

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

In the Matter of a Referral by the Secretary of the State

File No. 2021-049

**FINDINGS AND CONCLUSIONS**

The Secretary of the State referred this matter and asked the Commission to investigate whether a photograph of an absentee ballot “drop box” obtained by Senator Robert Sampson and shared with her office depicting absentee ballots sticking out of said drop box implicated any impermissible activity under Title 9.

**Background and General Information**

1. On or about May 20, 2020, Governor Ned Lamont, pursuant to emergency powers granted to him by the legislature as a result of the Covid-19 pandemic, issued Executive Order 7QQ, which, among other things, approved the purchase and use of so-called absentee ballot “drop-boxes” in each municipality for the delivery of absentee ballots for the August 10, 2020 primaries.<sup>1</sup>
2. The General Assembly substantially ratified the Governor’s Executive Order and extended the use of such drop boxes for the November 3, 2020 General Election in Public Act 20-3 of the July 2020 Special Session.
3. The Secretary of the State, using federal funds approved by Congress and allocated to the states, purchased drop boxes from vendor American Security Cabinets and distributed them to all 169 municipalities.
4. The specific model of drop box was American Security Cabinets Model 710 with a rated average capacity of 1,642 envelopes. The drop boxes are marketed as a “security cabinet” and are 19” x 20” x 47.” The boxes have an “anti-tamper chute” which consists of a small door in the front that opens and allows approximately 16.75” x 5” of clearance to insert envelopes into the drop box. The “anti-tamper chute” door is lockable by key. The drop

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<sup>1</sup> The state primaries and the presidential preference primary were combined by Executive Order on to a single day by Governor Lamont.

box itself has 3 locks on access points throughout the drop box which are accessed through double-bitted keys.

5. This matter came to the attention of the Secretary of the State during the March 5, 2021 public hearing of the Government Administration and Elections Committee of the General Assembly when Ranking Member Senator Robert Sampson stated the following to the Secretary, who was there testifying on proposed bills related to absentee balloting:

*SEN. SAMPSON: There's a problem when you have drop boxes that are not monitored. I have seen a photograph of our drop boxes from the previous election stuffed so full of ballots. There were not in the machine and that's a problem. What happens when someone comes along and takes those ballots and it has been discussed? What is someone vandalized a drop box? (Emphasis added.)*

6. During the March 10, 2021 public hearing of the Government Administration and Elections Committee of the General Assembly Ranking Member Senator Robert Sampson again brought up the "drop box" in an exchange with the Secretary as follows, in pertinent part:

*SEN. SAMPSON: I want to share something with you Madam Secretary which during the last election, I am an administrator on a Facebook page that asks people to report concerns with Elections and I got many comments from people about lots of different things. Mostly about receiving absentee ballots application for people that don't live in their home or multi names.*

*One of the things received was a photograph of one of these drop boxes and I would be happy to share it with the committee, but I don't have anyway. I do not want to make any allegations or anything.*

*It would be a very difficult photo to photoshop in my opinion. It's one of this drop boxes that have 6-7 ballots envelopes stuffed into it maybe presumably the box was overfilled. They are clearly right envelopes. I don't know if there's a way for someone to doctor this photo or something like that. It's a concern I have what is that did happen. If the box overfilled and people are leaving their ballot envelopes hanging out of the slit or the door.*

*Anyways I do not know if there are answers to these questions. I want to draw some attentions to the chain of custody concerns that some of us have are legitimate. Is there any way to monitor these*



*drop boxes during the weekends? Will there be any police presence?*  
(Emphasis added.)

...  
*SEC. MERRILL: In this instance of someone I supposed if had reported that instance that you are citing to the Town Clerks, they may have been able to deal with it. I am sorry to hear it happened if it did and we have to do the best we can under any circumstances. There no doubt in my mind the ballot boxes made it far easier for folks to vote and be sure their ballot arrives at the Town Hall. That was the goal of ballot boxes. They are secured as anyone can make them. They are widely used across the country and have been for many many years. I think they are a valuable asset in our goal of getting everybody to be able to vote. I hope we can make them permanent. First of all, they are now the property of the town. We bought these boxes; they are very popular with voters. As you can see if the boxes were actually overflowing means great, we have more people voting. I have to think about the voters in this instance and that's all I can say. I think we have done everything we can to make it possible for everybody to get their ballots delivered in a timely way and clerks I am sure do the best they can. . . .*

7. Subsequent to the March 10, 2021 hearing, Shannon Wegele, Chief of Staff to the Secretary of the State, contacted Sen. Sampson and requested that he share the photograph with her office.
8. Sen. Sampson obliged the request and COS Wegele referred the photograph to the SEEC on behalf of the Secretary. In his email to COS Wegele, Sen. Sampson indicated that “[m]y understanding is this was provided to fight voter fraud Inc. last October as an anonymous tip. Beyond that I don’t know anything else. Sorry.”
9. The photograph in question portrays what appears to be an American Security Cabinets Model 710 with the seal of the State of Connecticut emblazoned on the front of the box along with the words “Official Ballot Drop Box.” On top of the box are the words “Insert Ballot Here” with an arrow pointing to the “anti-tamper chute.” At the bottom of the “anti-tamper chute,” just above the keyhole for the lock is another label that states “Kiosk Closed” in lettering substantially in size as the other lettering on the drop box. Stuffed into the top of the “anti-tamper chute” are what appears to be seven Connecticut Absentee Ballot envelopes.

10. Upon viewing the photograph, the Commission undertook investigating the origins of the photograph and whether such box portrayed an “overfilled” drop box as Sen. Sampson characterized it.

#### **Law**

11. Section 5 of Governor Lamont’s Executive Order 7QQ provides, in pertinent part:

**5. Modification of Requirement that Absentee Ballots be Returned by Mail or In Person.** Section 9-140b(c) of the Connecticut General Statutes is modified to provide that the term “mailed” shall include the act of depositing an absentee ballot for the August 11, 2020 primary in a secure drop box designated by the town clerk for that purpose in accordance with instructions to be provided by the Secretary of the State. All other requirements of Section 9-140b(c) continue to apply. (Emphasis added.)

12. Public Act 20-3 of the July 2020 Special Session was signed by the Governor on July 31, 2020 and applied to both the August 11, 2020 Primaries and the November 3, 2020 General Election. Sec. 5 of P.A. 20-3 modifies Subsection (c) of 9-140b as follows:

(c) (1) For purposes of this section, "mailed" means (A) sent by the United States Postal Service or any commercial carrier, courier or messenger service recognized and approved by the Secretary of the State, or (B) for the state election in 2020, deposited in a secure drop box designated by the municipal clerk for such purpose, in accordance with instructions prescribed by the Secretary.

(2) In the case of absentee ballots mailed under subparagraph (B) of subdivision (1) of this subsection, beginning on the twenty-ninth day before the state election in 2020 and on each weekday thereafter until the close of the polls, the municipal clerk shall (A) retrieve from the secure drop box described in said subparagraph each such ballot deposited in such drop box, and (B) if the drop box is located outside a building other than the building where the clerk's office is located, arrange for the clerk or the clerk's designee to be escorted by a police officer during such retrieval.



13. Pursuant to both the Executive Order and Public Act 20-3, Town Clerks were required to accept completed absentee ballots utilizing these drop boxes during all times in which they were required to accept regular absentee ballots via any other method. Pursuant to the 2020 election calendar issued by the Secretary of the State as well as General Statutes § 9-140, the periods in which such drop boxes were required to be open and accepting absentee ballots was July 21, 2020 through 8pm on August 11, 2020 for the Primary and from October 2, 2020 through 8pm on November 3, 2020 for the General Election.

### **Investigation**

14. Upon close inspection of the photograph, Commission investigators were able to discover a return address on one of the envelopes with the town partially visible as "West Ha." After examination of photographs of the drop box locations in both West Hartford and West Haven, investigators determined that the photograph was likely taken of a drop box in West Haven.
15. In conjunction with another investigation in a nearby town, Commission investigators made a field inspection of the drop boxes in West Haven and confirmed the West Haven drop box was the one depicted in the photograph.
16. Commission investigators interviewed Town Clerk Patricia Horvath regarding the matter.
17. As an initial matter, Ms. Horvath asserted that not only was it the practice of her office to check the box 3 to 4 times each day, but the total number of absentee ballots returned (both by postal mail, in hand, and in the drop boxes) in West Haven for the August 11, 2020 was 845, which is approximately 51.5% of the total theoretical capacity of the drop box. As such, Ms. Horvath implied that it was unlikely that the West Haven drop box could have been "overfilled" during the period ahead of the August 11, 2020 Primary in which absentee ballots were being issued.
18. Moreover, after Commission investigators showed Ms. Horvath the photograph, she submitted an affidavit under oath to Commission investigators swearing that she was familiar with the photograph as she was the individual who took it.
19. Ms. Horvath asserted in the affidavit that she took the photograph on the morning of August 13, 2020, two days after the close of the primary, when she discovered the absentee ballot envelopes sticking out of the drop box, which had been locked as required at the close of

polls on Primary Day on August 11, 2020 at 8pm. She stated that she collected the envelopes and stored them in the vault, but did not count them as they had arrived too late.<sup>2</sup>

20. Ms. Horvath also asserted that it was she, and not an “anonymous tip” who provided the photograph to “Fight Voter Fraud, Inc.”
21. Ms. Horvath asserted that she recalled showing the photograph to her friend Dominic Rapini of “Fight Voter Fraud, Inc.” a Connecticut corporation and 501 (c) (4) nonprofit, when they saw each other at the beach. She asserted that this occurred on or about August 14, 2020, the day after she took the photograph.
22. Ms. Horvath asserted that Mr. Rapini requested that she send him the photograph on August 14, 2020, which she obliged. She asserted that Mr. Rapini did not tell her what he planned on doing with the photograph.
23. Ms. Horvath shared screenshots of what appeared to be an August 14, 2020 text message between Ms. Horvath and Mr. Rapini in which Ms. Horvath shared the photograph.
24. Ms. Horvath also shared the original photograph from her phone with SEEC Investigators. Upon inspection of the metadata included in the photograph, including the GPS data and the EXIF data, Commission investigators were able to confirm that the photograph was taken on August 13, 2020 at 4:25pm at the location in which the West Haven drop box was located for both the August 11, 2020 Primary and the November 3, 2020 General Election.

### **Analysis and Conclusion**

25. Based on the above investigation, the Commission concludes that the photograph in question does not appear to portray an “overfilled” drop box as characterized by Sen. Sampson, but rather a drop box with a locked “anti-tamper chute.”
26. Statistically, it was impossible for the box to have been overfilled, as not only was the Town Clerk emptying the box 3-4 times each day, but the total number of absentee ballots submitted in West Haven for the August 11, 2020 primary fell well short of the total capacity of the drop box.
27. Moreover, based on the Commission examination of the photograph, the metadata from the photograph, and the sworn statement of Ms. Horvath, the Commission finds that it is more

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<sup>2</sup> Pursuant to Section 4 of Governor Lamont’s Executive Order 7MMM, Town Clerks could accept absentee ballots delivered by postal mail through August 13, 2020 provided such envelopes were postmarked by August 11, 2020.

likely than not that the photograph actually portrayed absentee ballots tucked into the top of a locked “anti-tamper chute.”

28. Finally, based on the review of the aforesaid, the Commission finds that it is more likely than not that the “anti-tamper chute” of the drop box was appropriately locked from accepting any absentee ballots. The deadline for accepting absentee ballots for the Primary had passed at 8pm on August 11, 2020 and the drop box was not required to be unlocked to accept absentee ballots for the General Election until October 2, 2020. As such, at the time the photograph was taken, August 13, 2020 at 4:25pm, the drop box should have been locked from accepting any further absentee ballots. Any ballots submitted at that time were appropriately rejected and stored by Ms. Horvath
29. Accordingly, this matter should be dismissed as no violation can be found concerning the photograph shared by Sen. Sampson with the Secretary of the State.

ORDER

The following Order is recommended on the basis of the aforementioned findings:

*Dismissed.*

Adopted this 7<sup>th</sup> day of April, 2024 at Hartford, Connecticut.



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Stephen T. Penny, Chairperson  
By Order of the Commission