

STATE OF CONNECTICUT
STATE ELECTIONS ENFORCEMENT COMMISSION

In Re Referral by Linda R. Amerighi,
Town Clerk, Sharon

File No. 2014-122

FINDINGS AND CONCLUSIONS

The Complainant, in her official capacity as Town Clerk of Sharon, refers this complaint, pursuant to § 9-7b, General Statutes, alleging that individuals improperly completed absentee ballot applications pertaining to the November 4, 2014 statewide election in the Town of Sharon. After an investigation of this matter, the following findings and conclusions are made:

1. Complainant alleged that three applications received by her from the Sharon Registrars of Voters raised “too many red flags” and forwarded this matter to the State Elections Enforcement Commission for further review.
2. Specifically, the Complainant raised issues regarding the absentee ballot applications of Marilyn J. Parker, Rohana C. Parker and Marlon K. Parker, received October 7, 2014 when compared side-by-side and to the aforementioned individuals’ voter registration cards, which Complainant indicated by referral:
 - (1) Similar handwriting signatures on all three absentee ballot applications;
 - (2) Different handwriting signatures on the absentee ballot applications and respective individual voter registration cards;
 - (3) Different mailing addresses on the absentee ballot applications and envelopes and the respective voter registration cards; and,
 - (4) All three individuals checked “my illness,” as a reason for voting by absentee ballot applications at the November 4, 2014 election.
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: (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.

4. General Statutes § 9-140, 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. 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. The municipal clerk shall not invalidate the application solely because it does not contain the name of a person who assisted the applicant in the completion of the application. 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. Each absentee ballot application provided by the municipal clerk shall be consecutively numbered and be stamped or marked with the name of the municipality issuing the application. The application shall be signed by the applicant under the penalties of false statement in absentee balloting on (1) the form prescribed by the Secretary of the State pursuant to section 9-139a, (2) a form provided by any federal department or agency if applicable pursuant to section 9-153a, or (3) any of the special forms of application prescribed pursuant to section 9-150c, 9-153a, 9-153b,

9-153d, 9-153e, 9-153f or 9-158d, if applicable. Any such absentee ballot applicant who is unable to write may cause the application to be completed by an authorized agent who shall, in the spaces provided for the date and signature, write the date and name of the absentee ballot applicant followed by the word “by” and his own signature. If the ballot is to be mailed to the applicant, the applicant shall list the bona fide personal mailing address of the applicant in the appropriate space on the application.

...

(g) On the first day of issuance of absentee voting sets the municipal clerk shall mail an absentee voting set to each applicant whose application was received by the clerk prior to that day. When the clerk receives an application during the time period in which absentee voting sets are to be issued he shall mail an absentee voting set to the applicant, within twenty-four hours, unless the applicant submits his application in person at the office of the clerk and asks to be given his absentee voting set immediately, in which case the clerk shall comply with the request. Any absentee voting set to be mailed to an applicant shall be mailed to the bona fide personal mailing address shown on the application. Issuance of absentee voting sets shall also be subject to the provisions of subsection (c) of this section, section 9-150c and section 9-159q concerning persons designated to deliver or return ballots in cases involving unforeseen illness or disability and supervised voting at certain health care institutions.

5. Upon investigation, the Commission finds that Marilyn J. Parker, Rohana C. Parker and Marlon K. Parker all assert that they downloaded, filled out, printed and signed the applications individually. Further, each asserts that they qualify to vote because of permanent physical conditions that are both documented and debilitating.
6. Furthermore, the Commission finds in comparing the 2012 voter registration cards of Marilyn J. Parker, Rohana C. Parker and Marlon K. Parker with the three absentee ballot applications received October 7, 2014 that *each record contains the same Sharon residence address*. Specifically, the 2012 voter registration cards provide a different mailing address than the residence address, while the 2014 absentee ballot

applications include only a residence address. The Commission notes that there is nothing that would statutorily preclude an individual from requesting an absentee ballot to be delivered directly to their address even though they have earlier provided and/or requested that such information be delivered to a registered post office box.

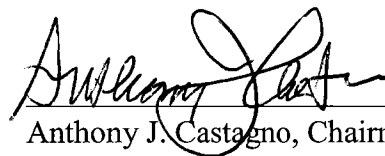
7. The Commission finds a lack of evidence to contradict the assertions made in writing in response to this complaint and detailed in paragraph 5 above or evidence that otherwise supports Complainant's allegations that improprieties occurred regarding their use of absentee ballot applications in connection with the November 4, 2014 statewide election in the Town of Sharon.
8. Under the narrow and limited circumstances of this complaint, where each individual claims to have completed their own absentee ballot application and there is a lack of evidence after investigation to contradict such assertions, the Commission concludes that the town clerk's allegations are not supported by the evidence or otherwise lead to actionable claims and therefore this complaint and referral should be dismissed.

ORDER

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

The Complaint is hereby dismissed.

Adopted this 17th day of March, 2015 at Hartford, Connecticut



Anthony J. Castagno, Chairman
By Order of the Commission