

STATE OF CONNECTICUT
STATE ELECTIONS ENFORCEMENT COMMISSION

In the Matter of a Referral by Stacey Gravino,
Town Clerk, East Haven

File No. 2015-134A

AGREEMENT CONTAINING CONSENT ORDER

This agreement, by and between Salvatore Maltese (hereinafter "Respondent") of the Town of East Haven, County of New Haven, State of Connecticut and the authorized representative of the State Elections Enforcement Commission, is entered into in accordance with § 9-7b-54 of the Regulations of Connecticut State Agencies and § 4-177(c) of the General Statutes of Connecticut. In accordance herewith, the parties agree that:

1. East Haven Town Clerk Stacey Gravino referred this matter pertaining to multiple absentee ballot applications that she believed had "irregularities." The applications were for the November 3, 2015 municipal election in East Haven and were delivered to the East Haven Town Clerk's office by Mr. Carl Ruggiero on behalf of the mayoral campaign of Respondent.
2. Specifically, Town Clerk Gravino referred this matter, alleging the following pertaining to the absentee ballot applications submitted by Mr. Ruggiero to her office:
 - (1) A failure to sign as an assister multiple absentee ballot applications in violation of General Statutes § 9-140 (a).
 - (2) A possible forged signature on an absentee ballot application that allegedly could be traced to Respondent, which raised the issue of a violation of § 9-359a.
3. At all times relevant to this referral, Respondent was a mayoral candidate at the November 3, 2015 municipal election in East Haven. Mr. Ruggiero assisted Respondent in his mayoral campaign.
4. This settlement is limited to Respondent. Any additional settlements with other individuals pertaining to the allegations detailed herein, are treated under separate agreements or dispositions.

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 municipal clerk shall not invalidate the application solely because it does not contain the name of a person who assisted the applicant in the completion of the application. ...Any such absentee ballot applicant who is unable to write may cause the application to be completed by an authorized agent who shall, in the spaces provided for the date and signature, write the date and name of the absentee ballot applicant followed by the word "by" and his own signature. If the ballot is to be mailed to the applicant, the applicant shall list the bona fide personal mailing address of the applicant in the appropriate space on the application. [Emphasis added.]

6. General Statutes § 9-359a, provides:

(a) ***A person is guilty of false statement in absentee balloting when he intentionally makes a false written statement in or on or signs the name of another person to the application for an absentee ballot*** or the inner envelope accompanying any such ballot, which he does not believe to be true and which statement or signature is intended to mislead a public servant in the performance of his official function.

(b) False statement in absentee balloting is a class D felony.
[Emphasis added.]

7. The Commission has had ample opportunity to apply General Statutes § 9-140 (a) to individuals who fail to sign absentee ballot applications as assisters. *See Complaint by Mary Lisette Slisz*, New Britain, File No. 2002-245 (where Respondent as an agent of a assisted living facility failed to sign as an assister on four absentee ballot applications and paid a civil penalty of \$100.00 for violations of § 9-140 (a)); *Complaint by Louis G. Salvio*, New Britain, File No. 2003- 280 (where Respondent assisted twelve individuals with their absentee ballot applications without signing as an assister and paid a civil penalty of \$100.00 for violations of § 9-140 (a)); and, *Complaint by David F. Walsh*,

Stafford Springs, File No. 2007-423 (where Respondent as an agent of a committee failed to sign as an assister and took possession of an absentee ballot and paid a civil penalty of \$300.00 for violations of § 9-140 (a) and § 9-140b (d) & (e)).

8. Further, the Commission has had opportunity to apply General Statutes § 9-140 (a) in combination with § 9-359a regarding violations pertaining to the mishandling of absentee ballot applications. *See Walsh; Complaint by Joyce P. Mascena*, Glastonbury, File No. 2008-128 (where Respondent paid a civil penalty of \$200.00 for failing to sign as an assister on his son's and wife's absentee ballot applications and for signing each of their names to the same in violation of § 9-140 (a) and § 9-359a, respectively); and, *Complaint by Dawn R. Mooney*, Killingworth, File No. 2013-131 (where Respondent paid a civil penalty of \$1,000.00 for failing to sign as an assister on his daughter's absentee ballot application and for signing her name (without her permission) to the same in violation of § 9-140 (a) and § 9-359a, respectively).

Allegation One: Failing to Sign AB Applications as an Assister

9. The referral alleged that Respondent failed to sign as an assister on multiple absentee ballot applications pertaining to the November 3, 2015 municipal election in East Haven in violation of General Statutes § 9-140.
10. Respondent admitted, by written response to this referral and investigation, that he and "some of his campaign staff" signed absentee ballot applications but denied "there was any 'malicious' intent from anyone." Further, the Commission finds that a comparison of handwriting provided by Respondent in his response to this investigation and that which appeared on the upper portion of six absentee ballot applications appeared to be substantially the same handwriting.
11. The Commission concludes that Respondent failed to sign as an assister on multiple absentee ballot applications pertaining to the November 3, 2015 municipal election in East Haven, which he assisted applicants with completing, in violation of General Statutes § 9-140 (a).

Allegation Two: Signing Another's Name to an AB Application

12. The referral alleged that someone from the Maltese campaign forged another individual's name on an absentee ballot application in violation of General Statutes § 9-359a.
13. Pursuant to General Statutes § 9-359a, an individual is guilty of false statement in absentee balloting when they "... intentionally makes a false written statement in or on or signs the name of another person to the application for an absentee ballot."

14. Respondent denies the allegation that he signed the absentee ballot application for the individual who Town Clerk Gravino alleged did not have the capacity to sign for himself. Further, the Commission finds, after investigation, a lack of evidence to conclude that the individual applicant in question did not have the capacity to sign an absentee ballot application.
15. Additionally, the Commission finds, by comparison, the handwriting of both signatures on the absentee ballot application in question and the respective voter registration application in the name of that individual appear to be substantially the same.
16. After investigation, the Commission finds a lack of evidence to support or corroborate the allegation that someone, other than the applicant, signed the applicant's name to the absentee ballot application identified by the referral.
17. The Commission concludes therefore that the allegation that there was a false statement in absentee balloting committed by Respondent in violation § 9-359a was not supported by the facts. That allegation is therefore dismissed.
18. 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.
19. It is understood and agreed that this henceforth order 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.
20. 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 agreement or Order entered into pursuant to this agreement.
21. Upon the Respondent's agreement with the Order hereinafter stated, the Commission shall not initiate any further proceedings against Respondent pertaining to this matter.

ORDER

IT IS HEREBY ORDERED that the Respondent shall henceforth strictly comply with § 9-140, General Statutes.

IT IS FURTHER ORDERED that the Respondent shall pay a civil penalty in the amount of three hundred dollars (\$300.00), in full settlement of this matter.

The Respondent:

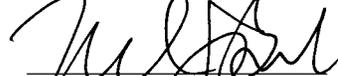
For the State of Connecticut

By:



Salvatore Maltese
11 Holland Road
East Haven, Connecticut

BY:

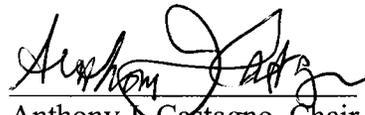


Michael J. Brandi, Esq.
Executive Director and General Counsel
and Authorized Representative of the
State Elections Enforcement Commission
20 Trinity Street, Suite 101
Hartford, Connecticut

Dated: 02-15-2018

Dated: 2/20/18

Adopted this 18th day of April, 2018 at Hartford, Connecticut



Anthony J. Castagno, Chair
By Order of the Commission

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