

**STATE OF CONNECTICUT
STATE ELECTIONS ENFORCEMENT COMMISSION**

In the Matter of a Complaint by
Jason Van Stone, Waterbury

File No. 2008-153

FINDINGS AND CONCLUSIONS

The Complainant brings this complaint pursuant to §9-7b, General Statutes, alleging possible violations with respect to absentee ballot applications pertaining to the November 4, 2008 election in Waterbury.

After an investigation of this matter, the following findings and conclusions are made:

1. Complainant alleged that there were a number of suspect absentee ballot applications in the 75th House District for the November 4, 2008 election, where individuals whose names appeared on absentee ballot applications claimed to the Town Clerk that they had not completed such applications.
2. To narrow the broad and unspecific allegations of the Complaint and identify potential Respondents, Town Clerk Antoinette Spinelli was contacted by Commission investigators. Ms. Spinelli identified only Miguel A. Laboy and Jermaine Torres, whose applications contained incorrect voting addresses, as a potential basis for Complainant's allegations.
3. The investigation revealed that neither Ms. Spinelli nor the Complainant could identify the individuals who allegedly complained to the Town Clerk's office that absentee ballot applications had been completed in their names and submitted to the Town Clerk's office for the November 4, 2008 election.
4. The absentee ballot applications of Mr. Laboy and Mr. Torres indicated a voting address in Waterbury at 159 Chestnut Avenue 2nd Floor for each, and were signed by Mr. Luis E. Lopez as an assister. Mr. Lopez was registered with the Waterbury Town Clerk's office as distributor of absentee applications for the November 4, 2008 election.
5. Mr. Laboy registered to vote on October 28, 2008 with his voting address at 15 Griggs Street, Waterbury. Mr. Torres registered to vote on October 29, 2009 with his voting address at 127 Woodglen Drive.
6. Neither Mr. Laboy nor Mr. Torres voted at the polls or by absentee ballot at the November 4, 2008 election in Waterbury.
7. Connecticut 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. ... *The application shall be signed by the applicant under the penalties of false statement in absentee balloting* on (1) the form prescribed by the Secretary of the State pursuant to section 9-139a, (2) a form provided by any federal department or agency if applicable pursuant to section 9-153a, or (3) any of the special forms of application prescribed pursuant to section 9-150c, 9-153a, 9-153b, 9-153d, 9-153e, 9-153f or 9-158d, if applicable. ...
[Emphasis added.]


8. While neither Mr. Laboy nor Mr. Torres recall the specific details of completing their absentee ballot applications, they do recall filling out the applications with the aid of an individual who provided them with assistance.
9. Mr. Lopez recalls assisting both voters with their applications at the Chestnut Avenue address. He claims, and they concur, that when assisting Mr. Laboy and Mr. Torres he filled in all the blanks on their applications and had the applicants sign their own signatures and then he signed as an assister.
10. The investigation revealed that each individual signed his own absentee ballot application.
11. The Commission finds that there is insufficient evidence to conclude that any individual, other than Mr. Laboy and Mr. Torres, completed applications in their names and submitted them to the Waterbury Town Clerk's office for the November 4, 2008 election.
12. The Commission concludes that Mr. Lopez was properly registered to circulate petitions for the November 4, 2008 election, and that Mr. Lopez signed the two applications at issue as an assister as required by General Statutes § 9-140.
13. The Commission concludes that the evidence does not support the conclusion that a violation of General Statutes § 9-140 occurred.

ORDER

The following Order is issued on the basis of the aforementioned finding:

The complaint is hereby dismissed.

Adopted this 1st day of September of 2009 at Hartford, Connecticut.


Stephen F. Cashman, Chairman
By Order of the Commission