

STATE OF CONNECTICUT
STATE ELECTIONS ENFORCEMENT COMMISSION

In the Matter of a Referral by Stacey Gravino,
Town Clerk, East Haven

File No. 2015-134B

FINDINGS AND CONCLUSIONS

East Haven Town Clerk Stacey Gravino referred this matter to the Commission pursuant to Connecticut General Statutes § 9-7b, alleging that there were election law violations pertaining to multiple absentee ballot applications that she believed had “irregularities.” These absentee ballot applications were for the November 3, 2015 municipal election in East Haven and were delivered to the East Haven Town Clerk’s office by Carl Ruggiero, a volunteer for the mayoral campaign of Salvatore Maltese. After investigation of this referral, the Commission makes the following findings and conclusions:

1. East Haven Town Clerk Stacey Gravino referred this matter after receiving multiple absentee ballot applications that she believed had “irregularities.” The applications were for the November 3, 2015 municipal election in East Haven and allegedly revealed potential election law violations by Mr. Maltese and/or Mr. Ruggiero.
2. Specifically, Town Clerk Gravino referred this matter, alleging the following pertaining to the absentee ballot applications submitted by Mr. Ruggiero to her office:
 - (1) A failure to sign as an assister multiple absentee ballot applications in violation of General Statutes § 9-140 (a).
 - (2) A possible forged signature on an absentee ballot application that allegedly could be traced to Mr. Maltese, which raised the issue of a violation of § 9-359a.
3. At all times relevant to this referral, Mr. Maltese was a mayoral candidate at the November 3, 2015 municipal election in East Haven. Mr. Ruggiero assisted Respondent in his mayoral campaign.
4. This disposition is limited to the allegations as they pertain to Mr. Ruggiero. Any additional settlements with other individuals pertaining to the allegations detailed herein, are treated under separate agreements or dispositions.

5. 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. ... 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. [Emphasis added.]

6. General Statutes § 9-359a, provides:

(a) ***A person is guilty of false statement in absentee balloting when he intentionally makes a false written statement in or on or signs the name of another person to the application for an absentee ballot*** or the inner envelope accompanying any such ballot, which he does not believe to be true and which statement or signature is intended to mislead a public servant in the performance of his official function.

(b) False statement in absentee balloting is a class D felony.
[Emphasis added.]

Allegation One: Failing to Sign Absentee Ballot Applications as an Assister

7. The referral alleged that Mr. Ruggerio failed to sign, as an assister, multiple absentee ballot applications pertaining to the November 3, 2015 municipal election in East Haven in violation of General Statutes § 9-140.

8. The Commission finds that individuals working on the Maltese campaign assisted individuals in completing absentee ballot applications pertaining to the November 3, 2015 East Haven municipal election.
9. Further, the Commission finds, after investigation, that the handwriting which appeared on the upper portion of multiple absentee ballot applications turned over to the East Haven Town Clerk by Mr. Ruggiero was *not* his handwriting.
10. The Commission concludes therefore that there is a lack of evidence establishing that Mr. Ruggiero failed to sign as an assister on multiple absentee ballot applications pertaining to the November 3, 2015 municipal election in East Haven in violation of General Statutes § 9-140 (a). This allegation therefore is dismissed as to Mr. Ruggiero.

Allegation Two: Signing Another's Name to an Absentee Ballot Application

11. The referral alleged that someone from the Maltese campaign forged another individual's name on an absentee ballot application in violation of General Statutes § 9-359a.
12. Pursuant to General Statutes § 9-359a, an individual is guilty of false statement in absentee balloting when they "... *intentionally makes a false written statement in or on or signs the name of another person to the application for an absentee ballot.*"
13. Mr. Ruggiero denies the allegation that he signed the absentee ballot application for the individual who Town Clerk Gravino alleged did not have the capacity to sign for himself. Further, the Commission finds, after investigation, a lack of evidence to conclude that the individual applicant in question did not have the capacity to sign an absentee ballot application.
14. Additionally, the Commission finds, by comparison, the handwriting of signatures on both the absentee ballot application in question and the respective voter registration application in the name of that individual appear to be substantially the same.
15. After investigation, the Commission finds a lack of evidence to support or corroborate the allegation that someone, other than the applicant, signed the applicant's name to the absentee ballot application identified by the referral.
16. The Commission concludes therefore that the allegation that there was a false statement in absentee balloting committed by Mr. Ruggiero in violation § 9-359a was not supported by the facts. That allegation is therefore dismissed.
17. The Commission, for the reasons detailed herein, dismisses this referral as the allegations pertain to Mr. Ruggiero.

ORDER

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

That the matter be dismissed, as the allegations pertain to Carl Ruggiero.

Adopted this 18th day of April of 2018 at Hartford, Connecticut


Anthony J. Castagno, Chairman
By Order of the Commission