

**STATE OF CONNECTICUT**  
**STATE ELECTIONS ENFORCEMENT COMMISSION**

In the Matter of a Complaint by Ernestine Holloway, Meriden

File No. 2019-105

**FINDINGS AND CONCLUSIONS**

The Complainant alleged that Respondent Joseph Vollano influenced or attempted to influence by force, threat, and/or corrupt means, her speech while she was attempting to run for municipal office during the November 5, 2019 municipal election.<sup>1</sup>

**Introduction and Background**

1. During the November 5, 2019 election season, Complainant Ernestine Holloway sought the nomination of the Republican Party in Meriden for Mayor and Councilman-at-large.
2. The Complainant did not receive the endorsement of the Meriden Republican Town Committee and attempted to primary for the nomination through the petition process in General Statutes § 9-406.
3. The Complainant's primary petition effort was unsuccessful, which is addressed in more detail in File. No. 2019-106, and the Complainant ultimately ended up appearing on the ballot in the General Election as a petitioning candidate.

**Allegation**

4. The Complainant here alleges that during the process of seeking the Republican Party nomination, Meriden Republican Town Committee Chair Joseph Vollano acted illegally in attempting to influence her to abandon her candidacy.

---

<sup>1</sup> The following are the Commission's findings and conclusions based on those portions of the Complainant's statement of complaint which the Commission could reasonably construe as alleging facts amounting to a specific violation of those laws within the Commission's jurisdiction. Any statements within the Complaint not addressed herein either did not specifically allege a violation or alleged facts which if proven true would not have amounted to a violation within the Commission's jurisdiction.

5. Specifically, she alleges, in pertinent part, that:
  - a. Violated her civil and voters rights by harassing and threatening her over the phone;
  - b. Threatened that if she continued to run as a Republican that he would “denounce me as a Republican and tell 3 groups on Facebook not to support me by signing my petition or give me donation;”
  - c. Threatened that he would “bad mouth me through town and tell people that I was costing the city \$25,000 if I forced a primary.”
  - d. When told that she believed that he was breaking the law and that she would report him, he responded “I don’t give a damn who you tell...I don’t care.”
  - e. The Complainant also alleged that the Respondent called her three times, but did not leave a voicemail when she did not answer.

#### **Law**

6. General Statutes § 9-364a provides:

*Any person who influences or attempts to influence by force or threat the vote, or by force, threat, bribery or corrupt means, the speech, of any person in a primary, caucus, referendum convention or election; or wilfully and fraudulently suppresses or destroys any vote or ballot properly given or cast or, in counting such votes or ballots, wilfully miscounts or misrepresents the number thereof; and any presiding or other officer of a primary, caucus or convention who wilfully announces the result of a ballot or vote of such primary, caucus or convention, untruly and wrongfully, shall be guilty of a class C felony.*

#### **Investigation**

7. The Complainant listed her treasurer, Beth Almeida, as a witness to the alleged behavior by the Respondent. When interviewed, Ms. Almeida confirmed that the Respondent did contact her and asked her to pressure the Complainant to drop out.
8. Ms. Almeida stated that the Respondent communicated with her over text message and on the telephone. She stated that the text messaged read, to the best of her recollection, “you need to get her to back down.”
9. Ms. Almeida stated that she spoke with the Respondent and she recalled the Respondent telling her “[i]f you don’t get her to withdraw, I will publicly denounce her.”

10. She also asserted that the Respondent stated that if Ms. Almeida got the Complainant to withdraw her candidacy for the Republican nomination, he would help her gather signatures for ballot access via nominating petition.
11. Ms. Almedia stated that the Respondent was “not happy” on the telephone call, but that he did not curse or raise his voice with her, or otherwise make threats to her person.
12. Ms. Almeida was unable to produce any of the alleged text messages.

#### Analysis

13. Under General Statutes § 9-7b, for potential violations of § 9-364a the Commission has only investigative authority and the ability to refer matters to the Chief State’s Attorney. The Commission does not possess any direct administrative jurisdiction such as the ability to notice hearings under the Uniform Administrative Procedures Act or impose penalties after such hearings.<sup>2</sup>
14. Statutes that contain criminal penalties should be strictly construed against the state.<sup>3</sup> Accordingly, the Commission has strictly construed § 9-364a to determine whether any individual’s “vote” or “speech” were influenced.<sup>4</sup>
15. In such matters, the Commission has applied the following dictionary definition of “threat” for purposes of § 9-364a: “1. any expression of an intention to inflict pain, injury, evil, or punishment. 2. An indication of impending danger or harm.”<sup>5</sup>
16. The Commission has applied the following dictionary definition of “corrupt” for purpose of “corrupt means” under § 9-364a. “[I]mmoral and/or depraved” or “contrary to accepted moral principles.”<sup>6</sup>

---

<sup>2</sup> See *In the Matter of a Complaint by Dianne M. Daniels, et al.*, Norwich File No. 2013-128 at page 2; *In the Matter of a Complaint by Joseph Cardillo, Cromwell*, File No. 2010-030 at page 4.

<sup>3</sup> See *State v. Ross*, 230 Conn. 183, 200 (1994); *State v. Russell*, 218 Conn. 273, 278 (1991); *State v. Torres*, 206 Conn. 346, 355 (1988); *In the Matter of a Complaint by Dianne M. Daniels, et al.*, Norwich File No. 2013-128 at page 2; *In the Matter of a Complaint of Joseph Cardillo, Cromwell* File No. 2010-030 at page 5.

<sup>4</sup> *Daniels* at page 2; *Cardillo* at page 5.

<sup>5</sup> *American Heritage Dictionary, Second College Edition*, 1985. See *Daniels* at page 2; *Cardillo* at page 5. Citing *Picco v. Voluntown*, 295 Conn. 148 for the proposition that to ascertain the commonly approved usage of terms, the Commission can look to their dictionary definitions.

<sup>6</sup> See *Daniels* at page 3; *Cardillo* at page 6.

17. “In order to conclude that General Statutes § 9-364a was violated, the Commission must decide that, given the evidence, it is more likely than not that: 1) the Respondent voluntarily committed an act that influenced [any person’s] speech and/or voluntarily committed an act that was intended to influence [any person’s] speech regardless of whether [any person’s] speech was actually influenced; and 2) that the Respondent did so by using force, threat, bribery or corrupt means.”<sup>7</sup>
18. Turning to the question here, as far as the alleged statements by the Respondent are concerned, such allegations were insufficiently supported by the available evidence. Neither the Complainant nor her witness were able to support the allegation.
19. Moreover, even considering the Complainant’s allegations in the most favorable light, while it is possible to determine that the Respondent sought to influence the Complainant’s decision to run for office, the Commission fails to see an instance in which any of the statements attributed to the Respondent would not amount to a “threat” or other form of violation of § 9-364a.
20. Indeed, the gravamen of this Complaint appears to be political, not legal. That is, this appears to be an intra-party dispute, not an administrative or criminal matter for the state.
21. Considering the aforesaid, this matter should be dismissed.

---

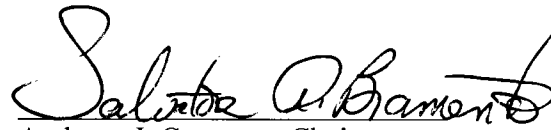
<sup>7</sup> See *In the Matter of a Complaint by MaryAnn Rivera, East Haven*, File No. 2018-021 at page 5; *Daniels* at page 3; *Cardillo* at page 5.

ORDER

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

That the matter is dismissed.

Adopted this 16<sup>th</sup> day of September, 2020 at Hartford, Connecticut.



~~Anthony J. Castagno, Chairperson~~  
By Order of the Commission  
Salvatore Bramante, Vice Chair