

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

In the Matter of a Complaint by  
Gregory Morehead, New Haven

File No. 2011-114

**FINDINGS AND CONCLUSIONS**

Complainant brings this complaint, pursuant to General Statutes §9-7b, alleging that Lisa Hopkins violated General Statutes § 9-140b in that, as a candidate, she was present while an applicant executed an absentee ballot, violated §9-357 regarding allegedly registering voters at false addresses, and § 9-135 by misrepresenting eligibility requirements for voting by absentee ballot pertaining to the September 13, 2011 Democratic primary in the City of New Haven.

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

1. Complainant and Lisa Hopkins were each candidates on the ballot for the office Alderman for Ward 22 in the City of New Haven at the September 13, 2011 Democratic primary.
2. Complainant alleged that Ms. Hopkins violated General Statutes § 9-140b in that she, as a candidate, was present while an applicant executed an absentee ballot for the September 13, 2011 Democratic primary in New Haven. Furthermore, Complainant alleged that Ms. Hopkins assisted two individuals to register to vote at a false address violating § 9-357. Finally, Complainant alleged that Ms. Hopkins violated § 9-135 in that she instructed persons that they were eligible to make applications for absentee ballots for the September 13, 2011 Democratic primary, when the aforementioned were not qualified to vote by absentee ballot.
3. Ms. Hopkins denied all allegations against her that are subject of this complaint.
4. General Statutes § 9-140b, provides in pertinent part:

(e) *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.  
[Emphasis added.]

5. Upon investigation, the Commission finds that the individual identified by Complainant as having executed an absentee ballot in the presence of Ms. Hopkins, *did not vote* either in person or by absentee ballot at the September 13, 2011 Democratic primary in New Haven according to records. Furthermore, the aforementioned applicant indicated that while he recalls being visited by Ms. Hopkins at his residence, he could not specifically identify Ms. Hopkins, or any other individual, as having assisted him with completing a ballot for the aforementioned primaries.
6. The Commission concludes, for reasons detailed in paragraph 5 above, that there is a lack of evidence to support or corroborate Complainant's allegation that Lisa Hopkins was present as a candidate while an absentee ballot was executed as prohibited by General Statutes § 9-140b . The Commission therefore dismisses this allegation.
7. General Statutes § 9-357, provides:

***Any person who fraudulently procures himself or another to be registered as an elector shall be fined not more than five hundred dollars or imprisoned not more than one year or be both fined and imprisoned.***
8. Upon investigation, the Commission finds that one of the two individuals allegedly registered by Ms. Hopkins at a false address, actually registered to vote on August 3, 2011 at the New Haven Registrars of Voters' office. Additionally, records indicate that the aforementioned individual on September 9, 2011 completed an *Application for Absentee Ballot* (Form ED-3) in person at the New Haven City Clerk's office, and was issued an absentee ballot *at that time* in connection with the September 13, 2011 primary in the City of New Haven.
9. The Commission concludes, for reasons detailed in paragraph 8 above, that the evidence does not support the allegation that Ms. Hopkins procured the individual's registration in violation General Statutes § 9-357, but rather the individual registered herself in person. The Commission therefore dismisses this allegation.
10. Upon investigation, the Commission finds that the evidence is inconclusive pertaining to the second of two individuals allegedly registered by Ms. Hopkins at a false address prior to the September 13, 2011 primary in the City of New Haven. Specifically, the investigation revealed that while the individual had been known to reside at various addresses in New Haven, one such address, including that address which appeared on the voter registration card in question. Time periods of residency by the voter registrant for the various aforementioned addresses could not be identified with any certainty.

11. The Commission concludes, for reasons detailed in paragraph 11 above, that the allegation regarding the second of two alleged individuals allegedly registered by Ms. Hopkins at a false address was inconclusive. The Commission therefore dismisses this allegation.

12. General Statutes § 9-135, provides:

(a) Any elector eligible to vote at a primary or an election and any person eligible to vote at a referendum may vote by absentee ballot if he is unable to appear at his polling place during the hours of voting for any of the following reasons: (1) His active service with the armed forces of the United States; (2) his absence from the town of his voting residence during all of the hours of voting; (3) his illness; (4) his physical disability; (5) the tenets of his religion forbid secular activity on the day of the primary, election or referendum; or (6) the required performance of his duties as a primary, election or referendum official at a polling place other than his own during all of the hours of voting at such primary, election or referendum.

***(b) No person shall misrepresent the eligibility requirements for voting by absentee ballot prescribed in subsection (a) of this section, to any elector or prospective absentee ballot applicant.***

[Emphasis added.]

13. Upon investigation, the Commission finds that the evidence is inconclusive to support Complainant's allegation that Ms. Hopkins misrepresented the eligibility of individuals with regards to eligibility requirements for voting absentee ballots, in violation of General Statutes § 9-135 (b).

14. Specifically, the Commission finds that a witness, identified by Complainant, recalled the process by which Ms. Hopkins distributed absentee ballot applications to individuals residing with her at her residence and *denied* that Ms. Hopkins described requirements for voting absentee ballot, other than those delineated on the absentee ballot application itself.

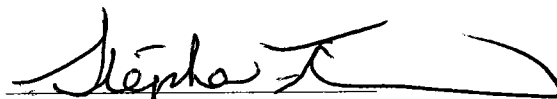
15. The Commission concludes, for reasons detailed in paragraph 13 and 14 above, that the evidence does not support the allegation that Ms. Hopkins violated General Statutes § 9-135 by misleading persons as to the requirements for use of absentee ballots. The Commission therefore dismisses this allegation.

ORDER

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

That the complaint is dismissed.

Adopted this 22<sup>nd</sup> day of August, 2012, at Hartford, Connecticut.

A handwritten signature in black ink, appearing to read "Stephen F. Cashman", written over a horizontal line.

Stephen F. Cashman

Chairperson

By Order of the Commission