

STATE OF CONNECTICUT
STATE ELECTIONS ENFORCEMENT COMMISSION

In the Matter of a Complaint by
Therese Pac, Bristol Town Clerk

File No. 2012-163

FINDINGS AND CONCLUSIONS

Complainant Therese Pac, Bristol Town Clerk, brings this complaint pursuant to General Statutes § 9-7b alleging that a possible violation of § 9-140 and other absentee ballot laws may have occurred during the 2012 election. After the investigation of the Complainant's complaint, the Commission makes the following findings and conclusions:

1. On October 29, 2012 Bristol Town Clerk's office received an absentee ballot application for Thomas F. Malsheske with an address of 155 Redstone Hill Road and signed and dated October 24, 2014. However, Thomas F. Malsheske was removed as a voter from the Bristol voter registry after his death on April 14, 2012.
2. Complainant subsequently filed this complaint based on the sequence of Mr. Malsheske's death in April 2012 and receipt of an absentee ballot application in October 2012. Complainant further noted that Mr. Malsheske's voting address on the Connecticut voter registry list and his residence address on the date of his death in April, 2012 was 160 Perkins Street, not the address provided on the October 2012 absentee ballot which was 155 Redstone Hill Road, Bristol.
3. Complainant identified Ms. Nicole Douglin, as a Respondent, in that she appeared on the Bristol Town Clerk's absentee ballot log as having been issued the absentee ballot application that is subject of this complaint.
4. Upon investigation, it was determined that the absentee ballot was addressed to the residence of Robin Malsheske, the former spouse of Mr. Malsheske. She asserted that she neither asked for nor received an absentee ballot application for herself or Mr. Malsheske who she had previously divorced. Finally, Ms. Malsheske claimed no knowledge of anyone filling out Mr. Malsheske's application. The Commission finds no contrary evidence to the above claims and assertions by Ms. Malsheske.
5. Ms. Douglin, by written response, claimed that she was an absentee ballot coordinator for the Linda McMahon for Senate 2012 Campaign, and therefore had registered in Bristol to be able to send these applications to individuals in Connecticut. Further, Ms. Douglin denied completing any applications for others and assisting anyone with them.

6. Ms. Douglin specifically denied filling out the application for Thomas F. Malsheske. Further, she asserted that she did not know of Mr. Malsheske's death until receiving the complaint against her, did not know him personally or otherwise, and did not know any of his family members. Ms. Douglin claimed that she only disseminated blank absentee ballots with the required warning as required by statute.
7. After investigation, the Commission finds a lack of contrary evidence or information pertaining to Ms. Douglin's claims and assertions, as detailed in paragraphs 6 and 7 above, and the Commission notes that Ms. Douglin was cooperative and forthcoming throughout the investigation.
8. The Commission therefore finds a lack of evidence that Ms. Douglin violated General Statutes §9-140, by submitting an absentee ballot application for an individual, who predeceased the date of that application, or otherwise, as alleged.
9. The Commission finds insufficient evidence to identify with certainty the individual who submitted the October 2012 absentee ballot application to the Bristol Town Clerk's office that is subject of this complaint. The Commission therefore dismisses the allegation regarding an alleged violation of General Statutes § 9-140 pertaining to the misuse of an absentee ballot application by Ms. Douglin prior to the November 2012 election that was submitted in the name of Mr. Thomas F. Malsheske.

ORDER

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

That the complaint be dismissed.

Adopted this 15th day of May, 2013, at Hartford, Connecticut.


Anthony J. Castagno, Chairman
By Order of the Commission