

STATE OF CONNECTICUT
STATE ELECTIONS ENFORCEMENT COMMISSION

In the Matter of a Complaint by
Joel Gonzalez, Bridgeport

File No. 2009-131

FINDINGS AND CONCLUSIONS

The Complainant brings this Complaint pursuant to Connecticut General Statutes § 9-7b, alleging that Mitchell Robles of Bridgeport, took possession of an absentee ballot, as prohibited by § 9-140b(d), was an agent of a political party of committee and, as such, was knowingly present when an absentee ballot was executed, as prohibited by § 9-140b(e), and gave compensation, in the form of one dollar, for assisting another in the execution of an absentee ballot, as prohibited by § 9-140(j).

After the investigation of the Complainant's complaint, the Commission makes the following findings and conclusions:

1. The only evidence supporting the allegations in the complaint is in the form of an attached VHS video tape in which the Complainant and a woman reported to be his niece, Jennifer Trujillo, attempt a hidden videotaping of an interaction with the Respondent (the "tape").
2. As it was provided to the Commission, the tape's visual and audio quality was extremely poor, especially regarding the brief purported exchange with the Respondent. The Complainant notes in his own complaint that they encountered technical difficulty with the video and audio.
3. The Commission concludes, after extensive review of the tape by the staff, that due, at least, to the technical problems with the video and audio, the evidentiary value of the tape is negligible and it contains no evidence supporting a finding of a violation.
4. Aside from the tape, the Complainant offers only an uncorroborated allegation that the Complainant's niece witnessed the Respondent take an absentee ballot, mark the ballot, and lick the ballot envelope. The Complainant stated that the Respondent gave his niece one dollar during the interaction. The Complainant's allegations concerning this payment, the basis for it, or any conversation regarding a potential *quid pro quo* are unclear.
5. The Complainant reports that he himself was waiting away from the alleged interaction and he can not therefore be a direct witness.

6. After extensive efforts to contact both the Complainant and his niece, the investigation has been unable to secure any further statements to corroborate the allegations in the complaint.
7. The Commission notes that even if its investigation secured such a statement from Ms. Trujillo, that the evidence supporting the violation could not reasonably be expected to be more than a claim of one eye witness and a denial by the only other identified eye witness, the Respondent.
8. The Respondent, a notary public, has provided a detailed written denial to the all allegations in the complaint, excepting the following. The Respondent acknowledges that Ms. Trujillo approached him and asked him to help her with some papers. The Respondent states that when he realized that the envelope contained an absentee ballot, that he handed the envelope back and told her that she could have an immediate family member or police officer assist her with filling out the ballot.
9. General Statutes § 9-140b(d) provides:

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.

10. General Statutes § 9-140b(e) provides:

No (1) candidate or (2) agent of a candidate, political party or committee, as defined in section 9-601, shall knowingly be present when an absentee ballot applicant executes an absentee ballot, except (A) when the candidate or agent is (i) a member of the immediate family of the applicant or (ii) authorized by law to be present or (B) when the absentee ballot is executed in the office of the municipal clerk and the municipal clerk or an employee of the municipal clerk is a candidate or agent.

11. General Statutes § 9-140(j) provides:

No person shall pay or give any compensation to another and no person shall accept any compensation solely for (1) distributing absentee ballot applications obtained from a municipal clerk or the Secretary of the State or (2) assisting any person in the execution of an absentee ballot.

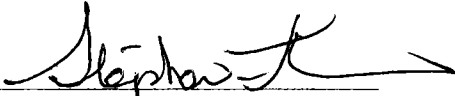
12. The Commission concludes, based on the above, that there is insufficient evidence to find the Respondent in violation of the election laws as alleged in the compliant or warrant further investigation.

ORDER

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

That the complaint be dismissed.

Adopted this 16th day of November of 2011 at Hartford, Connecticut


Stephen F. Cashman, Chairman
By Order of the Commission