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COMMISSION

STATE OF CONNECTICUT
STATE ELECTIONS ENFORCEMENT COMMISSION

In the Matter of a Complaint by
Carlos Lopez, Farmington

File No. 2009-096

AGREEMENT CONTAINING CONSENT ORDER
AND PAYMENT OF CIVIL PENALTIES FOR VIOLATIONS OF
CONNECTICUT GENERAL STATUTES §§9-23g, 9-171, 9-172, and 9-360

This agreement, by and between Carlos Lopez and Luz S. Lopez of the Town of Farmington, County of Hartford, State of Connecticut, hereinafter referred to as the Respondent, and the authorized representative of the State Elections Enforcement Commission, is entered into in accordance with Section 9-7b-54 of the Regulations of Connecticut State Agencies and Section 4-177(c) of the General Statutes of Connecticut. In accordance herewith, the parties agree that:

1. Carlos Lopez self-reported this Complaint to the Commission.
2. Mr. Lopez admits that he and his wife Luz Lopez registered to vote and voted on three separate occasions, November 6, 2007, November 7, 2006 and November 2, 2004, in Hartford, while they remained *bona fide* residents of Farmington. The operative facts arose from the arrest of Carlos Lopez for multiple (3) alleged violations of fraudulent voting pursuant to General Statutes § 9-360. The criminal investigation flowed from the grand jury investigation into Hartford Mayor Eddie Perez, and Mr. Lopez' hosting of a fundraiser for Mayor Perez that was attended by Carlos Costa, a subject of that grand jury investigation.
3. The grand jury investigating this matter and the Chief State's Attorney have not involved Luz Lopez in this matter. The Commission's investigation revealed that Luz Lopez engaged in the same acts, as Carlos Lopez, and accordingly identified her as a Respondent in this matter.
4. Carlos and Luz Lopez purchased a home at 3 Muls Hill Road, Farmington, where they have resided for approximately twenty years.
5. Connecticut Department of Motor Vehicle records, utility records, and the Town of Farmington tax and land records, all indicate that Carlos and Luz Lopez maintain their residence at 3 Muls Hill Road, Farmington.
6. Carlos and Luz Lopez completed applications to register to vote in the City of Hartford on or about May 7, 2003, which are accepted and processed.

7. General Statutes § 9-12 provides:

(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 he 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.]

8. General Statutes § 9-23g provides, in pertinent part:

(a) In addition to the procedures for admission of electors under sections 9-19b, 9-19c, 9-19e, 9-20 and 9-31, any person may apply to a registrar of voters of the town of his residence for admission as an elector in accordance with the provisions of this section and section 9-23h.

(b) The Secretary of the State shall prescribe, and provide to registrars of voters, town clerks and voter registration agencies, as defined in section 9-23n, application forms and other materials necessary to complete such application and admission process. The Secretary of the State, registrars of voters and town clerks shall provide a reasonable number of such forms and materials to any elector who requests such forms and materials. The secretary shall also, in the course of the secretary's elections duties, prepare instructions and related materials describing procedures for such application and admission process and shall provide the materials to registrars of voters and town clerks. The application shall contain the information required under section 9-23h. *All statements of the applicant shall be made under the penalties of perjury. The application for admission as an elector shall include a statement that (1) specifies each eligibility requirement, (2) contains an attestation that the application meets each such requirement, and (3) requires the signature of the applicant under penalty of perjury.* . . . [Emphasis added.]

9. General Statutes § 9-23h provides:

The application provided for in section 9-23g shall provide spaces for the following information for each applicant: (1) Name, (2) *bona fide residence, including street number, street address, apartment number if applicable, town and zip code*, (3) telephone number, (4) date of birth, (5) whether the applicant is registered as an elector in any other town in the state of Connecticut or in any other state, and if so, the applicant's last previous voting residence, (6) whether the applicant is a United States citizen, (7) whether the applicant will be eighteen years of age on or before election day, (8) party affiliation, if any, (9) the applicant's signature and date of signature, and (10) the applicant's Connecticut motor vehicle operator's license number or, if none, the last four digits of the applicant's Social Security number. . . .

10. The Commission concludes that by registering to vote in Hartford on May 7, 2003, while maintaining their bona fide residence at 3 Muls Hill Road, Farmington, Respondents violated General Statutes § 9-23g.

11. Carlos and Luz Lopez voted in the City of Hartford at the municipal election held on November 6, 2007, and state elections held on November 7, 2006 and November 2, 2004.

12. General Statutes § 9-171 provides:

In all cities, unless otherwise provided by law, any person entitled to vote at city elections who is registered on the revised registry list last completed, and any person having a legal right to vote at such elections whose name is entered on a copy of such list before voting, may vote therein in the district for which such registry list is made; provided those persons may vote whose names are restored to the list under the provisions of section 9-42 or whose names are 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 has lost his right by removal from such city since he has registered or by conviction of a disfranchising crime. Any person offering so 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 such city, 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. The names of those voting shall be checked on such copy of such list, and such copy so checked shall be kept on file in the office of the town clerk, as in the case of state elections. [Emphasis added.]

13. General Statutes § 9-172 provides:

At any regular or special state election any person may vote who was registered on the last-completed revised registry list of the town in which he offers to vote, and he shall vote in the district in which he was so registered; provided those persons may vote whose names are restored to the list under the provisions of section 9-42 or whose names are added on the last weekday before a regular election under the provisions of section 9-17. Each person so registered shall be permitted to vote if he is a bona fide resident of the town and political subdivision holding the election and has not lost his right by conviction of a disfranchising crime. Any person offering so 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 as is acceptable to the moderator. [Emphasis added.]

14. 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.

The Commission notes the penalties therein are criminal and the Commission sets civil penalties pursuant to General Statutes § 9-7b, for civil violations of the same statute.

15. General Statutes § 9-7b, provides in pertinent part, that the Commission has the following powers and duties:

...

(2) To levy a civil penalty not to exceed (A) two thousand dollars per offense against any person the commission finds to be in violation of any provision of chapter 145, part V of chapter 146, part I of chapter 147, chapter 148, section 7-9, section 9-12, subsection (a) of section 9-17, section 9-19b, 9-19e, 9-19g, 9-19h, 9-19i, 9-20, 9-21, 9-23a, 9-23g, 9-23h, 9-23j to 9-23o, inclusive, 9-23r, 9-26, 9-31a, 9-32, 9-35, 9-35b, 9-35c, 9-40a, 9-42, 9-43, 9-50a, 9-56, 9-59, 9-168d, 9-170, 9-171, 9-172, 9-232i to 9-232o, inclusive, 9-404a to 9-404c, inclusive, 9-409, 9-410, 9-412, 9-436, 9-436a, 9-453e to 9-453h, inclusive, 9-453k or 9-453o, (B) two thousand dollars per offense against any town clerk, registrar of voters, an appointee or designee of a town clerk or registrar of voters, or any other election or primary official whom the commission finds to have failed to discharge a duty imposed by any provision of chapter 146 or 147, (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*, or (D) two thousand dollars per offense or twice the amount of any improper payment or contribution, whichever is greater, against any person the commission finds to be in violation of any provision of chapter 155 or 157. The commission may levy a civil penalty against any person under subparagraph (A), (B), (C) or (D) of this subdivision only after giving the person an opportunity to be heard at a hearing conducted in accordance with sections 4-176e to 4-184, inclusive. In the case of failure to pay any such penalty levied pursuant to this subsection within thirty days of written notice sent by certified or registered mail to such person, the superior court for the judicial district of Hartford, on application of the commission, may issue an order requiring such person to pay the penalty imposed and such court costs, state marshal's fees and attorney's fees incurred by the commission as the court may determine. Any civil penalties paid, collected or recovered under subparagraph (D) of this subdivision for a violation of any provision of chapter 155 applying to the office of the Treasurer shall be deposited on a pro rata basis in any trust funds, as defined in section 3-13c, affected by such violation; ... [Emphasis added.]

16. Carlos Lopez and Luz Lopez admit they were not *bona fide* residents of Hartford as required by General Statutes §§ 9-12, 9-171 and 9-172 when they voted on November 6, 2007, November 7, 2006 and November 2, 2004, in Hartford.

17. Carlos Lopez claims that he thought he could vote and voted in Hartford because of his business interests related to his owning of a furniture store located in Hartford for over thirty five years. Further, Mr. Lopez claims that because of his varied business, family, and personal interests are in Hartford, he believed he could vote in Hartford. According to Mr. Lopez, Luz Lopez registered and voted in Hartford following his direction.
18. "Bona fide residence" means a person's genuine domicile. More specifically, that place where a person maintains a true, fixed, and principal home to which he, whenever transiently located, has a genuine intent to return. *Complaint of Nancy Rossi, West Haven, File No. 2006-109.*
19. The Commission concludes that Carlos and Luz Lopez by registering and voting in Hartford, while remaining residents of Farmington, on November 6, 2007 each violated General Statutes § 9-171 by voting in a city election when they were not legally qualified to vote. Further, the Commission concludes that Carlos and Luz Lopez by voting in Hartford, while remaining residents of Farmington, November 7, 2006 and November 2, 2004 each violated General Statutes § 9-172 by voting in state elections when they were not legally qualified to vote. Finally, the Commission concludes that Carlos and Luz Lopez violated General Statutes § 9-360 on three occasions by voting in elections in Hartford when not legally qualified to vote.
20. There is no evidence that Respondents were ever registered simultaneously in Hartford and Farmington, nor is there evidence that they ever voted more than once on each the above mentioned elections.
21. Carlos Lopez and Luz Lopez have since re-registered to vote in Farmington at their 3 Muls Hill Road address on August 25, 2008.
22. The Commission views fraudulent voter registration and fraudulent voting as one of the most serious types of violations. However, due to the self-reporting by Respondent Carlos Lopez, the full cooperation of both Respondents in seeking to resolve this matter with the Commission, and Respondent Carlos Lopez' prior arrest pertaining to these same facts, and the payment by the Respondents of a substantial civil penalty for their actions, the Commission is satisfied that this resolution is equitable when considered under the totality of circumstances.
23. The Respondents admit all jurisdictional facts and agrees that this agreement and Order shall have the same force and effect as a final decision and Order entered after a full hearing and shall become final when adopted by the Commission. The Respondents shall receive a copy hereof as provided in Section 9-7b-56 of the Regulations of Connecticut State Agencies.
24. It is understood and agreed that this agreement will be submitted to the Commission at its next meeting and, if it is not accepted by the Commission, it is withdrawn by the Respondents and may not be used as an admission in any subsequent hearing, if the same becomes necessary.

25. The Respondents waive:

- 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 contest the validity of the agreement or Order entered into pursuant to this agreement.

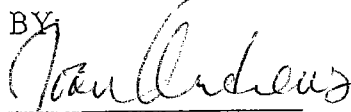
26. Upon the Respondents' compliance with the Order hereinafter stated, the Commission shall not initiate any further proceedings against them pertaining to this matter.

ORDER

IT IS HEREBY ORDERED that the Respondents shall each remit a civil penalty to the Commission in the amount of two thousand dollars (\$2,000) on or before January 19, 2010, and shall henceforth strictly comply with Connecticut General Statutes §§9-23g, 9-171, 9-172 and 9-360.

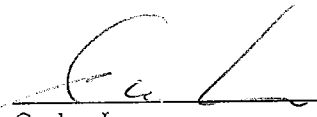
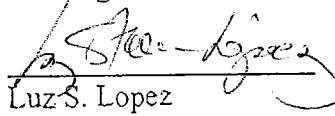
For the State of Connecticut

Dated: 11/5/10

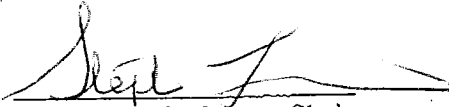
BY

Joan M. Andrews, Esq.
Director of Legal Affairs &
Enforcement &
Authorized Representative of
the State Elections
Enforcement Commission
20 Trinity St., Suite 101
Hartford, CT

Dated: 12/10

The Respondents


Carlos Lopez
3 Muls Hill Drive
Farmington, CT

Luz S. Lopez
3 Muls Hill Drive
Farmington, CT

Adopted this 20th day of January, 20010 at Hartford, Connecticut


Stephen F. Cashman, Chairman
By Order of the Commission