

**STATE OF CONNECTICUT
STATE ELECTIONS ENFORCEMENT COMMISSION**

In the Matter of a Complaint of Joel Gonzalez Bridgeport

File No. 2013-122

FINDINGS & CONCLUSIONS

The Complainant alleged that during the 2013 Special Election for the Bridgeport Board of Education, the executed and sealed absentee ballots of Jose Velez, Virginia Velez, and Carmen Cruz, all of whom lived in the same apartment builder, 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 Jose Velez, Virginia Velez, and Carmen Cruz, told him 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. 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

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.

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.]

4. The investigation here revealed that Jose Velez, Virginia Velez, and Carmen Cruz did submit absentee ballot applications for the September 10, 2013 special election and the records of the City of Bridgeport reflect that their absentee ballots were cast and counted.
5. The City of Bridgeport records reflect that Nancy Sanchez, a neighbor in their apartment building, checked 49 absentee ballot applications from the Bridgeport Town Clerk, three of which were the ones that were distributed to Mr. Velez, Ms. Velez, and Ms. Cruz.
6. However, the investigation revealed no evidence to indicate that Ms. Sanchez or any other identifiable individual returned to collect the ballot.
7. Moreover, Mr. Velez, Ms. Velez, and Ms. Cruz refused to cooperate in this investigation or even corroborate what the Complainant alleges they told him.
8. Considering the aforesaid, the Commission finds that there is insufficient evidence to pursue this matter further.
9. This matter should be dismissed.

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