

STATE OF CONNECTICUT
STATE ELECTIONS ENFORCEMENT COMMISSION

In the Matter of a Complaint by Maria Pereira,
Bridgeport

File No. 2018-079

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 Valle, a Bridgeport municipal employee and member of the city council, improperly assisted a resident in the 138th District complete her absentee ballot for the September 17, 2018 Democratic primary in Bridgeport.
2. Complainant alleged that Ms. Valle's assistance was improper because she was not a resident of the 138th District where she assisted the individual and because she was a city employee. Further, Complainant alleged that Ms. Valle's assistance may have included Ms. Valle taking possession of the individual's ballot in violation of election laws.
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; ...

(b) As used in this section and section 9-150c, "designee" means (1) a person who is caring for the applicant because of the applicant's illness or physical disability, including but not limited to, a licensed physician or a registered or practical nurse, (2) a member of the applicant's family, who is designated by an absentee ballot applicant and who consents to such designation, or (3) if no such person consents or is available, then a police officer, registrar of voters, deputy registrar of voters or assistant registrar of voters in the municipality in which the applicant resides.

...

(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.

...

4. The Commission finds, after investigation, that Ms. Valle denied improperly assisting the individual in question with her absentee ballot either by completing it or taking possession of the same. Rather, Ms. Valle claims to have assisted the individual by instructing her with a sample absentee ballot provided by the town clerk on how to completely fill in the "bubbles" on the ballot when selecting candidates for the September 2018 primary.
5. The Commission further finds that the individual in question corroborated Ms. Valle's account of the circumstances and denied that Ms. Valle either voted the absentee ballot with her, or for her, or that Ms. Valle took possession of her absentee ballot. The individual confirmed Ms. Valle's characterization of the assistance provided to her pertaining to explaining how to vote an absentee ballot.
6. The Commission finds that there is a lack of evidence that Ms. Valle's conduct pertaining to assisting the individual in question with her absentee ballot prior to the September 17, 2018 Bridgeport Democratic primary was violative of General Statutes § 9-140b; or that she otherwise violated election statutes pertaining to assisting an individual with her September 2018 primary ballot as alleged by Complainant.

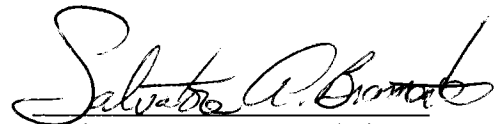
7. The Commission concludes, for the reasons detailed above, that Complainant's allegations were not supported by the facts or the law after investigation. The Commission therefore dismisses Complainant's allegations.

ORDER

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

That the Complaint be dismissed.

Adopted this 20th day of February 2019, at Hartford, Connecticut



~~Anthony J. Castagno, Chairman~~

By Order of the Commission

Salvatore Bramante - Vice Chair