

STATE OF CONNECTICUT
STATE ELECTIONS ENFORCEMENT COMMISSION

In the Matter of a Complaint by Maria Pereira,
Bridgeport

File No. 2018-077

FINDINGS AND CONCLUSIONS

Complainant Maria Pereira filed this Complaint pursuant to General Statutes § 9-7b. The Complainant alleged that an individual illegally took possession of an absentee ballot prior to the September 17, 2018 Democratic primary. After its investigation, the Commission makes the following findings and conclusions:

1. Complainant alleged that Tony Barr, a member of the 138th District Town Committee in Bridgeport, “picked up” an absentee ballot for the September 17, 2018 Democratic primary from a resident of the 138th District.
2. Complainant alleged that Mr. Barr could not take possession of the witness’s absentee ballot because he was not a qualified designee and was otherwise prohibited by General Statutes § 9-140b from doing so.
3. Mr. Barr, in response to this complaint and investigation, denied the allegation that he had taken possession of the ballot in question.
4. General Statutes § 9-140b, provides in pertinent part:
 - (a) An absentee ballot shall be cast at a primary, election or referendum only if: (1) It is mailed by (A) the ballot applicant, (B) a designee of a person who applies for an absentee ballot because of illness or physical disability, or (C) a member of the immediate family of an applicant who is a student, so that it is received by the clerk of the municipality in which the applicant is qualified to vote not later than the close of the polls; (2) it is returned by the applicant in person to the clerk by the day before a regular election, special election or primary or prior to the opening of the polls on the day of a referendum; (3) it is returned by a designee of an ill or physically disabled ballot applicant, in person, to said clerk not later than the close of the polls on the day of the election, primary or referendum; (4) it is returned by a member of the immediate family of the absentee voter, in person, to said clerk not later than the close of the polls on the day of the election, primary or referendum; ...

...

(d) *No person shall have in his possession any official absentee ballot or ballot envelope for use at any primary, election or referendum except the applicant to whom it was issued, the Secretary of the State or his or her authorized agents, any official printer of absentee ballot forms and his designated carriers, the United States Postal Service, any other carrier, courier or messenger service recognized and approved by the Secretary of the State, any person authorized by a municipal clerk to receive and process official absentee ballot forms on behalf of the municipal clerk, any authorized primary, election or referendum official or any other person authorized by any provision of the general statutes to possess a ballot or ballot envelope. [Emphasis added.]*


5. The Commission finds, after investigation, that the witness identified by Complainant, as the individual from whom Mr. Barr illegally took possession of the absentee ballot, denied that Mr. Barr took possession of their absentee ballot.
6. The Commission further finds that the witness provided a written statement and oral testimony denying that Mr. Barr took possession of her absentee ballot regarding the September 2018 primary. After investigation, it was determined that the witness mailed her absentee ballot back to the Bridgeport Town Clerk's office.
7. The Commission concludes therefore that the violation of General Statutes § 9-140b, as alleged by Complainant, was not supported by the facts after investigation.
8. The Commission, for the reasons detailed herein, dismisses Complainant's allegation.

ORDER

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

That the complaint be dismissed.

Adopted this 17 day of Apr 2019, at Hartford, Connecticut


Anthony J. Castagno, Chairman
By Order of the Commission