

STATE OF CONNECTICUT
STATE ELECTIONS ENFORCEMENT COMMISSION

In the Matter of a Complaint by
Helen O. Losak, Bridgeport

File No. 2016-063

AGREEMENT CONTAINING CONSENT ORDER

This agreement by and between Sonia S. Belardo, of the City of Bridgeport, County of Fairfield, State of Connecticut, (hereinafter "Respondent"), 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. Complainant alleged that Respondent violated General Statutes § 9-140 (b) by taking possession of absentee ballots from individuals pertaining to the August 9, 2016 Democratic primary in the City of Bridgeport when she was unauthorized to do so.
2. The unauthorized possession of an absentee ballot is a violation of General Statutes § 9-140b (d).
3. Respondent, by her attorney, submitted a sworn statement to the Commission in response to the complaint and denied the allegations. The Commission conducted a thorough investigation as detailed herein in light of Complainant's allegations and Respondent's denials of the same.
4. This disposition is limited to Complainant's allegations and does *not* address additional claims pertaining to either Respondent or those allegations pertaining to Commission Complaint File No. 2015-123.
5. General Statutes, § 9-140b provides in pertinent part:
 - (a) An absentee ballot shall be cast at a primary, election or referendum only if: (1) It is mailed by (A) the ballot applicant, (B) a designee of a person who applies for an absentee ballot because of illness or physical disability, or (C) a member of the immediate family of an applicant who is a student, so that it is received by the clerk of the municipality in which the applicant is qualified to vote not later than the close of the polls; (2) it is returned by the applicant in person to the clerk by the day before a regular election, special election or primary or prior to the opening of the polls on the day of a referendum; (3) it is returned by a designee of an ill or physically disabled ballot applicant, in person, to said clerk not later than the close of the polls on the day of the election, primary or referendum; (4) it is returned by a member of the immediate family of the

absentee voter, in person, to said clerk not later than the close of the polls on the day of the election, primary or referendum; (5) in the case of a presidential or overseas ballot, it is mailed or otherwise returned pursuant to the provisions of section 9-158g; or (6) it is returned with the proper identification as required by the Help America Vote Act, P.L. 107-252, as amended from time to time, if applicable, inserted in the outer envelope so such identification can be viewed without opening the inner envelope. A person returning an absentee ballot to the municipal clerk pursuant to subdivision (3) or (4) of this subsection shall present identification and, on the outer envelope of the absentee ballot, sign his name in the presence of the municipal clerk, and indicate his address, his relationship to the voter or his position, and the date and time of such return. As used in this section, "immediate family" means a dependent relative who resides in the individual's household or any spouse, child or parent of the individual.

(b) As used in this section and section 9-150c, "designee" means (1) a person who is caring for the applicant because of the applicant's illness or physical disability, including but not limited to, a licensed physician or a registered or practical nurse, (2) a member of the applicant's family, who is designated by an absentee ballot applicant and who consents to such designation, or (3) if no such person consents or is available, then a police officer, registrar of voters, deputy registrar of voters or assistant registrar of voters in the municipality in which the applicant resides.

...

(d) *No person shall have in his possession any official absentee ballot or ballot envelope for use at any primary, election or referendum except the applicant to whom it was issued*, the Secretary of the State or his or her authorized agents, any official printer of absentee ballot forms and his designated carriers, the United States Postal Service, any other carrier, courier or messenger service recognized and approved by the Secretary of the State, any person authorized by a municipal clerk to receive and process official absentee ballot forms on behalf of the municipal clerk, any authorized primary, election or referendum official or any other person authorized by any provision of the general statutes to possess a ballot or ballot envelope. [Emphasis added.]

6. Upon investigation and extensive field interviews of potential witnesses by Commission staff, the Commission finds specific credible evidence that Respondent violated General Statutes § 9-140, by taking unauthorized possession of absentee ballots pertaining to the August 9, 2016 Democratic primary in Bridgeport.
7. The Commission finds that there was an intentional concerted effort by Respondent to obtain absentee ballots from individuals at 730 Palisade Avenue, Bridgeport. As a result of field interviews of individuals who cast absentee ballots, Commission staff found evidence that Respondent, on three occasions, took possession of absentee ballots when unauthorized to do so prior to the August 9, 2016 Democratic primary.
8. The Commission, for reasons detailed herein, concludes that Respondent violated General Statutes § 9-140 b (d) on three occasions by taking possession of absentee ballots, when not legally qualified to do so, pertaining to the August 9, 2016 Democratic primary.
9. The Commission stresses that it has historically viewed and treated violations of General Statutes § 9-140 b (d) as very serious offenses. Moreover, the Commission has consistently assessed civil penalties in such cases. *See Complaint by David F. Walsh*, Stafford Springs, File No. 2007-423, *Complaint by Henry E. Parker*, New Haven, File No. 2008-128; *Complaint by Lori A. Kabach, Danbury Town Clerk*, Danbury, File No. 2009-145; *Complaint by Jose L. Morales*, Waterbury, File No. 2012-119; and, *Referral by the New Haven City Clerk*, New Haven, File No. 2013-149A.
10. Additionally, the Commission notes that, pertaining the unauthorized possession of absentee ballots in violation of General Statutes § 9-140b (d), the Respondent is liable for both civil penalties and a potential referral by the Commission to the Chief State's Attorney for criminal prosecution.
11. Section 9-7b-48 of the Regulations of Connecticut State Agencies provides that the Commission may consider mitigating or aggravating circumstances when determining whether to impose a civil penalty. The Commission may consider:
 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 shown good faith in attempting to comply with the applicable provisions of the General Statutes.

12. The Commission deems the imposition of a \$6,000.00 penalty as a sufficient deterrent on Respondent and a clear message to the public that the Commission views the unauthorized possession of absentee ballots as egregious conduct and will treat violations for such conduct accordingly.
13. Therefore, the Commission under these specific and limited circumstances declines to exercise its authority pursuant to General Statutes § 9-7b (8) to refer this matter to the Chief State's Attorney for criminal prosecution. Nevertheless Respondent is strongly warned that any violation of these orders or future findings of similar conduct by the Commission pertaining to the Respondent soliciting or taking possession of absentee ballots in violation of § 9-140b (d), will be viewed severely by the Commission and likely result in a referral to the Chief State's Attorney for criminal prosecution consistent with Commission authority pursuant to § 9-7b (8).
14. 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.
15. 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.
16. Respondent admits all jurisdictional facts and 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.
17. Upon the Respondent's compliance 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 pay a civil penalty of six thousand dollars (\$6,000.00) to the Commission (\$2,000.00 for each violation), for failing to comply with the requirements of General Statutes § 9-140b (d). Collection of such civil penalty is suspended due to exigent financial circumstances evidenced by Respondent.

IT IS FURTHER ORDERED THAT the Respondent shall henceforth strictly comply with the requirements of General Statutes § 9-140b (d).

The Respondent:

For the State Elections Enforcement Commission:

By: *Sonia S. Belardo*
Sonia S. Belardo
730 Palisade Avenue, Apt. C-1
Bridgeport, Connecticut

By: *Michael J. Brandi*
Michael J. Brandi, Esq.
Executive Director & General Counsel
and Authorized Representative of the
State Elections Enforcement Commission
20 Trinity Street, Suite 101
Hartford, CT 06106

Dated: _____

Dated: 6/11/18

Adopted this 20 day of June, 2018 at Hartford, Connecticut.

Anthony J. Castagno
Anthony J. Castagno, Chairman
By Order of the Commission

RECEIVED
STATE ELECTIONS

JUN 1 1 2018

ENFORCEMENT COMMISSION