

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

In the Matter of a Complaint by  
Jose L. Morales, Waterbury

File No. 2012-073

**FINDINGS AND CONCLUSIONS**

The Complainant brings this complaint pursuant to §9-7b, General Statutes, alleging that an individual was not allowed to vote because an absentee ballot had been falsely submitted on their behalf; that Justino Plaza illegally completed absentee ballots; and, that Victor Cuevas falsely signed as an assister on absentee ballot applications pertaining to March 6, 2012 Waterbury Democratic Town Committee election in the City of Waterbury. After an investigation of this matter, the following findings and conclusions are made:

1. Complainant made the following allegations of Election Laws violations pertaining to the March 6, 2012 Waterbury Democratic Town Committee (WDTC) election:
  - (1) That an individual was not allowed to vote because an absentee ballot had been falsely submitted on their behalf;
  - (2) That Justino Plaza voted multiple absentee ballots; and,
  - (3) That Victor Cuevas falsely signed as an assister for absentee ballot applications that he did not assist with.
  
2. General Statutes § 9-360, provides:

*Any person not legally qualified who fraudulently votes in any town meeting, primary, election or referendum in which the person is not qualified to vote, and any legally qualified person who, at such meeting, primary, election or referendum, **fraudulently votes more than once** at the same meeting, primary, **election** or referendum, shall be fined not less than three hundred dollars or more than five hundred dollars and shall be imprisoned not less than one year or more than two years and shall be disfranchised. **Any person who votes or attempts to vote at any election, primary, referendum or town meeting by assuming the name of another legally qualified person shall be guilty of a class D felony and shall be disfranchised.** [Emphasis added]*

3. After investigation, the Commission finds that the identification of the individual deprived the right to vote as alleged in Allegation One remains undetermined. Further, the Commission finds that the identification of the individual who allegedly assumed the name of another to vote at the March 6, 2012 WDTC election also remains undetermined. Finally, the Commission finds that Complainant and his witness have been unable or unwilling to identify any individuals with knowledge of the incident alleged in Allegation One.
4. The Commission concludes, for the reasons detailed in paragraph 3 above, that any evidence necessary to prove or substantiate an alleged violation of General Statutes § 9-360 could not be established by investigation. Consequently, the Commission dismisses Allegation One for lack of evidence.
5. Upon investigation, the Commission finds that Mr. Justino Plaza denies voting multiple absentee ballots at the March 6, 2012 WDTC election. Further, the Commission finds that the Complainant has been unable or unwilling to identify the witness alluded to in his complaint. Finally, after extensive field interviews by Commission staff there is a lack of evidence regarding Allegation Two and Mr. Plaza.
6. The Commission concludes, for the reasons detailed in paragraph five above, that there is a lack of evidence supporting Allegation Two that Justino Plaza violated General Statutes § 9-360 by fraudulently voting multiple absentee ballots at the March 6, 2012 WDTC primary. The Commission therefore dismisses Allegation Two for lack of evidence.
7. 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. ...***  
[Emphasis added.]
8. Pertaining to Allegation Three, the Commission finds that Ms. Michelle Castillo claims that she started to sign her own name to an absentee ballot application that Mr. Cuevas assisted with while they were working in tandem to disseminate absentee ballot applications prior to the March 6, 2012 WDTC election. Nevertheless, she denies

signing Mr. Cuevas' name. After investigation, the Commission finds insufficient evidence to substantiate or disprove Ms. Castillo's aforementioned assertions.

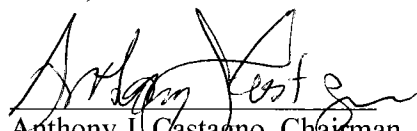
9. Further, in response to this complaint and pertaining Allegation Three, Mr. Cuevas admitted that he and Ms. Castillo worked as "a team" to disseminate absentee ballots for the March 6, 2012 WDTC election. However, Mr. Cuevas denies that failed to sign the absentee ballot application in questions, and asserts that he circulated absentee ballot applications contrary to Allegation Three. After investigation, the Commission finds insufficient evidence to substantiate or disprove Mr. Cuevas' aforementioned assertions.
10. General Statutes § 9-140, very specifically delineates that responsibilities of those individual that assist another in completing absentee ballot applications and plainly instructs that: *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.* Furthermore, that section warns: *Such signature shall be made under the penalties of false statement in absentee balloting.*
11. The Commission takes any violations of General Statutes very seriously, as would it any false statements in absentee balloting. However, in this instance and as detailed in paragraphs 8 and 9 above, the Commission finds that there is a lack of evidence to establish a violation of § 9-140 (a) as alleged in Allegation Three. The Commission therefore dismisses Allegation Three.
12. Finally, the Commission notes that Ms. Castillo and Mr. Cuevas will be provided copies of this order, and assumes moving forward that each is on notice of the requirements of General Statutes § 9-140 (a) pertaining to the law governing individuals who assist others in completing absentee ballot applications.

#### ORDER

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

The complaint is hereby dismissed, as detailed herein.

Adopted this 18<sup>th</sup> day of December, 2013 at Hartford, Connecticut.

  
Anthony J. Castagno, Chairman  
By Order of the Commission