

STATE OF CONNECTICUT
STATE ELECTIONS ENFORCEMENT COMMISSION

In the Matter of a Referral by the Groton Town Clerk

File No. 2021-148

FINDINGS AND CONCLUSIONS

The Referring Official asserted in their referral that she received information from the Electronic Registration Information Center (“ERIC”)¹ indicating that Groton elector, Louise Heidtman, cast a ballot twice in the November 3, 2020 General Election, once via absentee in Groton and again via absentee ballot using a registration in New Port Richley, Pasco County, Florida.²

Background and Allegation

1. The events here concern the November 3, 2020 General Election.
2. The Referring Official here is Betsy Moukawsher, who at all times relevant to the Instant Referral was the Groton Town Clerk.
3. Here, the Groton Registrars of Voters forwarded to the Referring official a letter from the Office of the Pasco County, Florida Supervisor of Elections, who had received a delivery of data from the ERIC System after the November 3, 2020 General Election that included information indicating that Groton elector Louise Heidtman was also an elector in Pasco County.
4. The ERIC data also indicated that Mrs. Heidtman cast an absentee ballot in both Groton and Pasco County in the November 3, 2020 General Election.
5. As the above records indicated that Mrs. Heidtman may have voted twice in the same election, the Referring Official referred the ERIC data to the Commission for investigation.

¹ See File No. 2021-131 for a primer on the ERIC system.

² The following are the Commission’s findings and conclusions based on those portions of the allegations which the Commission could reasonably construe as alleging facts amounting to a specific violation of those laws within the Commission’s jurisdiction. Any statements not addressed herein either did not specifically allege a violation or alleged facts which if proven true would not have amounted to a violation within the Commission’s jurisdiction.

Law

6. 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,

7. 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.)

8. 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.

9. 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.

Investigation

10. While an ERIC report showing two votes occurring by the same individual constitutes sufficient evidence to investigate, it is not prima facie evidence that any violation has occurred.
11. Accordingly, Commission investigators conducted a full review of all relevant records held by both jurisdictions.
12. The records of the Groton Registrars of Voters confirmed that Ms. Heidtman was a registered elector in Groton at the time of the November 3, 2020 General Election.
13. The records of the Groton Registrars of Voters also confirmed that Mrs. Heidtman voted in Groton in the General Elections held November 3, 2020.

14. The records of the Pasco County Supervisor of Elections confirmed that Mrs. Heidtman was also actively registered to vote at an address in the town of New Port Richey during the November 3, 2020 General Election.
15. The records of the Pasco County Supervisor of Elections also confirmed that Mrs. Heidtman voted by absentee ballot in Pasco County in the November 3, 2020 General Election.
16. The investigation here found that at the time of the November 3, 2020 General Election Mrs. Heidtman was 96 years old and living at the Solstice Senior Living Center (“SSLC”) in Groton.
17. However, before the investigation was able to interview Mrs. Heidtman, she was discharged from SSLC to an unnamed individual.
18. The investigation was able to make contact with at least one member of Mrs. Heidtman’s family, her son Kerry, who was unable to identify her whereabouts.
19. During attempts to locate Mrs. Heidtman, the investigation discovered reliable evidence that she had passed away during the course of the investigation.
20. The investigation was able to confirm that Louise Heidtman passed away on or about July 22, 2022 at the age of 98.³
21. Considering the aforesaid, this matter should be dismissed.

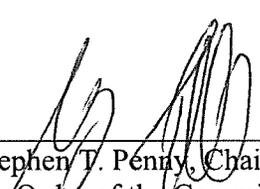
³ <https://www.dignitymemorial.com/obituaries/niantic-ct/louise-heidtman-10837085>

ORDER

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

Dismissed.

Adopted this 7th day of September, 2022 at Hartford, Connecticut.



Stephen T. Penny, Chairperson
By Order of the Commission

Michael Jello
Vice Chair