

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

Complaint of Dawn R. Mooney, Killingworth, CT

File No. 2013-131

**AGREEMENT CONTAINING A CONSENT ORDER AND PENALTY**

The parties, John Raccio, Jr. of Killingworth, Connecticut, hereinafter referred to as the Respondent, and the undersigned authorized representative of the State Elections Enforcement Commission (SEEC), enter into this agreement as authorized by Connecticut General Statutes § 4-177 (c) and Regulations of Connecticut State Agencies § 9-7b-54. In accordance with those provisions, the parties agree that:

1. Alexandra Raccio is the Respondent's adult daughter.
2. Alexandra Raccio was listed as the applicant on an absentee ballot application on or about August 31, 2013, which contains a signature purporting to be Alexandra Raccio's signature appearing directly below the Applicant's Declaration.
3. The Applicant's Declaration reads, "I declare, under the penalties of false statement in absentee balloting, that the above statements are true and correct and that I am the applicant named above."
4. The actual signatory of the absentee ballot application did not list Alexandra Raccio's college address for delivery of the absentee ballot packet by the town clerk. As this section was left blank, the Killingworth Town Clerk issued the absentee ballot to the Raccio's common residential address. The ballot at issue was not cast or otherwise returned to the town clerk.
5. The SEEC has conducted its investigation with the cooperation of the Department of Emergency Service and Public Protection's Division of Scientific Services (the "Crime Lab"). In short, the Crime Lab's finding is that it is "virtually certain" that the signature was not that of Alexandra Raccio and "virtually certain" that the signature was that of the Respondent.
6. Based on the above, the SEEC has established a preponderance of evidence establishing that the Respondent signed an absentee ballot application in his daughter's name.

7. At present, there is no evidence or claim indicating that Alexandra Raccio, gave the Respondent permission to sign such application in her name. However, Alexendra Raccio did provide a written statement saying that, "I told my dad that I would like to vote in the primary election as a Republican—I am registered as a Republican after all. He said that he would help get an absentee ballot application to me so that I may vote."

8. General Statutes § 9-140 (a), concerning absentee ballot applications provides, in relevant part:

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.

9. General Statutes § 9-359a criminalizes signing an absentee ballot application in the name of another person:

(a) A person is guilty of false statement in absentee balloting when he intentionally makes a false written statement in or on or signs the name of another person to the application for an absentee ballot or the inner envelope accompanying any such ballot, which he does not believe to be true and which statement or signature is intended to mislead a public servant in the performance of his official function.

(b) False statement in absentee balloting is a class D felony.

10. The Respondent admits to all jurisdictional facts and agrees that this Agreement and Order shall have the same force and effect as a final decision and order entered into after a full hearing and shall become final when adopted by the Commission.

11. 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

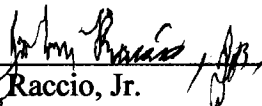
- c. All rights to seek judicial review or otherwise to challenge or to contest the validity of the Order entered into pursuant to this Agreement.
12. Upon the Respondent's agreement to comply with the Order hereinafter stated, the Commission shall not initiate any further proceedings against either the Respondent or Alexandra Raccio regarding this mater.
13. The SEEC has declined to refer this matter to the Chief State's Attorney. The Respondent's entry into the instant agreement and acknowledgement of the SEEC's preponderance of the evidence establishing a violation of § 9-140 (a) shall in no way be construed as an admission as to a violation of § 9-359a or any element thereof.
14. It is understood and agreed by the parties to this Agreement that the Commission will consider this Agreement at its next available meeting and, if the Commission rejects it, the Agreement will be withdrawn and may not be used as an admission by the Parties in any subsequent hearing, proceeding or forum including any criminal prosecution, if one becomes necessary.

**ORDER**


It is hereby ordered that the Respondent shall henceforth strictly adhere to the requirements of General Statutes §§ 9-140 (a) and 9-359a.

It is further ordered that the Respondent shall pay a one thousand dollar penalty (\$1,000.00) for the violation of General Statutes § 9-140 (a).

**The Respondent:**

  
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John Raccio, Jr.  
44 Beech Tree Ridge  
Killingworth, CT 06419

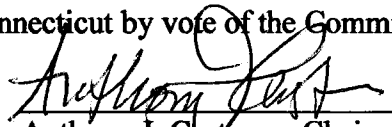
**For the State of Connecticut:**

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

Dated: 2/27/15

Dated: 3/3/15

Adopted this 17<sup>th</sup> day of March 2015 at Hartford, Connecticut by vote of the Commission.

  
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Anthony J. Castagno, Chairman  
By Order of the Commission