

STATE OF CONNECTICUT
STATE ELECTIONS ENFORCEMENT COMMISSION

In the Matter of a Complaint by Karen Jackson, Bridgeport

File No. 2019-154

FINDINGS AND CONCLUSIONS

The Complainant filed the instant complaint with the Commission pursuant to Connecticut General Statutes § 9-7b. The Complainant alleged that Respondents Maria Pereira and Samia Sulliman, during the leadup to the 2019 Bridgeport Democratic Primary, misrepresented the eligibility requirements for an absentee ballot and further were improperly present when an absentee ballot was being completed.¹

ALLEGATIONS

1. Complainant alleged that Respondents misrepresented the eligibility to vote via absentee ballot.
2. Complainant further alleged that Respondents were present when absentee ballots were being completed and/or took possession of absentee ballots when they were prohibited from doing so.
3. Complainant further alleged that Respondents violated General Statutes §§ 9-359, 9-369, 9-135, and 9-366.

STATEMENT OF THE LAW

4. At the time of the 2019 Bridgeport Democratic Primary, only those with a qualifying reason were permitted to vote via absentee ballot.² Specifically, General Statutes § 9-135 (a) provides:

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

¹ Any allegation not addressed herein did not assert a violation of law within the jurisdiction of the Commission.

² For the state election held on November 3, 2020, an additional eligibility criteria for an absentee ballot was included: "the sickness of COVID-19. As used in this section, "COVID-19" means the respiratory disease designated by the World Health Organization on February 11, 2020, as coronavirus 2019, and any related mutation thereof recognized by said organization as a communicable respiratory disease." Public Acts Spec. Sess., July 2020, No. 20-3.

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.

5. General Statutes § 9-135 (b) further provides:

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.

6. General Statutes § 9-140b further details who may be present when an absentee ballot is completed and who may possess an absentee ballot. Such provision provides, in pertinent part:

(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.

(e) No (1) candidate or (2) agent of a candidate, political party or committee, as defined in section 9-601, shall knowingly be present when an absentee ballot applicant executes an absentee ballot, except (A) when the candidate or agent is (i) a member of the immediate family of the applicant or (ii) authorized by law to be present or (B) when the absentee ballot is executed in the office of the municipal clerk and the municipal clerk or an employee of the municipal clerk is a candidate or agent.

7. General Statutes § 9-359 further provides:

Any (1) person who executes an absentee ballot for the purpose of informing any other person how he votes, or procures any absentee ballot to be prepared for such purpose, (2) municipal clerk or moderator, elector appointed to count any absentee ballot or other person who wilfully attempts to ascertain how any elector marked his absentee ballot or how it was cast, (3) person who unlawfully opens or fills out, except as provided in section 9-140a with respect to a person unable to write, any elector's absentee ballot signed in blank, (4) person designated under section 9-140a who executes an absentee ballot contrary to the elector's wishes, or (5)

person who wilfully violates any provision of chapter 145, shall be guilty of a class D felony.

8. General Statutes § 9-363 further provides:

Any person who, with intent to defraud any elector of his or her vote or cause any elector to lose his or her vote or any part thereof, gives in any way, or prints, writes or circulates, or causes to be written, printed or circulated, any improper, false, misleading or incorrect instructions or advice or suggestions as to the manner of voting on any tabulator, the following of which or any part of which would cause any elector to lose his or her vote or any part thereof, or would cause any elector to fail in whole or in part to register or record the same on the tabulator for the candidates of his or her choice, shall be guilty of a class D felony.

9. General Statutes § 9-135 further 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.

10. General Statutes § 9-366 further provides:

Any person who induces or attempts to induce any elector to write, paste or otherwise place, on a ballot, or a table or booth used for voting, any name, sign or device of any kind, as a distinguishing mark by which to indicate to another how such elector voted, or enters into or attempts to form any agreement or conspiracy with any person to induce or attempt to induce electors or any elector to so place any distinguishing mark on such ballot, table or booth, or attempts to induce any elector to do anything with a view to enabling another person to see or know for what persons or any of them such elector votes, or enters into or attempts to form any agreement or conspiracy to induce any elector to do any act for the purpose of enabling another person or persons to see or know for what person or persons

such elector votes, or attempts to induce any person to place himself or herself in such position, or to do any other act for the purpose of enabling him or her to see or know for what candidates any elector other than himself or herself votes, or himself or herself attempts to get in such position to do any act so that he or she will be enabled to see or know how any elector other than himself or herself votes, or does any act which invades or interferes with the secrecy of the voting or causes the same to be invaded or interfered with, shall be guilty of a class D felony.

STATEMENT OF THE FACTS

11. Respondent Pereira was a candidate for nomination for public office during the 2019 Bridgeport Democratic Primary.
12. Respondent Suliman was a candidate for nomination for public office during the 2019 Bridgeport Democratic Primary.
13. The Complainant alleged that the Respondents approached individuals at two different residences within the City of Bridgeport (“Residence One” and “Residence Two”) and misrepresented the eligibility requirements for an absentee ballot in the 2019 Bridgeport Democratic Primary.
14. The Complainant further alleged that Respondents were unlawfully present when individuals at Residence One and Residence Two were completing their ballots and that Respondents took possession of those ballots.
15. The investigation revealed that a single elector resided at Residence One at the time of the 2019 Bridgeport Democratic Primary (“Elector One”).
16. The investigation further revealed that Respondent Pereira assisted Elector One complete her application for an absentee ballot concerning the 2019 Bridgeport Democratic Primary.
17. Respondent Pereira signed the “Declaration of person providing assistance” section of the 2019 Bridgeport Democratic Primary absentee ballot application for Elector One.
18. Upon Elector One’s absentee ballot application for the 2019 Bridgeport Democratic Primary, Elector One indicated that physical disability was the reason she was requesting an absentee ballot.
19. When contacted by Commission staff, Elector One indicated that she was physically disabled and did not recall any representations that may have been made by Respondent Pereira. Elector One did not recall anyone being present when she completed her ballot for

the 2019 Bridgeport Democratic Primary or did not recall anyone taking possession of her ballot.

20. The investigation further revealed that there were 5 electors residing at Residence Two that were eligible to vote in the 2019 Bridgeport Democratic Primary.
21. Of those five electors, only one (“Elector Two”), cast a ballot in the 2019 Bridgeport Democratic Primary via absentee ballot. Other residents of Residence Two cast ballots in person in the 2019 Bridgeport Democratic Primary.
22. The investigation further revealed that Respondent Pereira assist Elector Two complete his application for an absentee ballot concerning the 2019 Bridgeport Democratic Primary.
23. Respondent Pereira signed the “Declaration of person providing assistance” section of the 2019 Bridgeport Democratic Primary absentee ballot application for Elector One.
24. Upon Elector One’s absentee ballot application for the 2019 Bridgeport Democratic Primary, Elector One indicated that physical disability was the reason he was requesting an absentee ballot.
25. When contacted by Commission staff, a resident of Residence Two, indicated that Elector Two did vote by absentee ballot and did have a disability. The resident of Residence Two further indicated that Respondents were not present when Elector Two completed his absentee ballot and that Respondents had not taken physical possession of such ballots.

CONCLUSION

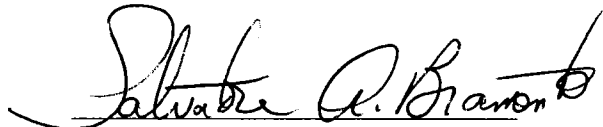
26. Based upon the foregoing, the Commission concludes that this matter should be dismissed.

ORDER

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

That this matter be dismissed.

Adopted this 18 day of November, 2020 at Hartford, Connecticut.


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