

**STATE OF CONNECTICUT  
STATE ELECTIONS ENFORCEMENT COMMISSION**

In the Matter of a Complaint by  
Lillian Arciniegas, Hartford

File No. 2008-152

**FINDINGS AND CONCLUSIONS**

The Complainant, brings this complaint pursuant to §9-7b, General Statutes, alleging possible violations with respect to absentee ballot application and absentee ballots pertaining to the August 12, 2008 Democratic primary in Hartford.

After an investigation of this matter, the following findings and conclusions are made:

1. Complainant, who worked to get-out-the vote for Carmen I. Sierra, a candidate for state representative at the August 12, 2008 Democratic primary, alleged that various private individuals and officials at the Hartford Town Clerk's office violated election laws pertaining to absentee ballot applications and absentee balloting pertaining to that primary.
2. Specifically, Complainant alleged that:
  - (1) A resident of 65 Eaton Street, Hartford, claimed she did not sign an absentee application that was signed by Marie Hamilton as an assister and dated by the Town Clerk's office July 2, 2008;
  - (2) Seven absentee applications from 65 Eaton Street signed by the same assister, as referenced immediately above, were received and date stamped by the Town Clerk's Office at 4:33 AM – 4:34 AM, which, because the Town Clerk's Office is not open at this time, evidenced "tampering" with the date and time stamp machine;
  - (3) On August 5, 2008, supervised absentee balloting was conducted at 65 Eaton Street, despite there not being the necessary amount of absentee ballot applications to allow for supervised balloting at this residence;
  - (4) A staff member at 210 George Street, Hartford, signed the signature line on absentee ballot applications of three residents without signing the word "by" before their signatures and possibly without their consent, and that these ballots could have possibly been cast by this staff member;
  - (5) Individuals who conducted supervised balloting at 65 Eaton Street were providing residents, who had already voted, absentee ballots to assist other residents to vote who were incapable of attending the supervised balloting held in the recreational room. These residents were not supervised by the those conducting absentee balloting;

(6) An individual was issued her absentee ballot on July 25, 2008 although the ballot application was received on July 3, 2008. This ballot should have been issued on July 22, 2008 just like the other applications received prior to July 22, 2008;

(7) An individual from 288 White Street lost the first absentee ballot and was sent another absentee ballot in its place. On the form requesting an additional ballot the date stamp was July 32, 2008 at 7:32 AM. This is evidence of “tampering” with the date stamp machine; and,

(8) Several absentee ballots were sent out late (all within five business days), and not within the twenty-four hour period from receipt of the applications as required. Absentee ballot applications received from members of Complainant’s slate of candidates, were sent out late and her slate was “treated unfairly” regarding submission of absentee ballot applications as compared to the opposition slate of candidates.

3. The only allegation implicating Ms. Marie Hamilton is *Allegation One*. The other allegations are addressed with other Respondents in other documents.
4. Marie Hamilton is a former City of Hartford Democratic Deputy Registrar of Voters. Ms. Hamilton denied the allegations in the complaint as they pertained to her, and by sworn statement asserted that she assisted the individual at 65 Eaton Street Room with her absentee ballot application, and that the individual signed her own application.
5. General Statutes § 9-140, provides 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 ...***

[Emphasis added.]

6. Ms. Hamilton acknowledges that she assisted many of the residents residing at 65 Eaton Street, Hartford with their absentee ballot applications. She asserts that she is personally known to many of the residents of that building, after serving over ten years as a deputy registrar. Ms. Hamilton further acknowledges that on July 2, 2008 she did offer and assist resident applicants who wanted absentee ballots with their applications. There is no law prohibiting such assistance, so long as the individual assisting signs the application as assister if they complete any portion of the form, which Ms. Hamilton did.

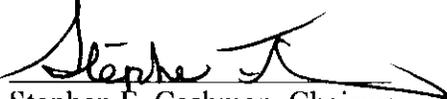
7. Ms. Hamilton further acknowledges that with regard to the absentee ballot application alleged by Complainant not to have actually been signed by the applicant, that she did offer and administer assistance to the named applicant and resident at 65 Eaton Street. Ms. Hamilton provided sworn written testimony regarding this matter, and asserts that she assisted the individual and that the individual applicant signed the absentee ballot application in question in the presence of other residents she was volunteering to assist with absentee ballot applications.
8. The investigation revealed that the applicant's signatures on both absentee ballot applications appear to be in the same handwriting and made by the same individual. Further, the applicant in question recalls signing an application which was provided by Ms. Hamilton, and identified the signature in question as her own. Records from the August 12, 2008 Democratic primary in Hartford indicate that the individual whose absentee ballot applications are discussed above voted by absentee ballot.
9. The Commission concludes that Ms. Hamilton did not sign the application for the applicant in question, as alleged.

### ORDER

The following Order is issued on the basis of the aforementioned finding:

The complaint is hereby dismissed.

Adopted this 15<sup>th</sup> day of July of 2009 at Hartford, Connecticut.

  
Stephen F. Cashman, Chairman  
By Order of the Commission