

STATE OF CONNECTICUT
STATE ELECTIONS ENFORCEMENT COMMISSION
STATE ELECTIONS

NOV 09 2010

File No. 2008-142

Referral of Town Clerk
Carolyn Soltis, Cheshire

ENFORCEMENT COMMISSION

**AGREEMENT CONTAINING CONSENT ORDER AND
PAYMENT OF A CIVIL PENALTY FOR VIOLATION OF
CONNECTICUT GENERAL STATUTES § 9-140 (a)**

This Agreement, by and between Sarah Kopman-Fried, of the City of New Haven, County of New Haven, State of Connecticut 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. This matter comes by way of a referral from Carolyn Soltis, who was at all relevant times the Town Clerk for the Town of Cheshire.
2. In or about October 2008, the Town Clerk received two separate applications for an absentee ballot for the November 4, 2008 General Election from Alla Nebrat. Only one signature matched the signature on her registration card, suggesting that the applications were signed and submitted by two different individuals, one or both of whom were not Ms. Nebrat. Neither application declared that any individual had assisted in the completion of the application.
3. After investigation, it is found that while Respondent Sarah Kopman-Fried was at the office of the Town Clerk applying for an absentee ballot, she had filled out and submitted an absentee ballot application on behalf of Ms. Nebrat, a close friend, directing that the absentee ballot be sent to Ms. Nebrat's residence on the campus of the University of Connecticut in Storrs. However, Ms. Kopman-Fried failed to carefully read the application form to determine whether she was allowed to take such an act.
4. Ms. Kopman-Fried and Ms. Nebrat maintain that at the time Ms. Kopman-Fried filled out Ms. Nebrat's application, she was speaking on a mobile telephone with Ms. Nebrat. Ms. Kopman-Fried understood Ms. Nebrat to have given her permission by telephone to fill out and sign the ballot application on Ms. Nebrat's behalf.
5. After Ms. Kopman-Fried submitted the absentee ballot application, Ms. Nebrat maintains that she forgot that Ms. Kopman-Fried had done so and she filled out and submitted a second application.
6. However, the second application was rejected as there was already an application on file for her.
7. Had Ms. Kopman-Fried been more careful about reading the application form that she signed on Ms. Nebrat's behalf, she would have seen that while it is permissible for

another individual to assist a voter in filling out her absentee ballot application, the assister must identify herself. Moreover, only the applicant may sign the application for an absentee ballot application; the permission of the applicant does not suffice.

8. General Statutes § 9-140, reads in pertinent part:

(a) Application for an absentee ballot shall be made to the clerk of the municipality in which the applicant is eligible to vote or has applied for such eligibility. *Any person who assists another person in the completion of an application shall, in the space provided, sign the application and print or type his name, residence address and telephone number.* Such signature shall be made under the penalties of false statement in absentee balloting. . . . *The application shall be signed by the applicant under penalties of false statement in absentee balloting.* . . . (Emphasis added.)

9. Here, by assisting Ms. Nebrat in the completion of her application without identifying herself as an assister and by signing on Ms. Nebrat's behalf, Ms. Kopman-Fried violated General Statutes § 9-140 (a).
10. Respondent Kopman-Fried admits to taking an act that constituted falsifying another person's signature on a form requesting an absentee ballot. However, she and Ms. Nebrat maintain that Ms. Kopman-Fried efforts on behalf of Ms. Nebrat were motivated by altruism, not fraud. They maintain that they were "best friends" since the age of 13 years old and that at the time of the election in question Ms. Nebrat had never voted and had no contact with the electoral process other than her registration in 2005. Ms. Kopman-Fried had been more involved; she registered to vote on the day that she turned 18 and had voted in the next regular state election in 2006 after her registration. Ms. Nebrat had not voted in 2006 and Ms. Kopman-Fried had been encouraging her to cast her ballot in the upcoming presidential election.
11. While the Commission believes that Ms. Kopman-Fried was careless in reviewing the form that she was filling out and signing on her friend's behalf, there does not appear to have been any intent on behalf of Ms. Kopman-Fried to defraud any person or mislead a public servant in the performance of her official function. Ms. Kopman-Fried appears to be genuinely remorseful for the actions that she took in 2008, when she was 21 years old, which she herself describes as careless. The Commission has taken the aforesaid into account in assessing a civil penalty in this matter.
12. Respondent admits 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. Respondent shall receive a copy hereof as provided in Section 9-7b-56 of the Regulations of Connecticut State Agencies.
13. 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

Respondent and may not be used as an admission in any subsequent hearing, if the same becomes necessary.

14. 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 contest the validity of the Order entered into pursuant to this Agreement.


15. Upon the Respondent's compliance with the Order hereinafter stated, the Commission shall not initiate any further proceedings against him pertaining to this matter.

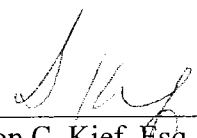
ORDER

IT IS HEREBY ORDERED that Respondent Kopman-Fried shall pay a civil penalty of \$200 and will henceforth strictly comply with the requirements of Connecticut General Statutes § 9-140.

The Respondent:

For the State of Connecticut:



Sarah Kopman-Fried
123 York St., Apt. 4-B
New Haven, CT

BY: 
Shannon C. Kief, Esq.
Legal Program Director
& Authorized Representative of the
State Elections Enforcement Commission
20 Trinity St., Suite 101
Hartford, CT

Dated: 11/3/10

Dated: _____

Adopted this 17th day of November of 2010 at Hartford, Connecticut


Stephen F. Cashman, Chairman
By Order of the Commission