

STATE OF CONNECTICUT
STATE ELECTIONS ENFORCEMENT COMMISSION

In the Matter of a Complaint by Ethan Book, Bridgeport

File Nos. 2014-018

FINDINGS AND CONCLUSIONS

The Complainant alleges violations concerning the distribution and use of absentee ballots and the failure to properly check the name of voter on the official checklist during the November 5, 2013 election in the City of Bridgeport. The following are the findings and conclusions of the Commission.¹

PARTIES

1. Complainant was, at all times relevant hereto, an elector and resident in the City of Bridgeport and a candidate for the Bridgeport City Council for the 131st District.
2. Respondent Denise Taylor-Moye was, at all times relevant hereto, an elector and resident in the City of Bridgeport and the incumbent candidate for Bridgeport City Council for the 131st District.
3. Respondent Manuel Shabazz was, at all times relevant hereto, an elector and resident in the City of Bridgeport.
4. Respondent Tina Belcher was, at all times relevant hereto, an elector and resident in the City of Bridgeport.
5. Respondent Jessica Belcher was, at all times relevant hereto, an elector and resident in the City of Bridgeport.

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.

6. Respondent Santa Ayala was, at all times relevant hereto, the Democratic Registrar of Voters in the City of Bridgeport.

COUNT I

1. The Complainant alleges that Respondents Manuel Shabazz, Tina Belcher, and Jessica Belcher (hereinafter the "Elector Respondents") voted by absentee ballot when they were not eligible. It is implicitly alleged in the Complaint that this violation was done with the direct or indirect encouragement of Respondent Taylor-Moye.
2. Specifically, Complainant alleges that the "Elector Respondents" falsely claimed that their illness prevented them from voting in person.
3. General Statutes § 9-135 provides, in pertinent part:
 - (a) Any elector eligible to vote at a primary or an election and any person eligible to vote at a referendum may vote by absentee ballot if he or she is unable to appear at his or her polling place during the hours of voting for any of the following reasons: . . . (3) his or her illness;
 - (b) No person shall misrepresent the eligibility requirements for voting by absentee ballot prescribed in subsection (a) of this section, to any elector or prospective absentee ballot applicant.
4. General Statutes § 9-140 further provides that "[t]he application shall be signed by the applicant under the penalties of false statement in absentee balloting[.]"
5. In this case, the Complainant, after his unsuccessful bid for Bridgeport City council commenced his own investigation into the propriety of absentee votes the he believed were likely cast for his opponent.
6. In the course of the Complainant's survey of absentee voters, he noted that the Elector Respondents had no "appearance of disability or illness" when they answered the door for him. He further noted that they declined to share their personal medical information with him when he asked them the medical reason why they were unable to vote at their polling location.
7. The Commission's investigation into this allegation revealed no evidence to support the Complainants claims of an elections law violation. In fact, the Commission's investigation

revealed significant testimonial and documentary evidence, including, but not limited to, statements from Elector Respondents, medical records, and public agency records, confirming that each of the Elector Respondents had a confirmable physical ailment substantiating their need for an absentee ballot.

8. Accordingly, this count should be dismissed.

COUNT II

9. Complainant alleges that the Election Officials at the Ceasar Batalla School failed to check the name of those who had voted on the official checklist.

10. General Statutes § 9-261 provides, in relevant part:

If the elector presents a preprinted form of identification under subdivision (1) of this subsection, the official checkers shall check the name of such elector on the official checklist. If the elector completes the form under subdivision (2) of this subsection, the registrar of voters or the assistant registrar of voters, as the case may be, shall examine the information on such form and either instruct the official checkers to check the name of such elector on the official checklist or notify the elector that the form is incomplete or inaccurate.

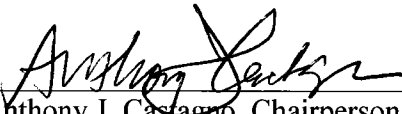
11. The Complainant named two individuals who claimed, to him, that they had voted, but whose names were not marked as checked on the official checklist.
12. The Commission confirmed with the relevant state and local officials that there was no record of the individuals in question voting.
13. Commission staff also made several attempts to contact the individuals named by the Complainant, but none would give a statement concerning this allegation.
14. In the absence of any direct evidence that the individuals named by the Complainant had actually voted, 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 12 day of October, 2016 at Hartford, Connecticut.



Anthony J. Castagno, Chairperson
By Order of the Commission