

**STATE OF CONNECTICUT
STATE ELECTIONS ENFORCEMENT COMMISSION**

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

File No. 2020-067

AGREEMENT CONTAINING CONSENT ORDER

This Agreement, by and between Toni Means, of the Town of East Haddam, County of Windham, State of Connecticut and the authorized representative of the State Elections Enforcement Commission is entered into in accordance with Section 9-7b-54 of the Regulations of Connecticut State Agencies and Section 4-177 (c) of the General Statutes of Connecticut. In accordance herewith, the parties agree that:

1. This matter comes by way of a referral from Debra Dennette, the East Haddam Town Clerk at all times relevant (the "Referring Official").
2. The Referring Official alleges that she received two separate applications for an absentee ballot for the November 3, 2020 General Election for Thomas Cromwell with signatures that did not match, suggesting that the applications were signed and submitted by two different individuals, one or both of whom were not Thomas Cromwell.
3. The issue in this case was caught by the Referring Official after receiving a second application for Thomas Cromwell. She noticed that the applications bore the same information, but were filled out with different handwriting and a different signature. After pulling his voter registration application ("VRA"), she discovered that the signature from the second application matched his VRA, but not the first.
4. The two applications submitted with the Referral bore the same information for Thomas Cromwell, but it is clear that the handwriting and signatures on each were made by two different individuals.
5. Comparing the signatures to Thomas Cromwell's registration card, one of the applications appeared to be possibly that of Ms. Stephanie A. Means, the elector's mother.
6. After staff reached out to Ms. Stephanie A. Means, Ms. Toni Means, the elector's grandmother, responded and admitted that she filled out the absentee ballot application on behalf of her grandson. She submitted a letter to the Commission as follows:

Dear Mr. Branfuhr, I am writing to you regarding the above referenced referral which involves my grandson, Thomas Cromwell. Please know that I am mortified about what has happened, due to my own, (for lack of a better word), stupidity. You see, Thomas had already recently left for Military

Basic Training when his his [SIC] state ballot application was received. Thomas and I are very close, and I had previously had many conversations with about the candidacy, and knew how he would cast his vote, if he was here in CT during voting time. I also had taken on the responsibility of handling all of his important matters that I could, including his banking, etc.. So, any mail that came for him, (including bank statements, etc.), I took and checked, and handled for him in his absence, during the time he was not able to be reached . In Basic Training, when they arrive at their base, they all go into what they call Reception. During these weeks in Reception, there is no contact from them, and we have no information of when we might hear from them. Even after reception ends, during the early stages of basic training, contact is not a given. It is limited, (if at all) , and is sporadic , and they are not able to have their phones on any type of regular basis. As I worried myself sick about my grandson and how he was doing, I had no way to talk to him. So with all this said, I thought I should "handle " this voting for him. I am genuinely beside myself because if only I had known the military would assist him in being able to vote while away, I would have just returned the papers in person to the town hall, but more and most importantly, if I had totally read the ballot application, I would have also signed that I was signing for him. This is a horrible oversight on my part, that I cannot believe happened. I AM SO VERY SORRY. Please know that I am an upstanding citizen and community member , a true advocate for people, I have total respect for the laws of this state and country, and who for most of my adult life, always took the time to read everything. However during this time, (and this is certainly not an excuse), life was very hectic and I spent most of my time worrying about Thomas being away, not being able to know he was okay, worrying about Covid, and the list goes on. Mr. Branfuhr, I am so very sorry for this huge oversight and misunderstanding. After I helped him, (as I thought), I never gave it another thought, and I have created an apparent mess. Please take my plea for forgiveness into consideration. I am so sorry for this misunderstanding. Thank you, so much, and again, my sincere apologies for this. Toni Means

7. 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.)

8. Here, by assisting her grandson in the completion of his application without identifying herself as an assister, Toni Means violated General Statutes § 9-140 (a).
9. Additionally, Ms. Means violated General Statutes § 9-140 (a) by signing her grandson's name on his behalf, which constituted a false statement on the application.¹
10. Connecticut General Statutes § 9-7b (a) (2) provides that the Commission may assess a civil penalty of two thousand dollars per offense against any person the commission finds to be in violation of any provision of chapter 145, part V of chapter 146, part I of chapter 147, chapter 148, section 7-9, section 9-12, subsection (a) of section 9-17, section 9-19b, 9-19e, 9-19g, 9-19h, 9-19i, 9-20, 9-21, 9-23a, 9-23g, 9-23h, 9-23j to 9-23o, inclusive, 9-23r, 9-26, 9-31a, 9-32, 9-35, 9-35b, 9-35c, 9-40a, 9-42, 9-43, 9-50a, 9-56, 9-59, 9-168d, 9-170, 9-171, 9-172, 9-232i to 9-232o, inclusive, 9-404a to 9-404c, inclusive, 9-409, 9-410, 9-412, 9-436, 9-436a, 9-453e to 9-453h, inclusive, 9-453k or 9-453o,. Pursuant to Regulations of Connecticut State Agencies §9-7b-48, in determining the amount of a civil penalty, the Commission shall consider, among other mitigating and aggravating factors:
 - (1) the gravity of the act or omission;
 - (2) the amount necessary to insure immediate and continued compliance;
 - (3) the previous history of similar acts or omissions; and
 - (4) whether the person has shown good faith in attempting to comply with the applicable provisions of the General Statutes.
11. Here, the Respondent admits to taking an act that constituted falsifying another person's signature on a form requesting an absentee ballot. Objectively, this is a serious offense; many of the important protections of the polling place are not present in the natural course of the absentee ballot process, leaving it exposed to greater opportunities for fraud.
12. However while there appears here to be no question that Ms. Means was careless in reviewing the form that she was filling out and signing on her grandson's behalf, there does

¹ The Commission has noted in prior matters that even the permission of the voter does not give the other individual the right to sign on the voter's behalf where the voter's capacity to sign the document is not in question. See *Referral of Wilton Town Clerk and Registrar of Voters*, SEEC File No. 2012-168.

not appear to have been any fraudulent intent on behalf of either she or her grandson. As is common in such cases, she did not want him to miss the opportunity to cast his ballot.

13. Ms. Means maintains that her efforts on behalf of her grandson were motivated by altruism, not fraud. Ms. Means wanted her grandson to exercise his right, but failed to appreciate the potential consequences of acting on his behalf.
14. It should also be noted that the vetting process of absentee ballot applications, required by law and successfully implemented by the Town Clerk worked as it should have in this case. She was vigilant in her review of the absentee ballots; only one absentee ballot was issued and only one vote was ultimately cast.
15. This type of violation is not uncommon before the Commission. See, e.g., *In the Matter of a Referral by the Wilton Town Clerk* File No. 2016-101; *In the Matter of a Referral by the Wilton Town Clerk and Registrar of Voters*, SEEC 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, Glastonbury*, 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); *Complaint of Aleeta Looker, Cheshire*, File No. 2008-125 (mother fills out application and signs on two sons' behalf); *In the Matter of a Complaint by Andrew Garfunkel, Norwalk*, 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). Each of these cases ended in a \$200 civil penalty.
16. The Respondent has no prior history before the Commission and is genuinely and demonstrably remorseful for the actions that she took. She maintains, as stated above, that she had no intent to defraud any person, merely to help her grandson exercise his right to vote.
17. In consideration of the aforesaid aggravating and mitigating circumstances in this matter, the Commission concludes, and the Ms. Means agrees, that an appropriate civil penalty here is \$100, consistent with prior similar matters.
18. The Respondent admits all jurisdictional facts and agrees that this Agreement and Order shall have the same force and effect as a final decision and Order entered after a full hearing and shall become final when adopted by the Commission. The Respondent shall receive a copy hereof as provided in Section 9-7b-56 of the Regulations of Connecticut State Agencies.
19. The Respondent waives:

- a. Any further procedural steps;
- b. The requirement that the Commission's decision contain a statement of findings of fact and conclusions of law, separately stated; and
- c. All rights to seek judicial review or otherwise to challenge or contest the validity of the Order entered into pursuant to this Agreement.

20. It is understood and agreed that this Agreement will be submitted to the Commission for consideration at its next meeting and, if the Commission does not accept it, it is withdrawn and may not be used as an admission by the Respondent in any subsequent hearing, if the same becomes necessary.

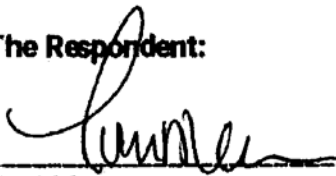
21. Upon the Respondent's compliance with the Order hereinafter stated, the Commission shall not initiate any further proceedings pertaining to this matter.

ORDER

IT IS ORDERED THAT:


- a. The Respondent will henceforth strictly comply with General Statutes § 9-140; and
- b. The Respondent will pay a civil penalty of \$100.

The Respondent:



Toni Means
East Haddam, CT

For the State of Connecticut:

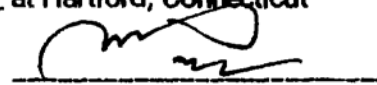
BY: 

Michael J. Brandi, Esq.
Executive Director & General Counsel and
Authorized Representative of the
State Elections Enforcement Commission
20 Trinity St., Suite 101
Hartford, CT

Dated: 12/01/2021

Dated: 12/06/2021

Adopted this 15th day of December of 2021 at Hartford, Connecticut



Stephen Penny, Chair
By Order of the Commission