacy or office.

9. Voting more than once in the same election is a violation of Florida law. Florida Statutes § 104.18 reads:

Except as provided in s. 101.6952, whoever willfully votes more than one ballot at any election commits a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

#### **Investigation**

10. The investigation here confirmed through the records of the Milford Registrars of Voters that Mr. Barnes has been a registered elector in Milford since at least 1976.
11. According to CVRS, Mr. Barnes had been an active voter in Connecticut, casting ballots in multiple State and Municipal General Elections. Each ballot is recorded to have been cast in person, except for the 2020 General Election, in which he is recorded as having voted via absentee ballot.
12. The records of the Supervisor of Elections for Sumter County in Florida indicate that Mr. Barnes first registered to vote at an address in the county on or about October 18, 2019.
13. There were no evidence in the records remitted by either Sumter County or Milford that Sumter County ever informed Milford, as it was required to do by federal law,<sup>2</sup> that Mr. Barnes had registered in another jurisdiction so that Milford could then remove him.
14. Digital records indicate that Mr. Barnes has remained registered at the same Florida address since 2019 and voted in only one election at that address, the November 3, 2020 General Election, by utilizing the in-person early voting option on or about October 28, 2020.
15. The Commission notes that the races for United States Congress and President of the United States appeared on both the Milford and Sumter County ballots recorded to have been executed by Mr. Barnes.
16. The records of the Milford Registrars of Voters indicate that on or about August 18, 2021, Mr. Barnes formally withdrew his registration in Milford and is now exclusively registered to vote in Sumter County, Florida.

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<sup>2</sup> See 52 U.S. Code § 20507

### **Prosecution and Plea in Florida**

17. Concurrent to the instant Commission investigation, the Office of the State Attorney for the Fifth Judicial Circuit in Florida conducted its own criminal investigation of Mr. Barnes' votes in Florida and Connecticut in November 2020.
18. On or about April 12, 2022, The State Attorney and Mr. Barnes submitted a joint "Pre-Trial Intervention Contract" (the "Contract") to the Circuit Court of the Fifth Judicial Circuit of the State of Florida in which Mr. Barnes pleaded guilty to a felony violation of Florida Statutes § 104.18 for the actions alleged by the Referring Officials here.<sup>3</sup>
19. In the Contract, the State Attorney agreed to permanently defer prosecution provided Mr. Barnes follows a number of requirements set forth in the agreement within a 180-month period of pre-trial review, including but not limited to: paying court costs and other fees amounting to no less than \$400; completing 50 hours of community service; making regular visits with a "Pre-Trial Intervention Program Officer;" as well as attending and successfully passing an adult civics class entitled "We the People: the Citizen and the Constitution."

### **Resolution**

20. Turning to the question before the Commission, considering Mr. Barnes' relinquishment of rights as an elector in Connecticut and removal to the jurisdiction of the State of Florida and considering his criminal prosecution in that jurisdiction—resulting in conviction and penalties—the Commission concludes that it need take no further action in this matter.

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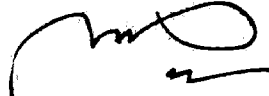
<sup>3</sup> See, Case No. 2021-CF-001504-A in the Circuit Court of the Fifth Judicial Circuit of the State of Florida, In and For Sumter County.

ORDER

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

*No Further Action.*

Adopted this 10<sup>th</sup> day of May, 2022 at Hartford, Connecticut.



Stephen T. Penny, Chairperson  
By Order of the Commission