

STATE OF CONNECTICUT
STATE ELECTIONS ENFORCEMENT COMMISSION

In the Matter of a Complaint by
Fekyn F. Pasan, Waterbury

File No. 2012-092

FINDINGS AND CONCLUSIONS

The Complainant brings this complaint pursuant to §9-7b, General Statutes, alleging that individuals took unauthorized possession of absentee ballots for the August 14, 2012 Democratic Primary for the 75th General Assembly in the City of Waterbury.

After an investigation of this matter, the following findings and conclusions are made:

1. Complainant alleged that Justino Plaza and Carmen Rodriguez took unauthorized possession of absentee ballots in the City of Waterbury pertaining to the August 14, 2012 Democratic Town Committee Primary for the 75th House District.
2. Complainant identified three individuals whose completed absentee ballots were allegedly taken, two by Mr. Plaza and one by Ms. Rodriguez.
3. Connecticut General Statutes §9-140b, provides in pertinent part:

(a) *An absentee ballot shall be cast at a primary, election or referendum only if: (1) It is mailed by (A) the ballot applicant, (B) a designee of a person who applies for an absentee ballot because of illness or physical disability, ...*

(b) As used in this section and section 9-150c, "*designee*" means (1) a person who is caring for the applicant because of the applicant's illness or physical disability, including but not limited to, a licensed physician or a registered or practical nurse, (2) a member of the applicant's family, who is designated by an absentee ballot applicant and who consents to such designation, or (3) if no such person consents or is available, then a police officer, registrar of voters, deputy registrar of voters or assistant registrar of voters in the municipality in which the applicant resides.

[Emphasis added]

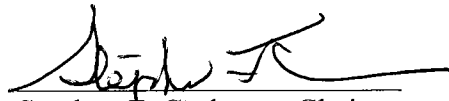
4. Upon investigation, Mr. Plaza and Ms. Rodriguez denied to Commission investigators and in written statements to the Commission that that they possessed absentee ballots from the individuals identified by Complainant or otherwise took unauthorized possession of absentee ballots pertaining to the August 14, 2012 Democratic Primary for the 75th Assembly District in the City of Waterbury.
5. The Commission further finds that each of the two individuals identified by Complainant as having given their absentee ballots to Mr. Plaza denied doing so during interviews by Commission staff. Finally, the Commission finds that there is conflicting and insufficient evidence pertaining to whether Ms. Rodriguez took unauthorized possession of an absentee ballot of the individual identified by Complainant as alleged.
6. The Commission concludes that the evidence fails to conclusively support the allegations that violations of General Statutes § 9-140b occurred as alleged regarding the unauthorized possession of absentee ballots pertaining to the August 14, 2012 Democratic Primary for the 75th Assembly District in the City of Waterbury.

ORDER

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

The complaint is hereby dismissed.

Adopted this 19th day of December of 2012 at Hartford, Connecticut.



Stephen F. Cashman, Chairman
By Order of the Commission