

STATE OF CONNECTICUT
STATE ELECTIONS ENFORCEMENT COMMISSION

In the Matter of a Complaint by Robert Cressotti, Enfield

File No. 2019-156

FINDINGS AND CONCLUSIONS

The Complainant alleged that during the November 5, 2019 General Election in the Town of Enfield, some electors may have voted more than once.¹

Allegation

1. In his Complaint, the Complainant alleged that Enfield electors who were residents of a senior living facility in town called the St. Joseph's Residence, arrived by private bus at least twice during Election Day at the Enfield School polling place.
2. The Complainant alleged that these electors were carrying with them envelopes that he understood to contain a "filled out form" that he asserted was actually an executed absentee ballot.
3. The Complainant asserted, without support, that two individuals may have had knowledge of and/or involvement with the issue alleged: Donna Lee Sparrazza, the spouse of a candidate on the ballot, and Kelly Hemmeler, the Complainant's opposing candidate and a member of the Board of Directors at the St. Joseph's Residence.

Law

4. General Statutes § 9-360 prescribes the hours of voting and provides:

Any person not legally qualified who fraudulently votes in any town meeting, primary, election or referendum in which the person is not

¹ 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.

qualified to vote, and any legally qualified person who, at such meeting, primary, election or referendum, fraudulently votes more than once at the same meeting, primary, election or referendum, shall be fined not less than three hundred dollars or more than five hundred dollars and shall be imprisoned not less than one year or more than two years and shall be disfranchised. Any person who votes or attempts to vote at any election, primary, referendum or town meeting by assuming the name of another legally qualified person shall be guilty of a class D felony and shall be disfranchised (Emphasis added.)

Investigation

5. The records from the Town of Enfield reflect that 17 total Saint Joseph's resident electors cast ballots in the November 3, 2019 General Election. The records reflect that 14 of the electors voted in person at the polling place and 3 voted by absentee ballot.
6. The Enfield Town Clerk is required per General Statutes § 9-140, *et seq* to keep an accurate record of all absentee ballot applications and absentee ballots, including but not limited to the date an absentee ballot was issued, when it was received back by the Town Clerk, and the individualized serial number for each absentee ballot.
7. Of the 3 absentee ballots issued for resident electors at Saint Josephs, all 3 were issued on October 4, 2019—the first day absentee ballots were available—and all 3 were executed and sent back to the Town Clerk in under 2 weeks, the last of the 3 arriving on October 16, 2019.
8. None of the three absentee ballots from Saint Josephs resident electors were received by the Town Clerk on Election Day.
9. None of the three absentee ballots from Saint Josephs resident electors were from individuals who also voted in person.
10. SEEC investigators received statements in response to this Complainant from Mrs. Sparrazza and Ms. Hemmeler.
11. Ms. Hemmeler asserted that she did observe individuals from the St. Joseph Residence arriving via private bus, but she denied any further knowledge and/or involvement with the events alleged.

12. Mrs. Sparrazza denied knowledge and/or involvement with all of the allegations by the Complainant.
13. In follow up conversations with the Complainant, he asserted that the envelopes he observed were in white, letter sized envelopes, approximately 4 1/8" x 9 1/2". He asserted that he did not observe any actual absentee ballots being handled by the electors from St. Joseph.
14. SEEC Investigators obtained the security video from the Enfield School via subpoena and reviewed the 14 hours of footage during the hours of voting from 6am through 8pm on Election Day.
15. The security video did not capture any footage of a bus arriving at the polling location, but did capture one instance of a group of approximately 9 elderly electors arriving at the polling location and in one electors' hand there appeared to be either a piece of paper or an envelope.

Analysis

16. As an initial matter, the Commission notes that it is not impermissible in and of itself for any elector to apply for and receive an absentee ballot for which such elector otherwise qualifies for the reasons set forth in General Statutes § 9-135 and then later decide that such voter wishes to cast the ballot in person, if able.
17. If an elector has already cast an absentee ballot, such elector has until 11am to go to the Office of the Town Clerk and request that the clerk remove the absentee ballot per General Statutes § 9-159o.
18. If an elector has not already cast such absentee ballot, such elector need only proceed to such elector's polling place and vote in person.
19. Should an elector attempt to vote in person after casting an absentee ballot, such elector would not be permitted to do so as such elector's name would be already crossed off on the registry list at the polling place per the requirements of General Statutes § 9-140c.
20. Should such elector vote in person and then submit such elector's absentee ballot on Election Day, such elector's absentee ballot would not be counted, also per the prescriptions of General Statutes § 9-140c, which requires that all such late-received absentee ballots be checked against the checklists in the polling place before being counted.

21. The absentee ballot statutes are structured in such a way so as to have checks and balances that capture the activity alleged here. It would have been impossible, barring a grievous error by an election official, for any elector to vote twice utilizing an absentee ballot, as alleged.
22. Moreover, even assuming the truth of the allegations here, the absentee ballot submission could not have been perfected at the polling place, as alleged. Properly executed absentee ballots must be delivered to the Office of the Town Clerk in order to be counted. See General Statutes § 9-140, et seq.
23. And, as reflected in the records of the Enfield Town Clerk, only 3 absentee ballots were requested and issued from the Saint Joseph's Residence, all of which came from voters who had only voted by absentee ballot and all of which were received back at the Town Clerk's office over 2 weeks prior to Election Day.
24. As such, the Commission holds that after investigation, the Commission was unable to establish evidence supporting the factual allegations by the Complainant that electors from the St. Joseph's Residence voted or attempted to vote at both the Enfield School polling place and by absentee ballot.
25. Considering the aforesaid, this matter should be dismissed.

ORDER

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

Dismissed.

Adopted this 3 day of FEB, 2024 at Hartford, Connecticut.



Anthony J. Castagno, Chairperson
By Order of the Commission