

STATE OF CONNECTICUT
STATE ELECTIONS ENFORCEMENT COMMISSION

In the Matter of a Referral of a Complaint by
Lisa Dalton, Town Clerk, Watertown

File No. 2014-161

FINDINGS AND CONCLUSIONS

Complainant referred this Complaint in her official capacity as Watertown Town Clerk, pursuant to General Statutes §9-7b, indicating that possible voter fraud occurred in violation of General §9-360 in that an absentee ballot pertaining to the November 4, 2014 election in the Town of Watertown was returned to her office in the name of an elector who pre-deceased the issuance of such absentee ballot. After the investigation of the complaint, the Commission makes the following findings and conclusions:

1. Complainant at all times relevant to this complaint was Watertown Town Clerk. Complainant referred this matter to the Commission pursuant to General Statutes §9-7b (a) as she had a suspicion of possible voter fraud regarding the receipt of an absentee ballot for the November 4, 2014 election in Watertown.
2. Complainant provided the following time line pertaining to the absentee ballot that is subject of this referral and investigation:
 - a. On October 3, 2014 an absentee ballot set was mailed to Mr. George A. Lemaitre who was classified as a “permanent absentee voter” and had an active voter status on that date.
 - b. On October 8, 2014, the absentee ballot issued to Mr. Lemaitre was returned to Respondent’s office. It appeared to the town clerk’s office that it had been voted as it was returned in the “outer envelope” of the absentee ballot set.
 - c. On November 3, 2014, the Watertown Registrar of Voters office called Complainant to inform her that Mr. Lemaitre was not a voter and should not have been issued an absentee ballot as indicated by the town clerk’s October 31st list of names of absentee voters whose ballots had been returned.
 - d. On November 3, 2014 Complainant confirmed on the Connecticut Voter Registration System (CVRS) that Mr. Lemaitre had been removed from the active voter registry list on October 8, 2014. Complainant using town records further confirmed that Mr. Lemaitre had died on September 17, 2014.
 - e. On November 4, 2014 the envelope and absentee ballot in question was turned over to the Registrar of Voters and marked rejected with the reason stated on the front of the envelope.

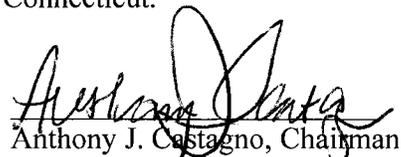
3. Upon investigation, the Commission finds that the spouse of the decedent, Mrs. Pauline F. Lemaitre, explained to Complainant and to Commission staff that she had returned her husband's absentee ballot set for the November 4, 2014 election in Watertown in the outer envelope with the unmarked ballot "...along with a note that my husband had passed away."
4. Further, in the course of investigation and pursuant to a subpoena, the Commission obtained the absentee ballot set in question from the custody of Complainant's office. Commission investigators subsequently opened the absentee ballot set consistent with its investigative protocols to ensure the chain of custody and to preserve the evidence.
5. The Commission finds that an inspection by its investigators of the contents of the envelope returned to Complainant's office in the name of decedent George A. Lemaitre corroborated the testimony of his spouse Pauline F. Lemaitre. Specifically, the absentee ballot set for the November 4, 2014 election in Watertown contained an inner envelope, an unmarked ballot and a white sticky note which indicated in handwriting "George Died 9-17-2014."
6. The Commission finds that in this instance the spouse of a deceased individual who remained on a permanent absentee ballot list returned the ballot set with an unmarked ballot and that the aforementioned decedent's absentee ballot set was properly marked "rejected" at the November 4, 2014 election in Watertown. The Commission further finds that Complainant's referral as town clerk was reasonable under these circumstances and consistent with her authority and duties regarding elections administration. Complainant is commended for making this referral.
7. The Commission concludes, for reasons detailed herein, that Complainant's suspicion that there may have been voter fraud in violation of General Statutes § 9-360, based on her office's receipt of an absentee ballot in the name of an individual who pre-deceased its issuance, was not supported by the facts after a thorough investigation and analysis of the evidence. The Commission therefore dismisses this matter.

ORDER

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

That the complaint is dismissed.

Adopted this 18th day of August, 2015, at Hartford, Connecticut.


Anthony J. Castagno, Chairman
By Order of the Commission