

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

In the Matter of a Complaint by Beth Lazar, Bridgeport

File No. 2013-120A

**AGREEMENT CONTAINING CONSENT ORDER**

This Agreement, by and between Sheyla Rivera, City of Bridgeport, County of Fairfield, State of Connecticut and the authorized representative of the State Elections Enforcement Commission is entered into in accordance with Section 9-7b-54 of the Regulations of Connecticut State Agencies and Section 4-177 (c) of the General Statutes of Connecticut. In accordance herewith, the parties agree that:<sup>1</sup>

1. The matter at issue here is whether Respondent Sheyla Rivera failed to sign as an assister on two absentee ballot applications submitted by Bridgeport electors during the November 2013 General Election cycle in the City of Bridgeport. The original Complaint in this matter concerned other allegations, but the matter was expanded by the Commission to include the aforementioned issue.
  
2. 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. The municipal clerk shall not distribute with an absentee ballot application any material which promotes the success or defeat of any candidate or referendum question. 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.

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<sup>1</sup> This Agreement Containing Consent Order addresses 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.

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*(j) No person shall pay or give any compensation to another and no person shall accept any compensation solely for (1) distributing absentee ballot applications obtained from a municipal clerk or the Secretary of the State or (2) assisting any person in the execution of an absentee ballot. (Emphasis added.)*

3. Deolinda Ruas and Eileen Adintori, residents at an address on Main Street in Bridgeport, both asserted that the Respondent presented them with an absentee ballot application, told them that they only needed to sign it and indicate their reason for voting absentee and that she would take care of the remainder of the application.
4. The above electors both asserted that Ms. Rivera then took the absentee ballot application back with her.
5. In both instances, the top half of the absentee ballots were clearly filled out by someone other than the applicants. However, in both instances, a comparison of Ms. Rivera's handwriting does not appear to show that she was the individual who filled out the top half. On each application, the assistor section is left blank.
6. The Respondent here does not deny that she distributed the absentee ballot applications and then collected them. She asserts that she returned the absentee ballot applications to the Bridgeport Town Committee and that unknown individuals at headquarters completed any blank sections and delivered them to the town clerk.<sup>2</sup>
7. Turning to the issue before the Commission, the facts here are not in dispute. The Respondent provided the electors with absentee ballot applications, instructed the electors to only fill them out partially, took them back from the electors and then returned them back to the Democratic Town Committee at which point they were completed by other persons.
8. Generally, these types of cases involving assistors concern individuals who actually personally fill out portions of the absentee ballot application for the applicant. However, there is nothing in the statute that limits the scope of what "assists another person in the completion of an application" means to merely those individuals who actually fill out portions of the application.
9. Assistance in completing an application may come in many forms. Here, while merely distributing an application may not constitute assistance, once an individual gets involved in

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<sup>2</sup> The investigation was inconclusive as to the identities of the individuals who completed the remaining portions.

the process of the elector actually completing the application, that individual has placed themselves into the role of an assisting the elector.

10. This is consistent with the advice of the Secretary of the State in its “Do’s and Don’ts of Candidates re Absentee Ballots” pamphlet upon which the Commission has relied in number cases in the past<sup>3</sup>:

“[i]f you *in any way* assist the applicant in the completion of the application, you must sign as assister in the appropriate place on the form and print or type your name, residence address and telephone number. (Conn. Gen. Stat. Sec. 9-140(a)).” (Emphasis added.)

11. Here, the Respondent provided the absentee ballot application to both electors. She told both electors that they did not need to fill out the entire application and that she would take the applications back and make sure that they were completed. She took the signed applications from the electors and delivered them to the town committee, at which point they were filled out to completion.
12. Insofar as her actions were intended to assist the elector in filling out the application and did assist in completing the application, the law and the evidence support a finding that she provided assistance on both applications.
13. Accordingly, the Commission concludes that the Respondent violated General Statutes § 9-140 (a) twice, once for each application, by failing to sign as an assister.
14. As enumerated in § 9-7b-48 of the Regulations of Connecticut State Agencies:

In its determination of the amount of the civil penalty to be imposed, the Commission shall consider, among other mitigating or aggravating circumstances:

- (1) the gravity of the act or omission;
- (2) the amount necessary to insure immediate and continued compliance;
- (3) the previous history of similar acts or omissions; and
- (4) whether the person has shown good faith in attempting to comply with the applicable provisions of the General Statutes.

15. The evidence does not suggest that the Respondent was trying to hide her association with these absentee ballot applications or that some assistance was giving in their completion.

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<sup>3</sup> See, e.g., File Nos. 2008-128, 2003-252, 2003-280, 2002-245, 1999-225 and 1999-263.

The Respondent registered the withdrawal of a number of absentee ballot applications with the Bridgeport Town Clerk and detailed records were kept of every individual to whom she distributed an application, including Ms. Ruas and Ms. Adintori.

16. Most commonly, this type of activity occurs between or among family members and generally involves one family member (typically a parent) filling out an entire absentee ballot application, *including the signature*, on behalf of another. *See, e.g., Referral of Town Clerk Carolyn Soltis, Cheshire*, File No. 2008-142 (friend fills out application for another friend and signs on their behalf and fails to sign as an assister); *Complaint of Joyce P. Mascena*, File No. 2008-128 (father fills out applications for both wife and son and signs on their behalf and fails to sign as an assister); *Complaint of Aleeta Looker*, File No. 2008-125 (mother fills out application and signs on two sons' behalf); *Complaint of Andrew Garfunkel*, SEEC File No. 2003-252 (father, with authorization of son, fills out application and signs on son's behalf and fails to sign as an assister). Each of these cases ended in a \$200 civil penalty.
17. The assister requirement was added to § 9-140 (a) in 1995. The first cases were not brought until 1999 and both were settled for a henceforth order. Since then, only two cases have been investigated by the Commission that are directly on point to the matter here. However, they are helpful in the Commission's consideration of the current matter.
18. *In The Matter of a Complaint by Louis G. Salvio, New Britain* File No. 2003-280 involved a respondent who assisted 12 unrelated individuals in filling out their absentee ballot applications. The Commission found that the respondent's violations were "unintentional and inadvertent," but still assessed a civil penalty of \$100.
19. *In The Matter of a Complaint by Mary Lisette Slisz, New Britain*, File No. 2002-245 involved a respondent who assisted 4 unrelated individuals by signing their absentee ballot applications on their behalf, with their consent. The remainder of the applications were filled out by other unidentified individuals, such as here. The Commission assessed a civil penalty of \$100.
20. The Commission also notes that the Respondent has no previous history in this area.
21. Additionally, there does not appear to be any evidence suggesting that the Respondent acted in bad faith in failing to sign as an assister. Moreover, this matter is one of first impression for the Commission insofar as it includes in the universe of activity that the Commission considers as "assistance" to more than merely personally marking the application for the elector.

22. In consideration of the aforesaid, the Commission will agree to settle the matter and waive a civil penalty in exchange for the Respondent's agreement to henceforth strictly comply with the prescriptions of General Statutes § 9-140.

23. The Respondent waives:


- a. Any further procedural steps;
- b. The requirement that the Commission's decision contain a statement of findings of fact and conclusions of law, separately stated; and
- c. All rights to seek judicial review or otherwise to challenge or contest the validity of the Order entered into pursuant to this Agreement.

24. It is understood and agreed that this Agreement will be submitted to the Commission for consideration at its next meeting and, if the Commission does not accept it, it is withdrawn and may not be used as an admission by the Respondent in any subsequent hearing, if the same becomes necessary.

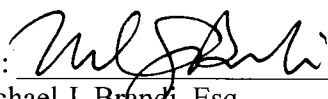
ORDER

IT IS HEREBY ORDERED that the Respondent Sheyla Rivera will henceforth strictly comply with the requirements of General Statutes § 9-140.

**The Respondent:**

  
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Sheyla Rivera


**For the State of Connecticut:**

BY:   
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Michael J. Brandi, Esq.  
Executive Director and General Counsel  
& Authorized Representative of the  
State Elections Enforcement Commission  
20 Trinity St., Suite 101  
Hartford, CT

Dated: 6/8/17

Dated: 6/15/17

Adopted this 21 day of JUNE of 2017 at Hartford, Connecticut

  
\_\_\_\_\_  
Anthony Castagno, Chairman  
By Order of the Commission

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JUN 14 2017

ENFORCEMENT COMMISSION