

STATE OF CONNECTICUT
STATE ELECTIONS ENFORCEMENT COMMISSION

In the Matter of a Self-Initiated Investigation by the SEEC

File No. 2017-069

FINDINGS AND CONCLUSIONS

The Commission initiated an investigation after the Office of the Chief State's Attorney forwarded a complaint that had been lodged with them alleging that Respondent Antoinette Russo forged the signatures on two absentee ballot applications. After an investigation of the Complaint, the Commission makes the following findings and conclusions:

Background

1. The events in this matter concern the November 2017 Municipal Election in the City of West Haven.
2. Michael Last, campaign manager for the mayoral campaign of Nancy Rossi, sent a letter on campaign stationary to Chief John Karajanis of the West Haven Police Department alleging that the absentee ballot applications for voters Sharon Alling and Robert Alling had been forged by Antoinette Russo, who signed onto the absentee ballot applications as an assister.
3. Mr. Last sent copies of the letter to the Office of the Secretary of the State and the Office of the Chief State's Attorney.
4. The Office of the Chief State's Attorney forwarded the complaint to the Commission for investigation and the Commission initiated this matter.

Law

5. General Statutes § 9-140 reads, 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.

...

6. General Statutes § 9-359a reads:

(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.)

Investigation

7. Mr. Last further asserted in the aforementioned letter that the purported forgery was discovered when Rossi campaign volunteer Mitch Gallignano appeared at the home of Sharon and Robert Alling and discovered that they had received absentee ballot voting sets and that they asserted that they denied ever filling out applications.

8. Included with the aforementioned letter were copies of Mr. Gallignano's notes on his interactions with the Allings, copies of the purportedly forged absentee ballot applications, as well as a sworn affidavit from Sharon Alling asserting under oath that she did not sign the purportedly forged absentee ballot application, that she did not know Ms. Russo, and that her signature was forged.

Response

9. In a sworn response, the Respondent, Ms. Russo, generally denied the allegation and asserted that the allegations here were false and defamatory.
10. Ms. Russo specifically asserts that she had a telephone conversation with Mrs. Alling on or about September 29, 2017 and based on that conversation, she filled out the applications for Mr. and Mrs. Alling, including the assistor sections, and had them mailed to the Allings.

Investigation

11. The investigation here was straightforward insofar as the main question in this matter was whether or not these absentee ballot applications were forged, and, if so, by whom.
12. The absentee ballot applications in question are numbers 527 (Robert Alling) and 528 (Sharon Alling).
13. The absentee ballot applications are both signed and dated October 3, 2017.
14. Respondent Antoinette Russo signed both applications as the registered assistor, as required by law.
15. Both of the absentee ballot applications were time-stamped as having been received by the West Haven Town Clerk on or about October 5, 2017.
16. As an initial matter, Commission investigators examined the writing and signatures on just the two applications (#527 and #528),
17. The pertinent information on applications #527 and #528, other than the Alling's signatures, appears to have been filled out by Ms. Russo, which is permitted.
18. The signatures of Mr. Alling and Mrs. Alling on applications #527 and #528 appear upon examination to have been drafted by two different hands. Each letter in the last name of Mrs. Alling's signature is written demonstrably more legibly than in Mr. Alling's signature.

19. The Commission also notes that the capital "R" in Mr. Robert Alling's signature differs from the capital "R" in both Ms. Russo's written name and Ms. Russo's signature, both of which appear on the same application.
20. After examining the printing and signatures on applications #527 and #528, Commission investigators specifically examined other records containing the signatures of Mr. and Mrs. Alling.
21. For Mrs. Sharon Alling, Commission investigators examined the following: absentee ballot application #1261, which Mrs. Alling filled out with the assistance of Mr. Gallignano; Mrs. Alling's sworn affidavit submitted by Mr. Last; and Mrs. Alling's most recent Voter Registration Application submitted on or about August 7, 1991.
22. For Mr. Robert Alling, Commission investigators examined the following: absentee ballot application #1260, which Mrs. Alling filled out with the assistance of Mr. Gallignano; and Mr. Alling's most recent Voter Registration Application submitted on or about March 3, 2006.
23. In each instance, for both Sharon Alling and Robert Alling, the allegedly forged signatures on applications #527 and #528 are indistinguishable from the ostensibly "good" signatures on the comparable records.

Conclusion

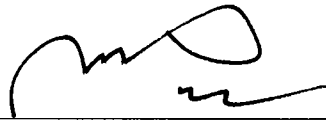
24. The investigation here revealed no evidence corroborating the allegations made by Mr. Last. The Commission cannot determine that it was more probable than not that applications #527 and #528 were signed by someone other than the Allings.
25. Considering the aforesaid, this matter should be dismissed.

ORDER

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

That this matter is dismissed

Adopted this 17th day of July, 2019 at Hartford, Connecticut.



~~Anthony J. Castagno, Chairperson~~
By Order of the Commission
Stephen T. Penny