

**STATE OF CONNECTICUT**  
**STATE ELECTIONS ENFORCEMENT COMMISSION**

In the Matter of a Complaint by Mary Rydingsward, Bristol

File No. 2013-040B

**AGREEMENT CONTAINING CONSENT ORDER**

This Agreement, by and between Bruce Suchinski, of the City of Bristol, 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. The Complainant, Mary Rydingsward, the Democratic registrar of voters in Bristol, alleges that the Respondent cast an absentee ballot for the November 5, 2012 election claiming he would be out of town during all hours of voting on Election Day, but was in fact present in town working as "headquarters captain" for the Bristol Democratic Town Committee ("BDTC"). She alleges that his actions were knowing and willful.
2. General Statutes § 9-135 reads, in pertinent part:

*(a) Any elector eligible to vote at a primary or an election and any person eligible to vote at a referendum may vote by absentee ballot if he is unable to appear at his polling place during the hours of voting for any of the following reasons: (1) His active service with the armed forces of the United States; (2) his absence from the town of his voting residence during all of the hours of voting; (3) his illness; (4) his physical disability; (5) the tenets of his religion forbid secular activity on the day of the primary, election or referendum; or (6) the required performance of his duties as a primary, election or referendum official at a polling place other than his own during all of the hours of voting at such primary, election or referendum. [Emphasis added.]*
3. General Statutes § 9-159o reads, in pertinent part:

*Any elector who has returned an absentee ballot to the clerk and who finds he is able to vote in person shall proceed before ten o'clock a.m. on election, primary or referendum day to the municipal clerk's office*

*and request that his ballot be withdrawn.* The municipal clerk shall remove the ballot from the sealed package and shall mark the serially-numbered outer envelope, which shall remain unopened, "rejected" and note the reasons for rejection. The elector shall also endorse the envelope. The rejected ballot shall then be returned to the sealed package until delivered on election, primary or referendum day to the registrars of voters in accordance with section 9-140c. The clerk shall then give the elector a signed statement directed to the moderator of the voting district in which the elector resides stating that the elector has withdrawn his absentee ballot and may vote in person. Upon delivery of the statement by the elector to the moderator, the moderator shall cause the absentee indication next to the name of the elector to be stricken from the official checklist and the elector may then have his name checked and vote in person... [Emphasis added.]

4. The Respondent here does not generally deny: 1) that he submitted an absentee ballot application in person at the Bristol Town Hall on November 5, 2012 (the day before the election on November 6, 2012) in the late morning; 2) that such application indicated that he would be absent from the town during all hours of voting; and 3) that he ended up being in town on Election Day.
5. The Respondent asserts that he originally intended to vote in person as he was going to be in town for the day working as the "headquarters captain" at party headquarters in Bristol. However, the Respondent asserts that on or about November 3, 2012, the Saturday before Election Day, he was asked by a close friend to travel to West Virginia to help with an urgent family matter involving a medical issue. That next Monday, the Respondent, believing that he would be out of town, applied for the aforementioned absentee ballot and cast it as alleged, and made arrangements to cover his Election Day responsibilities at BDTC headquarters.
6. However, the Respondent further asserts that hours after submitting the absentee ballot, he learned that the medical procedure had been postponed and that he could remain in Bristol on Election Day.
7. In summary, he asserts that he voted by absentee ballot in good faith and that he was not aware of the responsibilities enumerated in General Statutes § 9-159o to withdraw an absentee ballot and he apologizes for this oversight.
8. In support of his claim, the Respondent submitted an affidavit by Barbara McGrew of West Virginia, who made the original request of the Respondent to travel to her home. Additionally, Commission staff interviewed BDTC Chairman Dean Kilbourne, and BDTC

volunteers Sandra Stafford and Ellen Zoppo. Mr. Kilbourne was not aware of the Respondent's conflict, but both Ms. Zoppo and Ms. Stafford asserted that the Respondent sought their help in filling in for him on Election Day should he need to be out of town. Specifically, Ms. Stafford asserted that the Respondent asked her to run the headquarters in his absence.

9. Turning to the question in this matter, the Respondent admits to having voted by absentee ballot despite the expiration of his reason for being able to do so. Accordingly, the Commission concludes that the Respondent violated General Statutes § 9-159o by failing to withdraw his absentee ballot before 10:00am on Election Day.
10. Connecticut General Statutes § 9-7b (a) (2) provides that the Commission may, inter alia, 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. 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.
11. The Respondent admits to failing to withdraw his absentee ballot after his excuse to vote (being out of town) in this manner was extinguished prior to 10am.
12. Objectively, the Complainant's allegations assert a serious offense; voting fraud calls for a fine between \$300 and \$500, prison for one to two years, and disenfranchisement.
13. However, it appears that the Respondent had no intention of committing fraud and more likely than not simply misunderstood his statutory obligation to withdraw the absentee ballot vote.
14. The Commission has seen other cases where Respondents have not withdrawn absentee ballots when their plans change.

15. The Commission has had a history of issuing civil penalties where the voters were, for instance elections officials. *See, e.g., In the Matter of a Complaint by Patricia Ulatowski, Stratford*, File No. 1997-261 (Respondent was a certified moderator and not eligible for an absentee ballot; civil penalty of \$300.00).
16. However, see *In the Matter of a Complaint by Brigida Diaz, Bridgeport*, File No. 2000-228, where the Commission acknowledged “that the law requiring an elector to withdraw the absentee ballot, if found that he or she was going to be able to vote in person, is not widely known.”
17. For this reason, the Commission has generally issued a civil penalty only when the Respondent should have been aware of the rules or incorrectly filled out the absentee ballot application. *See e.g. In re: Referral of Carole Young-Kleinfeld, Democratic Registrar of Voters, Wilton*, File No. 2012-170 (The Respondent expected to be out of town but her plans changed and she appeared at her polling place. Respondent not issued a civil penalty) and *In the Matter of a Complaint by Gary Steward, New Haven*, File No. 2006-139, which contained substantially similar facts to *Young-Kleinfeld*.
18. In a recent matter noted above, *In re: Referral of Carole Young-Kleinfeld, Democratic Registrar of Voters, Wilton*, File No. 2012-170, the Commission reiterated the above statement from the *Diaz* case regarding the relative public ignorance concerning the requirement to withdraw an absentee ballot in General Statutes § 9-159o. In *Young-Kleinfeld*, the Commission declined to issue a civil penalty to an absentee ballot voter whose plans changed and who ended up voting at the polls without withdrawing her ballot.
19. The Respondent here has no prior history before the Commission.
20. The Respondent appears to be genuinely remorseful for his omission.
21. Importantly, the evidence does not support a finding that the Respondent’s omission was knowing and willful or that he had any intention of committing fraud; it is more likely than not that he merely misunderstood his obligation to withdraw his absentee ballot vote.
22. Considering the aforementioned, the Commission declines to issue a civil penalty in this instance in exchange for an agreement by the Respondent to henceforth comply.
23. 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.

24. 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.

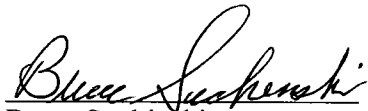
25. It is understood and agreed that this Agreement will be submitted to the Commission for consideration at its next meeting and, if the Commission does not accept it, it is withdrawn and may not be used as an admission by the Respondent in any subsequent hearing, if the same becomes necessary.

26. 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 that Respondent Bruce Suchinski will henceforth strictly comply with the requirements of General Statutes §§ 9-135 & 9-159o

**The Respondent:**



Bruce Suchinski  
Bristol, CT

**For the State of Connecticut:**

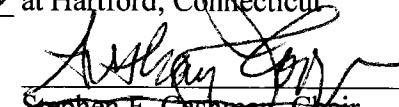
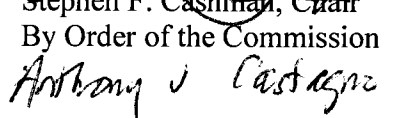
BY: 

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

Dated: 7-24-2014

Dated: 7/30/14

Adopted this 19 day of August of 2014 at Hartford, Connecticut

  
Stephen F. Cashman, Chair  
By Order of the Commission  


**RECEIVED  
STATE ELECTIONS**

**JUL 29 2014**

**ENFORCEMENT COMMISSION**