

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

In the Matter of a Complaint by  
Lori A. Kabach, Danbury Town Clerk, Danbury, CT

File No. 2009-145

**AGREEMENT CONTAINING CONSENT ORDER AND CIVIL PENALTY FOR  
VIOLATIONS OF CONNECTICUT GENERAL STATUTES**

This agreement by and between Brenda L. Schlemmer, of Bethel, Connecticut, hereinafter referred to as the 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. The Respondent was, at all times relevant hereto, an Assistant Registrar of Vital Statistics for the City of Danbury.
2. The Respondent admits that on or about November 2, 2009, the Respondent obtained and completed a single absentee ballot application with the Danbury Town Clerk by falsely signing her daughter's name to the absentee ballot application under penalty of false statement and thus obtained a single absentee ballot.
3. The Respondent's false signature appears immediately below the declaration, "I declare, under the penalty of false statement in absentee balloting, that the above statements are true and correct, and that I am the applicant named above."
4. The Respondent signed the false signature on the absentee ballot application above a warning titled "Penalties for False Statements" stating that:

*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 functions. False statements in absentee balloting is a class D felony. The sentence for a class D felony shall be at least one year but may not exceed five years in prison. A fine for the conviction of a class D felony shall not exceed five thousand dollars.*  
[Emphasis Added.]

5. The Respondent admits that she unlawfully possessed the absentee ballot obtained in her daughter's name as described above.
6. The Respondent states that she obtained and completed the absentee ballot application to assist her daughter in voting and that the absentee ballot was intended for use by her daughter. The Respondent states that, despite these facts, the decision to file the application with the Danbury Town Clerk had not yet been made.
7. The Respondent states that she was acting only in the interest of her daughter in assisting her preserve her right to vote.
8. The investigation has uncovered no evidence to corroborate the Respondent's claim that the fraudulent absentee ballot application or Respondent's illegal possession of the absentee ballot occurred with the Respondent's daughter's prior knowledge and acceptance.
9. The illegally obtained absentee ballot was never cast.
10. Section 9-140(a), General Statutes, provides, in relevant part:

“...Any person who assists another person in the completion of an application [for an absentee ballot] 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.”

11. The Respondent admits that she failed to sign and to print her own name, residence address and telephone number on the absentee ballot application as an assistor and signed the application in the name of another, in violation of Conn. Gen. Stat. § 9-140(a).
12. The Respondent states that she was unaware of the requirement of an assistor to provide her residence address and telephone number on the absentee ballot application.
13. Connecticut 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.” [Emphasis added.]

14. The Respondent admits that she took possession of the ballot after she obtained it from the Town Clerk’s Office, in knowing and intentional violation of General Statutes § 9-140b(d).

15. Connecticut General Statutes § 9-8, detailing the basis for a false statement, provides:

“Any person who makes a false statement in any statement required to be signed under the penalties of false statement under [Title 9] and, except as otherwise provided by law, *any person who signs the name of another to any such statement shall be guilty of false statement*, which shall be deemed to have been committed in the town where such statement is filed and shall be subject to the penalties provided for false statement. [Emphasis added.]

16. The Respondent admits that by fraudulently signing her daughter’s name to the application that she completed the application with a false statement.

17. The Commission is authorized by General Statutes § 9-7b(a) to impose a civil penalty not to exceed \$2,000.00 for each violation of General Statutes §§ 9-140(a) or 9-140b(d). In this matter the Commission finds significant aggravating circumstances including the abuse of the Respondent’s official position, that the Respondent’s official position puts her in a position for potential repeated abuse, and that her actions were knowing and intentional.

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 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.

20. 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.

21. Upon the Respondent's compliance with the Order hereinafter stated, the Commission shall not initiate any further proceedings against him pertaining to this matter.

**THIS SPACE LEFT INTENTIONALLY BLANK**

ORDER

IT IS HEREBY ORDERED THAT the Respondent shall pay a civil penalty one thousand (\$1,000.00) for the violation of § 9-140(a) and one thousand (\$1,000.00) for the violation of 9-140b(d), for a total amount of two thousand dollars (\$2,000.00) to the Commission.

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

IT IS FURTHER ORDERED THAT the Respondent shall abstain from handling or processing absentee ballot applications for five years from the date of this order.

**The Respondent:**

**For the State Elections Enforcement Commission:**

By: Brenda L. Schlemmer  
Brenda Schlemmer  
18 Taylor Ave., Suite 2  
Bethel, CT 06801

By: Shannon Kief  
Shannon Kief, Esq.  
Legal Program Director  
and Authorized Representative of the  
State Elections Enforcement Commission  
20 Trinity Street, Suite 101  
Hartford, CT 06106

Dated: 11/15/11

Dated: 11/18/11

Adopted this 16<sup>th</sup> day of November of 2011 at Hartford, Connecticut.

Stephen F. Cashman

Stephen F. Cashman, Chairman  
By Order of the Commission

RECEIVED  
STATE COLLECTIONS

NOV 18 2011

ENFORCEMENT COMMISSION