

**STATE OF CONNECTICUT
STATE ELECTIONS ENFORCEMENT COMMISSION**

In the Matter of a Complaint of Kim McLaughlin, Bridgeport

File No. 2013-121

FINDINGS & CONCLUSIONS

The Complainant alleged that during the 2013 Special Election for the Bridgeport Board of Education, the executed and sealed absentee ballots of a number of individuals residing in four different apartment buildings were impermissibly handled by an unknown and unauthorized individual or individuals, in violation of General Statutes § 9-140b.¹

1. The events of this matter concern the September 10, 2013 Special Election for Board of Education in the City of Bridgeport.
2. The Complainant asserts that a number of individuals living in apartment buildings around Bridgeport told her that a few days before the Special Election that they had handed over their executed and sealed absentee ballots to two women unknown to them who asserted that they would deliver the absentee ballots to the Town Clerk on their behalf.
3. The individuals resided in four different apartment buildings in the City of Bridgeport.
4. Helen Tayfun, Edwin Abreu, Sr., James Green, Aurea Ribot, Agenes Thompson, Anselmo Masissonet & Joan Masissonett lived at 655 Paliside Ave.
5. Jose & Virginia Velez², Marco & Mercedes Montano, and Isabelle Baldwin lived at 730 Paliside Ave.
6. Angie Basse lived at 75 Stewart Street.
7. The Complainant also asserts that a number of unnamed residents of 1241 Main Street had the same experience as the above named individuals, which was that after being solicited to

¹ The following are the Commission's findings and conclusions based on 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.

² Mr. and Mrs. Velez's claims are addressed in SEEC File No. 2013-122.

submit absentee ballot applications by individuals associated with the Bridgeport Democratic Town Committee, they were subsequently approached by an unnamed pair of women who appeared to have been circulating around the buildings looking to collect the executed absentee ballots for delivery to the Town Clerk.

8. General Statutes §9-140b enumerates a limited universe of individuals who may handle an executed absentee ballot on behalf of another. It reads, 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, or (C) a member of the immediate family of an applicant who is a student, so that it is received by the clerk of the municipality in which the applicant is qualified to vote not later than the close of the polls; (2) it is returned by the applicant in person to the clerk by the day before a regular election, special election or primary or prior to the opening of the polls on the day of a referendum; (3) it is returned by a designee of an ill or physically disabled ballot applicant, in person, to said clerk not later than the close of the polls on the day of the election, primary or referendum; (4) it is returned by a member of the immediate family of the absentee voter, in person, to said clerk not later than the close of the polls on the day of the election, primary or referendum; (5) in the case of a presidential or overseas ballot, it is mailed or otherwise returned pursuant to the provisions of section 9-158g; or (6) it is returned with the proper identification as required by the Help America Vote Act, P.L. 107-252, as amended from time to time, if applicable, inserted in the outer envelope so such identification can be viewed without opening the inner envelope. A person returning an absentee ballot to the municipal clerk pursuant to subdivision (3) or (4) of this subsection shall present identification and, on the outer envelope of the absentee ballot, sign his name in the presence of the municipal clerk, and indicate his address, his relationship to the voter or his position, and the date and time of such return. As used in this section, "immediate family" means a dependent relative who resides in the individual's household or any spouse, child or parent of the individual.

(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.

(c) For purposes of this section "mailed" means sent by the United States Postal Service or any commercial carrier, courier or messenger service recognized and approved by the Secretary of the State.

(d) No person shall have in his possession any official absentee ballot or ballot envelope for use at any primary, election or referendum except the applicant to whom it was issued, the Secretary of the State or his or her authorized agents, any official printer of absentee ballot forms and his designated carriers, the United States Postal Service, any other carrier, courier or messenger service recognized and approved by the Secretary of the State, any person authorized by a municipal clerk to receive and process official absentee ballot forms on behalf of the municipal clerk, any authorized primary, election or referendum official or any other person authorized by any provision of the general statutes to possess a ballot or ballot envelope. . . . [Emphasis added.]

9. Significant efforts were expended to interview the individuals named as victims in this matter. However, the Massasoits and Ms. Besse were the only individuals named in the above complaint who cooperated with the investigation in this matter. They did confirm that their absentee ballots were indeed collected by two young women unknown to them. However, they were only able to give generic descriptions of the individuals and could not make a specific identification.
10. Moreover, the investigation here, which included interviews and inquires with the management of the properties, the Bridgeport Town Clerk's Office, and the Bridgeport Democratic Town Committee did not uncover any credible leads that would identify the individuals accused here.
11. Subpoenas were issued at the apartment building at 1241 Main Street, which did keep a log of individuals entering the building and did keep a camera on its front door. However nothing in the log identified the individuals accused and the recordings also were not availing.
12. Of grave concern to the Commission in this matter is that the investigation indicated that the individuals appeared to be reasonably knowledgeable about the limited security measures in the building and actively and successfully worked around them.

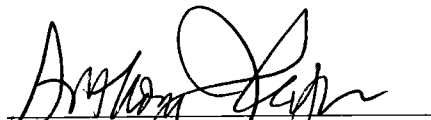
13. Unfortunately, however, at this point in the investigation, Commission investigatory options have been exhausted in our attempts to specifically identify the individuals who appear to have actively perpetrated a clear violation of the handling of executed absentee ballots and exploited the security deficiencies inherent in casting a ballot outside of the polling place.
14. While the Commission must, in this case, dismiss for lack of sufficient evidence, we will do so without prejudice. If further evidence comes to light, the Commission reserves the right to investigate these facts anew.
15. Moreover, the Commission notes that since the filing of this matter, staff have strongly encouraged the Bridgeport Registrar of Voters Office to opt for discretionary supervised absentee balloting under General Statutes § 9-159q in buildings of this type in order to help avoid future activity of this nature. To their credit, they have markedly increased the use of this option around the city in elections and primaries subsequent to the Special Election in this matter.

ORDER

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

Dismissed without prejudice.

Adopted this 10th day of August, 2016 at Hartford, Connecticut.



Anthony J. Castagno, Chairperson
By Order of the Commission