

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

In the Matter of a Complaint by Eneida Martinez, Bridgeport et al.

File No. 2019-142

**FINDINGS AND CONCLUSIONS**

The Complainant filed the instant complaint with the Commission pursuant to Connecticut General Statutes § 9-7b. The Complainant alleged that Respondents misrepresented the eligibility to vote by absentee ballot. The following are the Commission's findings of fact and conclusions of law:

**PARTIES**

1. At all times relevant hereto, Bridgeport Generation Now Votes ("BGNV") was a not for profit entity operating in the City of Bridgeport.
2. At all times relevant hereto, Respondent Callie Heilmann was a founder and leader of BGNV.

**ALLEGATION**

3. The Complainant alleged that Respondent Heilmann misrepresented the eligibility to vote by absentee ballot improperly.

**STATEMENT OF THE LAW**

4. General Statutes § 9-135 details the eligibility requirements to vote via absentee ballot and further prohibits the misrepresentation of those requirements. The text of the statutes provides:

(a) Any elector eligible to vote at a primary or an election and any person eligible to vote at a referendum may vote by absentee ballot if he or she is unable to appear at his or her polling place during the hours of voting for any of the following reasons: (1) His or her active service with the armed forces of the United States; (2) his or her absence from the town of his or her voting residence during all of the hours of voting; (3) his or her illness; (4) his or her physical disability; (5) the tenets of his or her religion forbid secular activity on the day of the primary, election or referendum; or (6) the required performance of his or her duties as a primary, election or referendum official, including as a town clerk or registrar of voters or as staff of the clerk or registrar, at a polling place other than his or her own during all of the hours of voting at such primary, election or referendum.

(b) No person shall misrepresent the eligibility requirements for voting by absentee ballot prescribed in subsection (a) of this section, to any elector or prospective absentee ballot applicant.

#### STATEMENT OF THE FACTS

5. On September 10, 2019, the City of Bridgeport held a primary for the selection of Democratic nominees to municipal office in that city, including the office of Mayor (the “2019 Bridgeport Democratic Primary”).
6. As part of that primary, some Bridgeport electors that were enrolled in the Democratic Party requested absentee ballots in order to participate in the 2019 Bridgeport Democratic Primary.<sup>1</sup>
7. According to the official vote count, in the 2019 Bridgeport Democratic Primary, Mayoral candidate Marilyn Moore received more votes cast at polling locations than Mayoral candidate Joe Ganim. However, Joe Ganim received sufficiently more absentee ballot votes than Marilyn Moore such that Mr. Ganim received a majority of the total votes cast in the 2019 Bridgeport Democratic Primary.
8. After the 2019 Bridgeport Democratic Primary, there were allegations that individuals supporting Joseph Ganim were engaging improper absentee ballot conduct, including misrepresenting the eligibility for absentee ballots.
9. In fact, some individuals connected with BGNV, including Respondent Heilmann, filed a civil suit in Bridgeport Superior Court to set aside the results of the 2019 Bridgeport Democratic Primary. *Lazar v. Ganim*, Superior Court, judicial district of Fairfield at Bridgeport, Docket No. 192875 (November 1, 2019) (2019 Conn. Super. LEXIS 2893).
10. When considering the matter on appeal, the Connecticut Supreme Court declined to set aside the results of the 2019 Bridgeport Democratic Primary, and allowed the general election to proceed with Joe Ganim on the ballot as the Democratic Party’s nominee for Mayor of Bridgeport. *Lazar v. Ganim*, 334 Conn. 73 (2019).
11. On or about October 23, 2019, Complainants filed the instant complaint with the Commission.

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<sup>1</sup> The decision in this matter is limited to the allegations set forth herein. Other allegations concerning the 2019 Bridgeport Democratic Primary shall be addressed separately.

12. In the Complaint, Complainants specifically alleged that BGNV, under the direction of Respondent Heilmann, “pressured residents [of senior living facilities] to not vote using the absentee ballot process, citing legal implications if they do so, even though many of these residents are elderly and/or handicap [sic] and qualify to vote using an absentee ballot.”
13. Complainants further alleged that the consequence of the alleged activity was “intimidating for residents.”
14. Finally, Complainants alleged that BGNV’s “tactics are strictly one sided and have been used to discourage voters from voting for Mayor Joe Ganim.”
15. Respondent, through counsel, acknowledged meeting with seniors about absentee voting eligibility. Respondent, however, claims that they were acting to clarify perceived misrepresentations of the law.
16. In its investigation of this matter, Commission staff interviewed numerous individuals at the senior living facilities where BGNV held its sessions.
17. None of the individuals interviewed indicated that they were misinformed about the eligibility requirements for absentee ballots, nor did any individual report feeling threatened.
18. Commission staff further obtained copies of the literature BGNV provided to individuals during its informational sessions at the senior living facilities. None of the information misrepresented the eligibility for absentee ballots.

#### **CONCLUSION**

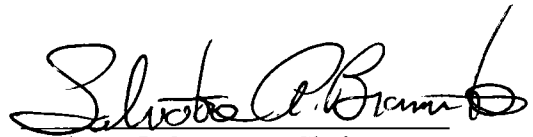
19. Based upon the foregoing, the Commission concludes that this matter should be dismissed.

ORDER

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

That this matter be dismissed.

Adopted this 21 day of October, 2020 at Hartford, Connecticut.



~~Anthony J. Castagno, Chairperson~~

By Order of the Commission

Salvatore Bramante, Vice Chair