

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

In the Matter of a Referral by the East Haven Town Clerk

File No. 2019-118

**FINDINGS AND CONCLUSIONS**

East Haven Town Clerk Stacy Gravino alleged that someone other than elector Michael R. Montesano filled out and signed his application for an absentee ballot for the September 10, 2019 Republican Party Primary.<sup>1</sup>

**Law**

1. While it is permissible for another individual to assist a voter in filling out her absentee ballot application, the assister must identify herself. Moreover, only the applicant may sign the application for an absentee ballot application. General Statutes § 9-140, reads in pertinent part:
  - (a) Application for an absentee ballot shall be made to the clerk of the municipality in which the applicant is eligible to vote or has applied for such eligibility. *Any person who assists another person in the completion of an application shall, in the space provided, sign the application and print or type his name, residence address and telephone number.* Such signature shall be made under the penalties of false statement in absentee balloting. . . . *The application shall be signed by the applicant under penalties of false statement in absentee balloting.* . . . (Emphasis added.)
2. Assisting another elector in the completion of their application without identifying oneself as an assister is a violation of § 9-140 (a).

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<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.

3. Signing the name of another elector on their application without the legal authority to do so is also a violation of § 9-140 (a) and such signature constitutes a false statement on the application. See *In the Matter of a Referral by Wilton Town Clerk Lori Kiback, Wilton*, File No. 2016-101.

### **Background and General Information**

4. East Haven Republican Party primaries were held on September 10, 2019 to select nominees for municipal offices in the town, including but not limited to the top office of Mayor of East Haven.

### **Allegation**

5. The Referring Official alleged here that on or about August 26, 2019 agents of the campaign of Salvatore Maltese for mayor submitted an executed absentee ballot application for elector Michael R. Montesanto collected by them and she mailed an absentee ballot set to the address indicated on the application, which was also his registered address in East Haven.
6. The Referring Official alleged that she received an executed absentee ballot from Mr. Montesano on or about September 5, 2019.
7. She alleged that this submission of the absentee ballot concerned her as she had information from Mr. Montesano's family that he was out of the state on military duty with the Marine Corps until Friday, August 30, 2019. She knew this specifically, as Mr. Montesanto was flying in from Oklahoma on that day and he needed to get to her office in time to sign the marriage license request ahead of his wedding over that weekend.
8. She alleged that she was concerned by this apparent incongruity, especially after comparing the handwriting and signatures on Mr. Montesanto's absentee ballot application, inner envelope, and marriage license, which appeared to her to be potentially inconsistent.
9. The Referring Official referred this matter and asked the Commission to review the evidence to see if there were any potential issues with Mr. Montesanto's absentee ballot application or absentee ballot.

### **Investigation**

10. The investigation here first reviewed and analyzed the three different signature examples contained in the documents provided by the Referring Official.

11. Each of the signatures appeared to contain potential differences from the other two. The signature on the marriage certificate contained Mr. Montesanto's middle name, which is not present in either of the other signatures. However, the handwriting in each was not demonstrably different to the untrained eye.
12. The investigation obtained copies of Mr. Montesanto's signature on both his driver's license and his Voter Registration Application ("VRA") signed in 2014. Upon analysis, both of these additional examples strongly resembled each other, and, importantly, the signature on Mr. Montesanto's absentee ballot inner envelope. The signature had distinct similarities in all three documents.
13. The signature on the absentee ballot application contained some similarities to elements found in the signatures on the license and VRA, but contained a number of distinct inconsistencies as well.
14. The investigation compared the above signatures and handwriting to that of Mr. Montesanto's parents Albert and Michele's VRAs and the results were inconclusive. Michele Montesanto's handwriting and signature appeared to be substantially different from the signature on the application. Albert Montesanto's handwriting and signature on his VRA had some similarities to the writing and signature on the absentee ballot application, but the similarities were not demonstrative.
15. The investigation obtained statements from the Maltese campaign, as well as Albert and Michelle Montesanto.
16. The Maltese campaign denied any involvement with the execution of the absentee ballot application.
17. Albert and Michele also denied executing the application on Michael's behalf and asserted that he must have filled it out himself.
18. The investigation also reached Michael Montesanto, who confirmed that he did not arrive in Connecticut until August 30, 2019. He was unable to confirm whether or not he signed the absentee ballot application.
19. However, Mr. Montesanto did confirm in a written statement that he executed his own absentee ballot and signed the inner envelope himself.

## Analysis

20. As an initial matter, the Commission concludes that the evidence supports a finding that it is more likely that not that Michael Montesanto executed his own ballot and signed the inner envelope himself.
21. Concerning the absentee ballot application, the documentary evidence—including logs submitted by the Maltese campaign, the absentee ballot application logs kept by the town clerk, and the date stamps on the absentee ballot application and absentee ballot set—support a conclusion that the absentee ballot application was collected by the Maltese campaign and handed directly into the town clerk’s office on or about August 25 or 26, 2019—*prior* to Michael Montesanto’s travel from Oklahoma to Connecticut on August 30, 2019.
22. Accordingly, the Commission concludes that while the handwriting evidence was inconclusive, the available evidence in this matter supports a conclusion that Michael Montesanto could not have signed the absentee ballot application in his name, as he was not present in the state when the signature occurred.
23. This type of violation is not uncommon before the Commission and often involves well-meaning friends or parents of children for whom they are accustomed to signing documents on their behalf. *See, e.g., Referral of Town Clerk Lori Kiback, Wilton*, File No. 2016-101 (mother fills out application and signs on son’s behalf); *In the Matter of a Referral by the Wilton Town Clerk and Registrar of Voters*, File No. 2012-168; *In the Matter of a Referral by the Cheshire Town Clerk*, File No. 2008-142 (friend fills out application for another friend and signs on their behalf and fails to sign as an assister); *In the Matter of a Complaint by Joyce P. Mascena*, File No. 2008-128 (father fills out applications for both wife and son and signs on their behalf and fails to sign as an assister); *In the Matter of a Complaint by Aleeta Looker*, File No. 2008-125 (mother fills out application and signs on two sons’ behalf); *In the Matter of a Complaint of Andrew Garfunkel*, SEEC File No. 2003-252 (father, with authorization of son, fills out application and signs on son’s behalf and fails to sign as an assister).
24. In each of the above cases, the Commission found sufficient evidence to support a conclusion that it was the close friend or relative who unwittingly violated General Statutes § 9-140 (a) in order to facilitate the elector in getting an absentee ballot sent to them. Like here, all of the respondents in these matters were found to have executed the ballot themselves.

25. However here the evidence falls short of supporting a conclusion as to which particular individual executed and signed the absentee ballot application on Michael Montesanto's behalf. The signature evidence was inconclusive and no other documentary and/or testimonial evidence sufficiently clarified the question and there are no further reasonable avenues for investigation left unexplored by Commission staff.
26. Considering the aforesaid, the Commission will take no further action in this matter.

ORDER

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

No further action.

Adopted this 4<sup>th</sup> day of August, 2024 at Hartford, Connecticut.



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Stephen T. Penny, Chairperson  
By Order of the Commission

2019-118