

STATE OF CONNECTICUT
STATE ELECTIONS ENFORCEMENT COMMISSION

Referral of Town Clerk Joyce Mascena, Glastonbury

File No. 2012-153B

AGREEMENT CONTAINING CONSENT ORDER

This Agreement, by and between Linda DeGroff, of the Town of Glastonbury, County of Hartford, 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 Joyce Mascena, the Town Clerk for the Town of Glastonbury.
2. The Referring official also alleges that she received two separate applications for an absentee ballot for the November 6, 2012 General Election for Matthew DeGroff with handwriting that did not match, suggesting that the applications were filled out and submitted by two different individuals, one or both of whom were not Matthew DeGroff.
3. The two applications submitted with this Referral were dated 10/1/12 and 10/9/12 and both were stamped as having been received by the Town Clerk on 10/9/12. They both bore the same information for Matthew DeGroff, but the handwriting on each was from two different individuals.
4. After a review of the registration card for Matthew DeGroff and other members of his household, one of the applications appeared to have been filled out by Mrs. Linda DeGroff, Matthew's mother.
5. While it is permissible for another individual to assist a voter in filling out her absentee ballot application, the assister must identify herself. . 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.)

6. Here, by assisting her son in the completion of his application without identifying herself as an assister the Respondent violated General Statutes § 9-140 (a).
7. In response to the instant referral, the Respondent admits to failing to identify herself as an assister. However, she maintained that her efforts on behalf of her son were motivated by altruism, not fraud. Her son was out of state attending college at the time and she merely wanted to make sure that he had an opportunity to vote. Unbeknownst to her, her son had already requested a ballot on his own accord. She regrets her mistake and apologizes for the error. She explains that:

Mathew, a 20 year old college student, voting in his first election, did submit a request for an absentee ballot to the Town. . . .When Mathew [came] home for the weekend in early October, I asked him to sign a request for an absentee ballot. Mathew either forgot he had mailed the first request or didn't realize the form I asked him to sign was a duplicate. On or about October 9 I hand carried this second request to the Town Hall. . . . I was not told at the time that this was a duplicate request and Mathew only received one absentee ballot.

8. Connecticut General Statutes § 9-7b (a) (2) provides that the Commission may assess a civil penalty of 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,. Pursuant to Regulations of Connecticut State Agencies §9-7b-48, in determining the amount of a civil penalty, the Commission shall consider, among other mitigating and aggravating factors:

- (1) the gravity of the act or omission;
- (2) the amount necessary to insure immediate and continued compliance;
- (3) the previous history of similar acts or omissions; and
- (4) whether the person has shown good faith in attempting to comply with the applicable provisions of the General Statutes.

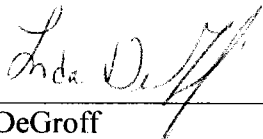
9. Here, while there appears here to be no question that the Respondent was careless in reviewing the form that she was filling out, there was no fraudulent intent on behalf of either her or her son.
10. The Respondent maintains that her efforts on behalf of her son were motivated by altruism, not fraud. The Respondent wanted her son to exercise his right, but failed to review the statutory requirements of the form in her efforts to help him do so.
11. It should also be noted that the vetting process of absentee ballot applications, required by law and successfully implemented by the Town Clerk and Registrar of Voters worked as it should have in this case. They were vigilant in their review of the absentee ballots; only one vote was ultimately cast.
12. The 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. The Respondent shall receive a copy hereof as provided in Section 9-7b-56 of the Regulations of Connecticut State Agencies.
13. 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.
14. It is understood and agreed that this Agreement will be submitted to the Commission for consideration at its next meeting and, if the Commission does not accept it, it is withdrawn and may not be used as an admission by the Respondent in any subsequent hearing, if the same becomes necessary.
15. Upon the Respondent's compliance with the Order hereinafter stated, the Commission shall not initiate any further proceedings pertaining to this matter.

ORDER

IT IS ORDERED THAT:


- a. The Respondent will henceforth strictly comply with General Statutes § 9-140.

The Respondent:



Linda DeGroff
Glastonbury, CT

For the State of Connecticut:

BY: 

Michael J. Brandi, Esq.
Executive Director & General Counsel and
Authorized Representative of the
State Elections Enforcement Commission
20 Trinity St., Suite 101
Hartford, CT

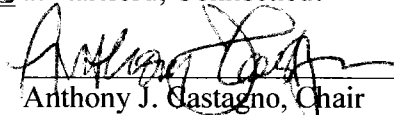
Dated: _____

8/2/13

Dated: _____

8/8/13

Adopted this 21st day of August of 20 13 at Hartford, Connecticut



Anthony J. Castagno, Chair
By Order of the Commission

**RECEIVED
STATE ELECTIONS**

AUG 08 2013

ENFORCEMENT COMMISSION