

STATE OF CONNECTICUT
STATE ELECTIONS ENFORCEMENT COMMISSION

In the Matter of a Complaint by Maria Pereira,
Bridgeport

File No. 2018-078

FINDINGS AND CONCLUSIONS

Complainant Maria Pereira filed this Complaint pursuant to General Statutes § 9-7b. The Complainant alleged violations of Connecticut election laws by an individual pertaining to improperly assisting another individual with her absentee ballot. After its investigation, the Commission makes the following findings and conclusions:

1. Complainant alleged that Maria Hernandez, improperly assisted two individuals with completing their absentee ballots in connection with the August 14, 2018 Democratic primary in Bridgeport.
2. Complainant alleged that Ms. Hernandez' assistance was improper because she was present in the house when the absentee ballots were voted and provided the two individuals who voted in the 124th voting district with stamps to mail their absentee ballots.
3. 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; ...

...

(e) No (1) candidate or (2) agent of a candidate, political party or committee, as defined in section 9-601, shall knowingly be present when an absentee ballot applicant executes an absentee ballot, except (A) when the candidate or agent is (i) a member of the immediate family of the applicant or (ii) authorized by law to be present or (B) when the absentee ballot is executed in the office of the municipal clerk and the municipal clerk or an employee of the municipal clerk is a candidate or agent.

4. The Commission finds, after investigation, that Ms. Hernandez signed the “Declaration of person providing assistance” on the two absentee ballot applications used to request absentee ballots in this instance. Additionally, the investigation determined that Ms. Hernandez returned to the individuals’ house after the ballots were issued pertaining to the August 14, 2018, Democratic primary in Bridgeport.
5. The Commission further finds that the individual applicants in question denied that Ms. Hernandez provided stamps for mailing of the absentee ballots and explained the absentee ballot process to the two individuals.
6. The two individuals cooperated with this investigation and provided written response pertaining to the circumstances regarding their execution, return, and their use of absentee ballots to vote in the 124th voting district at the August 14, 2018 Bridgeport Democratic primary.
7. Each individual, confirmed in the course of the investigation and at the risk of false statement, that Ms. Hernandez did not execute the ballots or direct them to vote for specific candidates. Further, they each denied that they voted in the presence of Ms. Hernandez.
8. The two individuals confirmed that they mailed their own absentee ballots back to the City of Bridgeport.
9. The Commission finds that there is a lack of evidence that Ms. Hernandez conduct pertaining to assisting two individuals with their absentee ballots prior to the August 14, 2018 Bridgeport Democratic primary was violative of General Statutes § 9-140b. The Commission therefore dismisses Complainant’s allegations.
10. The Commission concludes, for the findings and conclusions as detailed above, that Complainant’s allegations were not supported by the facts or the law after investigation. The Commission therefore determines this matter should be dismissed.

ORDER

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

That the complaint is dismissed.

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



Stephen T. Penny
By Order of the Commission