

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

In the Matter of a Referral of the New Haven City Clerk

File No. 2013-149B

**FINDINGS AND CONCLUSIONS**

This matter comes to the Commission by way of a referral from the New Haven City Clerk. The Referral alleges that Linda G. Whitley (hereinafter the "Respondent") took possession of absentee ballots without authorization,<sup>1</sup> marked another's absentee ballot without authorization, and was present while another was completing an absentee ballot without authorization.

COUNT I

1. Count I of this matter concerns an allegation that the Respondent completed the absentee ballot of another elector without authorization to do so.
2. It is impermissible for an individual to be compensated for assisting in the completion of an absentee ballot. Specifically, General Statutes § 9-140 (j) provides, in relevant part:

No person shall pay or give any compensation to another and no person shall accept any compensation solely for . . . assisting any person in the execution of an absentee ballot.

3. Voters may, however, receive assistance in the completion of a ballot from any individual that is not specifically precluded from doing so. However, attempting to influence an elector while assisting them is a felony. With regard to these issues, General Statutes § 9-264 provides:

An elector who requires assistance to vote, by reason of blindness, disability or inability to write or to read the ballot, may be given assistance by a person of the elector's choice, other than (1) the elector's employer, (2) an agent of such employer, (3) an officer or agent of the elector's union, or (4) a candidate for any office on the ballot, unless the elector is a member of the

---

<sup>1</sup> The allegations concerning the Respondent's alleged unauthorized possession of absentee ballots belonging to other electors shall be addressed in a separate document.

immediate family of such candidate. The person assisting the elector may accompany the elector into the voting booth. Such person shall register such elector's vote upon the ballot as such elector directs. Any person accompanying an elector into the voting booth who deceives any elector in registering the elector's vote under this section or seeks to influence any elector while in the act of voting, or who registers any vote for any elector or on any question other than as requested by such elector, or who gives information to any person as to what person or persons such elector voted for, or how such elector voted on any question, shall be guilty of a class D felony. As used in this section, "immediate family" means "immediate family" as defined in section 9-140b.

4. Additional criminal liability can also be incurred for various other misuses of absentee ballots pursuant to General Statutes § 9-359, which provides.

Any (1) person who executes an absentee ballot for the purpose of informing any other person how he votes, or procures any absentee ballot to be prepared for such purpose, (2) municipal clerk or moderator, elector appointed to count any absentee ballot or other person who wilfully attempts to ascertain how any elector marked his absentee ballot or how it was cast, (3) person who unlawfully opens or fills out, except as provided in section 9-140a with respect to a person unable to write, any elector's absentee ballot signed in blank, (4) person designated under section 9-140a who executes an absentee ballot contrary to the elector's wishes, or (5) person who wilfully violates any provision of chapter 145, shall be guilty of a class D felony.

5. The investigation into this matter revealed one individual who claimed that the Respondent had participated in absentee voting – William Darden.
6. Mr. Darden, however, claimed that the Respondent assisted him in filling out his ballot.
7. The investigation did not reveal any evidence to suggest that the Respondent was paid to assist Mr. Darden, or any other elector, in the completion of an absentee ballot.
8. Similarly, the investigation did not reveal any evidence to suggest that the Respondent fell within any category of individuals specifically prohibited from assisting another complete a ballot.
9. Accordingly, the Commission finds that this Count should be dismissed.

COUNT II

10. Count II of this matter concerns an allegation that the Respondent was unlawfully present while electors completed their absentee ballot.
11. It is a violation for any agent of a candidate, political party or committee to knowingly be present when an absentee ballot is being completed pursuant to General Statutes § 9-140b (e), which provides:
  - (e) No (1) candidate or (2) agent of a candidate, political party or committee, as defined in section 9-601, shall knowingly be present when an absentee ballot applicant executes an absentee ballot, except (A) when the candidate or agent is (i) a member of the immediate family of the applicant or (ii) authorized by law to be present or (B) when the absentee ballot is executed in the office of the municipal clerk and the municipal clerk or an employee of the municipal clerk is a candidate or agent.
12. Two independent witness, William Darden and Christian Rainier, acknowledged that the Respondent was present when they completed their absentee ballots.
13. During the investigation, Mr. Darden stated that the Respondent was helping him with the ballot (See Count I). Evidence shows that Mr. Rainier completed his ballot upon inquiry by the Respondent and did so when she was present.
14. However, the investigation into this matter did not reveal any evidence that the Respondent was a candidate or the agent of a candidate, political party or committee.
15. Accordingly, because the Respondent was not among a class of people prohibited from being present while an elector completes his or her ballot, the Commission concludes that this count should be dismissed.

ORDER

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

That the matter is dismissed.

Adopted this 15th day of June, 2016 at Hartford, Connecticut.



\_\_\_\_\_  
Anthony J. Castagno, Chairperson  
By Order of the Commission