

STATE OF CONNECTICUT
STATE ELECTIONS ENFORCEMENT COMMISSION

In the Matter of a Complaint by Ben Cooperman, New Haven	File No. 2012-039
In the Matter of a Complaint by Aidan Scanlon, New Haven	File No. 2012-040
In the Matter of a Complaint by Doris Perry, New Haven	File No. 2012-041
In the Matter of a Complaint by Dean Thomas, New Haven	File No. 2012-042
In the Matter of a Complaint by Saige Yarde-Douglas, New Haven	File No. 2012-043

FINDINGS AND CONCLUSIONS

These Complaints have been consolidated insofar as each of these matters alleges similar conduct by Ronald Huggins and/or Audrey Tyson related to Ms. Tyson's candidacy in the March 6, 2012 New Haven Democratic Town Committee primary, as well as some allegations that the Office of the New Haven Town Clerk failed to properly implement the absentee ballot laws.¹

ALLEGATIONS

1. In File No. 2012-039, Complainant Ben Cooperman alleged that in early 2012 that Ronald Huggins and Audrey Tyson, working together, may have instituted an organized operation to register new voters and distribute absentee ballot applications to the new voters ahead of the 2012 New Haven Democratic Town Committee Primary, for which Ms. Tyson was a candidate. Specifically he alleged that the Respondents misrepresented the absentee ballot eligibility requirements to him and other voters and failed to sign as assistors on his and other voters' applications.
2. In File No. 2012-040, Complainant Aidan Scanlon alleged that during the same town committee primary cycle, Respondent Audrey Tyson assisted her in registering her to vote (a legal act) and then a week later drove her to City Hall to obtain and execute an absentee ballot while failing to inform her of the limitations on absentee voting. Moreover, she alleged that Ms. Tyson was present while the Complainant executed her absentee ballot. The Complainant further alleges that after she was informed by a third party of the absentee

¹ The following are the Commission's findings and conclusions based on those portions of the Complainant's statement of complaint which the Commission could reasonably construe as alleging facts amounting to a specific violation of those laws within the Commission's jurisdiction. Any statements within the Complaint not addressed herein either did not specifically allege a violation or alleged facts which if proven true would not have amounted to a violation within the Commission's jurisdiction.

ballot rules, she attempted to have her absentee ballot canceled, but was impermissibly not allowed to do so by the Office of the New Haven Town Clerk.

3. In File No. 2012-041 Complainant Doris Perry alleged that during the same town committee primary cycle, two women, who she implies were working for Respondent Audrey Tyson, asked her for her absentee ballot and she gave them the unexecuted ballot after signing the outside of the envelope. She further asserted that Audrey Tyson called her after the election to inform her that she won and also to ask her not to tell anyone about her involvement with the ballot in question.
4. In File No. 2012-042 Complainant Dean Thomas alleged that during the same town committee primary cycle, Respondent Audrey Tyson assisted him in registering to vote (a legal act) and then a week later drove him to City Hall to obtain and execute an absentee ballot while failing to inform him of the limitations on absentee voting. Moreover, the Complainant alleged that Ms. Tyson was present while he executed his absentee ballot and even instructed him to vote for her. The Complainant further alleged that after he was informed by a third party of the absentee ballot rules, he attempted to have his absentee ballot canceled, but was impermissibly not allowed to do so by the Office of the New Haven Town Clerk.
5. In File No. 2012-043, Complainant Saige Yarde-Douglas alleged that during the same town committee primary cycle, unidentified agents working on behalf of Audrey Tyson misrepresented the absentee ballot eligibility requirements to her and other voters and failed to sign as assistors on her and other voters' applications.

LAW

6. General Statutes § 9-135 reads, in pertinent part:

...

(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.

7. General Statutes § 9-140 reads, 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. . . . (Emphasis added.)

8. General Statutes § 9-140b reads, 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. . . .

9. General Statutes § 9-159o reads, in pertinent part:

Any elector who has returned an absentee ballot to the clerk and who finds he is able to vote in person shall proceed before ten o'clock a.m. on election, primary or referendum day to the municipal clerk's office and request that his ballot be withdrawn. The municipal clerk shall remove the ballot from the sealed package and shall mark the serially-numbered outer envelope, which shall remain unopened, "rejected" and note the reasons for rejection. The elector shall also endorse the envelope. The rejected ballot shall then be returned to the sealed package until delivered on election, primary or referendum day to the registrars of voters in accordance with section 9-140c. The clerk shall then give the elector a signed statement directed to the moderator of the voting district in which the elector resides stating that the elector has withdrawn his absentee ballot and may vote in person. Upon delivery of the statement by the elector to the moderator, the moderator shall cause the absentee indication next to the name of the elector to be stricken from the official checklist and the elector may then have his name checked and vote in person. In the case of central counting, the clerk shall make a similar notation on the duplicate checklist to be used by the absentee ballot counters. (Emphasis added.)

10. General Statutes § 9-359 reads, in pertinent part:

Any (1) person who executes an absentee ballot for the purpose of informing any other person how he votes, or procures any absentee ballot to be prepared for such purpose, (2) municipal clerk or moderator, elector appointed to count any absentee ballot or other person who wilfully attempts to ascertain how any elector marked his absentee ballot or how it was cast, (3) person who unlawfully opens or fills out, except as provided in section 9-140a with respect to a person unable to write, any elector's absentee ballot signed in blank, (4) person designated under section 9-140a who executes an absentee ballot contrary to the elector's wishes, or (5) person who wilfully violates any provision of chapter 145, shall be guilty of a class D felony. (Emphasis added.)

11. General Statutes § 9-359a reads, in pertinent part:

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 function. (Emphasis added.)

12. Unfortunately in all of these matters except for File No. 2012-041, the Complainants, necessary witnesses in these matters, have been unavailable to Commission staff. SEEC Staff made significant efforts to contact and/or locate these Complainants, including multiple telephone calls and letters, as well as on-site visits to last known addresses. The investigation has not revealed additional witnesses who could corroborate the allegations.

13. SEEC Staff were able to locate and contact Ms. Doris Perry, the Complainant in File No. 2012-041. When reached, Ms. Perry disclaimed any memory of filing the Complaint and asked that it be withdrawn. Ms. Perry filled out a sworn statement formally requesting to withdraw the Complaint in File No. 2012-041.

14. After considering the aforesaid, the Commission, as an initial matter, will grant Ms. Perry's request to withdraw her Complaint in File No. 2012-041.


15. Moreover, in consideration of the significant unsuccessful efforts by SEEC Staff to locate and contact these Complainants in File Nos. 2012-039, 2012-040, 2012-042, and 2012-043, the Commission will dismiss these matters without prejudice. In the event that these Complainants wish to revive these Complaints, the Commission would have the option of renewing its inquiry.

ORDER

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

As to File No. 2012-039:	Dismissed without prejudice.
As to File No. 2012-040:	Dismissed without prejudice.
As to File No. 2012-041:	Withdrawn.
As to File No. 2012-042:	Dismissed without prejudice.
As to File No. 2012-043:	Dismissed without prejudice.

Adopted this 10th day of February, 2016 at Hartford, Connecticut.



Anthony J. Castagno, Chairperson
By Order of the Commission