

STATE OF CONNECTICUT
STATE ELECTIONS ENFORCEMENT COMMISSION

In the Matter of a Complaint by
Robert Walsh, Bridgeport

File No. 2012-090

FINDINGS AND CONCLUSIONS

Complainant Robert Walsh brings this complaint pursuant to General Statutes § 9-7b alleging that a pattern of “widespread absentee ballot abuse” was evident in the 2012 Democratic Party Primary held on August 14, 2012 in Bridgeport. Complainant said that based on his experience as a party activist, the sheer number of absentee ballot applications submitted as well as the concentration of those applications in certain parts of the city among elderly and non-English speaking populations and newly registered or heretofore unregistered individuals reflected “an organized absentee ballot operation aimed at soliciting applications and ballots that do not meet the requirements of law.” Complaint of Robert Walsh, Bridgeport (File No. 2012-090) (filed with on August 12, 2012).

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

1. The complaint included specific “telltale signs” that Complainant believed cast doubt upon the legitimacy of some absentee ballot distributors’ tactics, including:
 - 1) An inordinate number of applications being submitted in the City of Bridgeport as compared to other cities and towns in the state. The pure number makes it impossible to adequately monitor compliance with state law.
 - 2) A concentration of applications in certain parts of the city that cannot be statistically justified versus lack of activity in other sections of the city.
 - 3) A concentration of applications being filed on behalf of seniors especially those living in complexes with limited access to non-residents or campaign workers.
 - 4) A concentration of applications to certain segments of the population in which English is not the native tongue which leads to misinformation and misunderstandings as to proper and legal uses of the absentee ballot process.
 - 5) An alarming number of applications being filed for unregistered/newly registered voters.
 - 6) A number of applications requested by campaign workers who have previously been cited by your office for absentee ballot abuses or have been involved in campaigns with alleged improprieties.

Complaint of Robert Walsh, Bridgeport (SEEC File No. 2012-090) (August 3, 2012).

2. The Commission collected from the town clerk of the City of Bridgeport documents related to absentee ballot applications submitted prior to the 2012 primaries in both the Republican and

Democratic parties. The documents that the Commission's investigator received from the clerk fell into three categories: absentee ballot application logs; absentee ballot application distribution lists; and returned absentee ballot applications. After reviewing the documents that the town clerk's office supplied, the Commission concludes that there are no actionable claims related to the absentee ballots procured for the 2012 primary and that the complaint should be closed with no further action.

3. General Statutes § 9-140 (a) requires the municipal clerk to maintain a log of all absentee ballot applications provided. Specifically, the statute requires, in relevant part:

... The municipal clerk shall maintain a log of all absentee ballot applications provided under this subsection, including the name and address of each person to whom applications are provided and the number of applications provided to each such person. Each absentee ballot application provided by the municipal clerk shall be consecutively numbered and be stamped or marked with the name of the municipality issuing the application. The application shall be signed by the applicant under the penalties of false statement in absentee balloting on (1) the form prescribed by the Secretary of the State pursuant to section 9-139a, (2) a form provided by any federal department or agency if applicable pursuant to section 9-153a, or (3) any of the special forms of application prescribed pursuant to section 9-150c, 9-153a, 9-153b, 9-153d, 9-153e, 9-153f or 9-158d, if applicable.

...

General Statutes § 9-140.

4. The logs kept by the Bridgeport town clerk largely reflect the information required under the statute. Notable exceptions are the columns on the logs where a distributor should enter the number of ballots that were unused or destroyed, which was not completed, and the column where the clerk should have indicated whether the distributor returned an absentee ballot application distribution list, which was used instead to reflect the date that the ballots were requested.
5. According to the Commission's investigation, the Bridgeport town clerk distributed approximately 4,900 absentee ballot applications. Of those, 879 absentee ballots were cast in the Democratic Party primary and another 57 were cast in the Republican Party primary. The remaining approximately 4,000 ballots were unreturned, lost, destroyed or not distributed to voters.
6. Several large-scale distributors handed out hundreds of absentee ballot applications and properly returned distribution lists to the Bridgeport town clerk, showing to whom the ballot applications were provided. The application of the requirement that distributors supply distribution lists, however, was not universal, and many distributors who provided fewer absentee ballots to potential voters did not follow the requirements.
7. Complainant alleged that the number of absentee ballots distributed in the August 2012 Democratic Party Primary would result in a large number of absentee ballots that did not meet the legal requirements imposed by the statute. The Commission's investigation did not support that allegation.

8. The documentation supplied by the Bridgeport town clerk does not reveal a widespread pattern of absentee ballot abuse, as the complainant originally alleged.
9. Finding no actionable claim to support continued prosecution of this matter, the Commission will close this matter taking no further action.

ORDER

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

That no further action be taken.

Adopted this 17th day of April of 2013 at Hartford, Connecticut.



Anthony J. Castagno

By Order of the Commission