

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

In the Matter of a Complaint by Maria Pereira and Claude Young, Bridgeport    File No. 2014-093

**FINDINGS AND CONCLUSIONS**

The Complainants allege various absentee ballot violations by the Respondents. Specifically, the Complaint alleges that Respondent Maya, in her capacity as Bridgeport Town Clerk, included materials supporting a candidate on the ballot for the August 12, 2014 primary with absentee ballots mailed to voters. The Complainants further allege that Respondents distributed absentee ballots to individuals, knowing that they were not qualified to vote by absentee ballot in the August 12, 2014 primary. Finally, the Complainants allege that Respondent Jimenez encouraged individuals to vote via absentee ballot when they were not authorized to do so.

**PARTIES**

1. Respondent, Alma Maya was, at all times relevant hereto, the Town Clerk for the town of Bridgeport, Connecticut.
2. Respondent Andres Ayala was, at all times relevant hereto, a candidate for State Senator in the 23<sup>rd</sup> District.
3. Respondent Jose Rivera was, at all times relevant hereto, an absentee ballot circulator for the Bridgeport Democratic primary in 2014.
4. Respondent Tommica Ramos was, at all times relevant hereto, an absentee ballot circulator for the Bridgeport Democratic primary in 2014.
5. Respondent Sonia Santiago was, at all times relevant hereto, an absentee ballot circulator for the Bridgeport Democratic primary in 2014.
6. Respondent Maria Santiago was, at all times relevant hereto, an absentee ballot circulator for the Bridgeport Democratic primary in 2014.
7. Respondent Maria Rivera was, at all times relevant hereto, an absentee ballot circulator for the Bridgeport Democratic primary in 2014.

8. Respondent Maria Mojica was, at all times relevant hereto, an absentee ballot circulator for the Bridgeport Democratic primary in 2014.
9. Respondent Maria Martinez was, at all times relevant hereto, an absentee ballot circulator for the Bridgeport Democratic primary in 2014.
10. Respondent Julian Hernandez was, at all times relevant hereto, an absentee ballot circulator for the Bridgeport Democratic primary in 2014.
11. Respondent Elain Leak was, at all times relevant hereto, an absentee ballot circulator for the Bridgeport Democratic primary in 2014.
12. Respondent Ebony Hernandez was, at all times relevant hereto, an absentee ballot circulator for the Bridgeport Democratic primary in 2014.
13. Respondent Nancy Bonilla was, at all times relevant hereto, an absentee ballot circulator for the Bridgeport Democratic primary in 2014.
14. Respondent Ashley Torres was, at all times relevant hereto, a campaign worker with the Re-Elect Andres 2014 campaign committee.
15. Respondent Magaly Jimenez was, at all times relevant hereto, a campaign worker with the Re-Elect Andres 2014 campaign committee.

## **ALLEGATIONS AND FACTUAL BACKGROUND**

### *Allegations*

16. Complainant Maria Pereira alleges that on May 21, 2014 “a canvasser from the Andres Ayala campaign” offered her an unsolicited absentee ballot application for the August 12, 2014 primary election.
17. Complainant Pereira further contented that she was contacted by a Respondent Jimenez, who allegedly stated that “She called to make sure I was voting for [Ayala] by mailing in my ‘small envelope.’”

18. Attached to the Complaint was a letter from Complainant Claude Young to the Secretary of the State. In that letter, Mr. Young contends that “several [absentee] ballots have been illegally solicited and obtained by the opposing Campaign of Andres Ayala”
19. Also alleged in Complainant Young’s letter to the Secretary of the State was an allegation that certain absentee ballots were mailed out with a pre-filled sample ballot, showing a vote for Respondent Ayala.
20. The Complaints also included an affidavit from a Victor Morales which states that he was offered an absentee ballot, but did not file an absentee ballot application for the primary with the Town Clerk.

*Factual Background & Investigation*

21. The investigation into this matter, which included statements from numerous witnesses, and significant supporting documentation, revealed no evidence in support of the assertion that documents supporting the Ayala campaign were included with the absentee ballot or application.
22. With regard to the distribution of absentee ballot applications, the investigation shows that the Ayala campaign did distribute absentee ballot applications. However, the investigation did not reveal any evidence to support the allegation that any individual associated with the Ayala campaign misrepresented the eligibility requirements for absentee voting. Moreover, there is no evidence that anyone associated with the Ayala campaign sent absentee ballot applications to voters through the mail.
23. The investigation did show that Respondent Magaly Jimenez had volunteered for the Ayala campaign making phone calls. There is no evidence to support an allegation that Ms. Jimenez misrepresented the qualifications to vote via absentee ballot.
24. The Lead Legal Investigator assigned to this matter was unable, despite diligent efforts, to contact Victor Morales to verify any information contained within his affidavit.
25. The investigation did not reveal any evidence that Respondent Maya issued absentee ballots to individuals she knew not to be eligible or included documents supporting the Ayala campaign with absentee ballot applications and ballots.
26. The investigation revealed that Respondents Andres Ayala, Jose Rivera, Tommica Ramos, Sonia Santiago, Maria Santiago, Maria Rivera, Maria Mojica, Maria Martinez, Julian

Hernandez, Elain Leak, Ebony Hernandez, Nancy Bonilla, and Ashley Torres legally distributed absentee ballot applications for the August 12, 2014 primary.

27. The investigation further revealed that Respondents Nancy Bonilla, Maria Ramos, and Elizabeth Martinez legally distributed absentee ballot applications for the August 12, 2014 primary on behalf of the Ayala campaign.

### LAW

28. General Statutes § 9-135 outlines the eligibility requirements for absentee voting and prohibits the misrepresentation of those eligibility requirements. Specifically, General Statutes § 9-135 provides:

(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: (1) His or her active service with the armed forces of the United States; (2) his or her absence from the town of his or her voting residence during all of the hours of voting; (3) his or her illness; (4) his or her physical disability; (5) the tenets of his or her religion forbid secular activity on the day of the primary, election or referendum; or (6) the required performance of his or her duties as a primary, election or referendum official, including as a town clerk or registrar of voters or as staff of the clerk or registrar, at a polling place other than his or her own during all of the hours of voting at such primary, election or referendum.

*(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.*

(Emphasis added)

29. General Statutes § 9-140 outlines the procedures by which one can obtain an absentee ballot. Specifically this section provides, in pertinent part:

(a) Application for an absentee ballot shall be made to the clerk of the municipality in which the applicant is eligible to vote or has

applied for such eligibility. . . . *The municipal clerk shall not distribute with an absentee ballot application any material which promotes the success or defeat of any candidate or referendum question. The municipal clerk shall maintain a log of all absentee ballot applications provided under this subsection, including the name and address of each person to whom applications are provided and the number of applications provided to each such person. . . .*

....

(d) An absentee voting set shall consist of an absentee ballot, inner and outer envelopes for its return, instructions for its use, and if applicable, explanatory texts concerning ballot questions, as provided for in sections 2-30a and 9-369b. *No other material shall be included with an absentee voting set issued to an applicant except as provided in sections 9-153e and 9-153f or where necessary to correct an error or omission as provided in section 9-153c.*

....

(k) (1) *A person shall register with the town clerk before distributing five or more absentee ballot applications for an election, primary or referendum, not including applications distributed to such person's immediate family. Such requirement shall not apply to a person who is the designee of an applicant.*

(2) Any person who distributes absentee ballot applications shall maintain a list of the names and addresses of prospective absentee ballot applicants who receive such applications, and shall file such list with the town clerk prior to the date of the primary, election or referendum for which the applications were so distributed. Any person who distributes absentee ballot applications and receives an executed application shall forthwith file the application with the town clerk.

(l) *No candidate, party or political committee, or agent of such candidate or committee shall mail unsolicited applications for absentee ballots to any person, unless such mailing includes: (1) A written explanation of the eligibility requirements for voting by*

*absentee ballot as prescribed in subsection (a) of section 9-135, and (2) a written warning that voting or attempting to vote by absentee ballot without meeting one or more of such eligibility requirements subjects the elector or applicant to potential civil and criminal penalties. As used in this subsection, "agent" means any person authorized to act on behalf of another person.*

....

(Emphasis Added)

## **CONCLUSIONS**

### **COUNT I: Inclusion of Material Supporting a Candidate with Absentee Ballots (Respondent Maya)**

30. General Statutes § 9-140 (d) provides, in pertinent part, "No other material shall be included with an absentee voting set issued to an applicant except as provided in sections 9-153e and 9-153f or where necessary to correct an error or omission as provided in section 9-153c."
31. The Complainants have alleged that Respondent Maya, in her position as Bridgeport Town Clerk, included material supporting the Ayala campaign with absentee ballots.
32. The investigation into this matter, which included numerous witness statements and documents, revealed nothing to support this allegation.
33. Accordingly, this count should be dismissed.

### **COUNT II: Distribution of Absentee Ballots to Those Who Were Not Qualified to Vote by Absentee Ballot (Respondents Andres Ayala, Jose Rivera, Tommica Ramos, Sonia Santiago, Maria Santiago, Maria Rivera, Maria Mojica, Maria Martinez, Julian Hernandez, Elain Leak, Ebony Hernandez, Nancy Bonilla, and Ashley Torres)**

34. The Complainant Pereira alleges that an individual associated with the Ayala campaign attempted to have her complete an absentee ballot application, when she was not eligible to vote in that manner.
35. Specifically, Complainant Pereira stated an individual "informed me that he wanted to make sure I was able to vote for Andres Ayala and asked me if I needed an absentee ballot.

I asked him why was he asking me if I needed an absentee, did I look ill or disabled. He replied that he just wanted to make sure I could vote for Andres Ayala.”

36. While the investigation revealed that all of the above referenced respondents did in fact distribute absentee ballot applications, only three (Nancy Bonilla, Maria Ramos, and Elizabeth Martinez) were confirmed as doing so on behalf of the Ayala campaign.
37. General Statutes § 9-140 (l) requires that if an absentee ballot application is sent to a voter, unsolicited, it must also include a written explanation of the eligibility requirements for voting by absentee ballot and a written warning that voting or attempting to vote by absentee ballot without meeting one or more of such eligibility requirements subjects the elector or applicant to potential civil and criminal penalties.
38. The investigation revealed no instance of any individual associated with the Ayala campaign or any of the above referenced Respondents sending absentee ballot applications to any voter by mail.
39. General Statutes § 9-135 (b) provides that “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.”
40. There is no allegation, or a evidence to support an allegation that the Respondents misrepresented the eligibility requirements to vote by absentee ballot.
41. An individual distributing absentee ballot applications to voters has an affirmative duty to inform them of the eligibility requirements to do so if they are sending them, unsolicited, through the mail. Otherwise, the individual distributing absentee ballots need only keep from misrepresenting the eligibility requirements.
42. In this case, the investigation revealed no instance of unsolicited absentee ballot applications being sent through the mail, nor any misrepresentations of the eligibility requirements by any of the Respondents.
43. Accordingly, this count should be dismissed.

**COUNT III: Encouraging Individuals to Vote by Absentee Ballot (Respondent Jimenez)**

44. As noted above, General Statutes § 9-135 (b) prohibits the misrepresentation of the eligibility requirements to vote via absentee ballot.

45. The investigation has revealed that Respondent Jimenez did volunteer for the Ayala campaign, and did make telephone calls in that capacity.
46. However, neither the Complaint nor the evidence compiled for this investigation revealed that, in the course of any of those calls, Respondent Jimenez misrepresented the eligibility requirements to vote via absentee ballot.
47. Accordingly, this count should be dismissed.

**COUNT IV: Sending an Unsolicited Absentee Ballot and Encouraging Individuals to Vote by Absentee Ballot (Respondent Unknown)**

48. The Complaint includes an affidavit by Victor Morales stating that he received an absentee ballot, but never requested one.
49. Neither Complainant, nor Victor Morales identify who is alleged to have caused him to have received an unsolicited absentee ballot.
50. The Lead Legal Investigator, despite diligent efforts to do so, was unable to contact Mr. Morales to confirm this account.<sup>1</sup>
51. As a Respondent in this count cannot be identified and the allegations could not be independently verified through the investigation, among other reasons, this count is dismissed.

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<sup>1</sup> In fact, when the Lead Legal Investigator assigned to this matter requested information from Complainant Young concerning how this individual came to his attention, he stated "The method by which Mr. Morales [sic] information came to the Hughes Campaign was from a phone call through a confidential informant that reach out on behalf of Mr. Morales. I am not privy of the informant nor contact of this person."

ORDER

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

That the matter is dismissed.

Adopted this 9th day of March, 2016 at Hartford, Connecticut.

  
Anthony J. Gastagno, Chairperson  
By Order of the Commission