

STATE OF CONNECTICUT
STATE ELECTIONS ENFORCEMENT COMMISSION

In the Matter of a Complaint by Wanda Simmons, Bridgeport

File No. 2019-159

FINDINGS AND CONCLUSIONS

The Complainants filed the instant complaint with the Commission pursuant to Connecticut General Statutes § 9-7b. The Complainant alleged that Respondent Maria Pereira, during the leadup to the 2019 Bridgeport Democratic Primary, misrepresented the eligibility requirements for an absentee ballot. Complainant Wanda Simmons further alleged that she was “banned” from a polling location when she was attempting to assist disabled voters.¹ The following are the Commission’s findings of fact and conclusions of law

ALLEGATIONS

1. Complainants alleged that the Respondent misrepresented the eligibility requirements to vote via absentee ballot.
2. Complainant further alleged that she was “banned” from a polling location when she was attempting to assist disabled voters.

STATEMENT OF THE LAW

3. 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 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

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.

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.

4. 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.

5. General Statutes § 9-264 further provides:

An elector who requires assistance to vote, by reason of blindness, disability or inability to write or to read the ballot, may be given assistance by a person of the elector's choice, other than (1) the elector's employer, (2) an agent of such employer, (3) an officer or agent of the elector's union, or (4) a candidate for any office on the ballot, unless the elector is a member of the immediate family of such candidate. The person assisting the elector may accompany the elector into the voting booth. Such person shall register such elector's vote upon the ballot as such elector directs. Any person accompanying an elector into the voting booth who deceives any elector in registering the elector's vote under this section or seeks to influence any elector while in the act of voting, or who registers any vote for any elector or on any question other than as requested by such elector, or who gives information to any person as to what person or persons such elector voted for, or how such elector voted on any question, shall be guilty of a class D felony. As used in this section, "immediate family" means "immediate family" as defined in section 9-140b.

DISCUSSION

6. Respondent Pereira was a candidate for nomination for public office during the 2019 Bridgeport Democratic Primary.
7. At all times relevant hereto, Complainant Loretta Edmonds was an elector in the City of Bridgeport.
8. At all times relevant hereto, Complainant Wanda Simons was an elector in the City of Bridgeport.
9. With regard to the allegation that Respondent Pereira misrepresented the eligibility to vote by absentee ballot, the Complainant provided one allegation of misrepresentation. Specifically, Complainants alleged that Complainant Loretta Edmonds was told that she could vote via absentee ballot "if she was tired from work."


10. Under the law as it existed during the 2019 Bridgeport Democratic Primary, being “tired from work” absent additional facts, would not have qualified an individual for an absentee ballot.
11. When asked about this allegation, Respondent Pereira denied having ever “discussed voting, elections, absentee ballots or this complaint” with Complainant Edmonds. Moreover, the investigation revealed that Helen Losak signed as an assistor on the absentee ballot application of Complainant Edmonds for the 2019 Bridgeport Democratic Primary.
12. After receiving her absentee ballot in the mail, Complainant Edmonds made the determination that she was not eligible for an absentee ballot and voted in person.
13. After investigation, while the Commission did confirm that Complainant Edmonds did complete an absentee ballot application and was assisted in such efforts, the investigation could not find evidence to corroborate Complainant Edmonds’s account.
14. With regard to the allegation that Complainant Simmons was not permitted to assist voters with disabilities, the investigation similarly found insufficient evidence to conclude a violation occurred.
15. To be clear, it is the right of a voter to be assisted by an individual of their choice in the casting of a ballot. That right, however, is the right of the voter, not the assistor. Thus, unless an individual has indicated a specific individual is to be their assistor, such person has no more rights to be present in or near a polling place than any other individual.
16. After investigation, the Commission could not find evidence to substantiate an allegation that any voter had requested that Respondent Simmons assist them in casting a ballot and was denied.
17. Accordingly, it is the determination of the Commission that this matter be dismissed.

ORDER

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

That this matter be dismissed.

Adopted this 6th day of December, 2020 at Hartford, Connecticut.



Anthony J. Castagno, Chairperson

By Order of the Commission

