

STATE OF CONNECTICUT
STATE ELECTIONS ENFORCEMENT COMMISSION

In the Matter of a Complaint by James Albis, East Haven,

File No. 2019-117

FINDINGS AND CONCLUSIONS

The above Complainant brought this matter pursuant to Connecticut General Statutes § 9-7b, alleging East Haven mayor candidate failed to follow the prescriptions for the distribution of absentee ballot applications contained in General Statutes § 9-140 (k) during the September 10, 2019 Democratic Primary for Mayor in the City of East Haven.

After an investigation of the Complaint, the Commission makes the following findings and conclusions:

1. At all times relevant to the instant Complaint, “Big Steve Tracey for Mayor” was a candidate committee organized to fund the campaign of “Big” Steven Tracey for Mayor of East Haven.
2. On or about September 10, 2019 a primary was held in the Town of East Haven for the Democratic nomination to various municipal offices in the November General Election.
3. The Complainant alleges here that Respondent Steve Tracey, failed to properly follow the prescriptions of General Statutes § 9-140 (k) in the handling of absentee ballot applications for the September 10, 2019 Democratic Primary.
4. General Statutes § 9-140 (k) concerns the registration and record-keeping requirements of any person who seeks to distribute five or more absentee ballot applications in any primary, election, or referendum and provides:

(k) (1) A person shall register with the town clerk before distributing five or more absentee ballot applications for an election, primary or referendum, not including applications distributed to such person’s immediate family. Such requirement shall not apply to a person who is the designee of an applicant.

(2) Any person who distributes absentee ballot applications shall maintain a list of the names and addresses of prospective absentee ballot applicants who receive such applications, and shall file such list with the town clerk prior to the date of the primary, election or referendum for which the applications were so distributed. Any person who distributes absentee ballot applications and receives an executed application shall forthwith file the application with the town clerk.

5. Specifically, the Complainant alleges that Respondent Tracey violated the prescriptions of General Statutes § 9-140 (k) by “sending letters to residents, on his letterhead, instructing them to fill out an unmarked, unstamped, unnumbered absentee ballot application.”
6. Included in the Complaint are copies of a letter purportedly from the Respondent urging residents to vote for the Respondent if they are unable to make it to the polls, an instructional letter regarding the eligibility requirements for voting by absentee ballot, and then the absentee ballot application itself.
7. The Respondent here was cooperative with the instant investigation and generally denied the allegations. He asserted that he met all of the requirements of General Statutes § 9-140 (k) and that the Complainant’s allegations are baseless.
8. The Respondent asserted that campaign volunteer Christopher Farrell went to the East Haven Town Clerk’s Office, registered the absentee application distribution with the Town Clerk and received serial numbers 101 through 2001 from the Town Clerk.
9. The Respondent further asserted that each absentee ballot application was individually numbered by the campaign within the range distributed to them by the Town Clerk.
10. The Respondent further asserted that each ballot distribution was logged and the log was turned into the Town Clerk’s office, as required.
11. The Respondent provided exhibits, including copies of the Town Clerk’s log, the campaign’s log, and the mail merge documents for the letters and serialization of the absentee ballot applications.
12. Turning to the issue alleged here, the primary purpose of § 9-140 (k) is assure that there is an accurate record of which person distributed which absentee ballot application to which elector. These requirements provide a layer of accountability for campaigns and are essential tools for law enforcement agencies to investigate allegations of absentee ballot applications improprieties.

13. The main allegation here was that Respondent Tracey's campaign failed to follow these important prescriptions, but that allegation does not hold up against the evidence provided by the Respondent.
14. Upon closer inspection of the evidence provided in the Complaint, in addition to the evidence discovered during the investigation, the absentee ballot application provided by the Complainant contains a serial number—389—which was one of the serial numbers assigned to Respondent Tracey's campaign by the East Haven Town Clerk.
15. Moreover, even though the allegations here were limited to the mailing itself, the Respondent went above and beyond in providing evidence of full compliance with all the prescriptions of General Statutes § 9-140 (k), including but not limited to the record-keeping requirements.
16. Considering the aforesaid, the Commission concludes that the evidence is insufficient to find that it is more likely than not that any violation of General Statutes § 9-140 (k) occurred as alleged.
17. Accordingly, this matter should be dismissed.

ORDER

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

That the matter is dismissed.

Adopted this 7th day of October, 2020 at Hartford, Connecticut.


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