

STATE OF CONNECTICUT
STATE ELECTIONS ENFORCEMENT COMMISSION

In the Matter of a Referral by Essie Labrot,
Town Clerk, West Hartford

File No. 2020-072

AGREEMENT CONTAINING CONSENT ORDER

This agreement, by and between Clarissa J. Cardone (hereinafter "Respondent") of the Town of West Hartford, State of Connecticut and the authorized representative of the State Elections Enforcement Commission, is entered into in accordance with § 9-7b-54 of the Regulations of Connecticut State Agencies and § 4-177(c) of the General Statutes of Connecticut.

In accordance herewith, the parties agree that:

1. West Hartford Town Clerk Essie Labrot made this referral pertaining to an absentee ballot application for the November 3, 2020 election that was submitted by Respondent on behalf of her deceased father.
2. Town Clerk Labrot alleged that Respondent signed the application as assister, but the signature line for the applicant was left blank. Ms. Cardone admits that she completed the application in her father's name. The application was made on or about October 20, 2020; nine days after his death.
3. General Statutes § 9-140, provides 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 municipal clerk shall not invalidate the application solely because it does not contain the name of a person who assisted the applicant in the completion of the application. ...Any such absentee ballot applicant who is unable to write may cause the application to be completed by an authorized agent who shall, in the spaces provided for the date and signature, write the date and name of the absentee ballot applicant followed by the word "by" and his own signature. If the ballot is to be mailed to the applicant, the applicant shall list the bona fide personal mailing address of the applicant in the appropriate space on the application. [Emphasis added.]

4. General Statutes § 9-359a, provides:

(a) A person is guilty of false statement in absentee balloting when he intentionally makes a false written statement in or on or signs the name of another person to the application for an absentee ballot or the inner envelope accompanying any such ballot, which he does not believe to be true and which statement or signature is intended to mislead a public servant in the performance of his official function.

(b) False statement in absentee balloting is a class D felony.

[Emphasis added.]

Facts Afte Investigation

5. Respondent submitted her own absentee ballot application along with that of her deceased father to the West Hartford Town Clerk's office on October 22, 2020. After the Town Clerk's office discovered that Respondent's father had been removed on October 15, 2020 from the voter list because of his death, they contacted Respondent to enquire regarding her father's application.

6. Town Clerk Labrot detailed their conversation, in part, as follows:

Per my conversation, [Respondent] relayed that she had placed four applications on behalf of her family in the West Hartford Election Drop Box, including an applications for her deceased father. I advised her that the ballot could not be processed.

[Respondent] stated that she had contacted 'the office' and was informed that she could in fact mail in the application.

[Complainant] responded by telling her no one in the Town Clerk's Office would give such information, as it is against the law. Ms. Cardone went on to explain that she thought she could, that she had not signed the application, and that the Town Clerk's office should just shred her father's application.

7. Upon investigation, the Commission finds that Respondent confirmed to Commission staff that she signed her father's application as assister and insisted that she would not do this again. Futher, the Commission finds that the signature line for Respondent's father's absentee ballot application was indeed left blank.

Commission Precedent

8. The Commission has had ample opportunity to apply General Statutes § 9-140 (a).¹ *See Complaint by Mary Lisette Slisz*, New Britain, File No. 2002-245 (where Respondent as an agent of a assisted living facility failed to sign as an assister on four absentee ballot applications and paid a civil penalty of \$100.00 for violations of § 9-140 (a)); *Complaint by Louis G. Salvio*, New Britain, File No. 2003- 280 (where Respondent assisted twelve individuals with their absentee ballot applications without signing as an assister and paid a civil penalty of \$100.00 for violations of § 9-140 (a)); and, *Complaint by David F. Walsh*, Stafford Springs, File No. 2007-423 (where Respondent as an agent of a committee failed to sign as an assister and took possession of an absentee ballot and paid a civil penalty of \$300.00 for violations of § 9-140 (a) and § 9-140b (d) & (e)).
9. Further, the Commission has had opportunity to apply § 9-140 (a) in combination with other sections for violations in handling absentee ballot applications. *See Id; Complaint by Joyce P. Mascena*, Glastonbury, File No. 2008-128 (where Respondent paid a civil penalty of \$200.00 for failing to sign as an assister on his son's and wife's absentee ballot applications and for signing each of their names to the same in violation of § 9-140 (a) and § 9-359a, respectively); *Complaint by Dawn R. Mooney*, Killingworth, File No. 2013-131 (where Respondent paid a civil penalty of \$1,000.00 for failing to sign as an assister on his daughter's absentee ballot application and for signing her name (*without her permission*) to the same in violation of § 9-140 (a) and § 9-359a, respectively); and, *Referral by Stacey Gravino, Town Clerk*, East Haven, File No. 2015-134A (where a mayoral candidate on behalf of his campaign committee's absentee ballot efforts failed to sign as an assister on six applications, and paid a civil penalty of \$300.00).
10. After investigation, the Commission finds that Respondent confirmed that she signed her deceased father's application as an assister. Further, the Commission finds that Respondent asserted to Commission staff that she would not do this again.

Legal Analysis

11. General Statutes § 9-140 (a) prohibits falsely signing an absentee ballot application as an assister.

¹ While instances of signing an absentee ballot application on behalf of a deceased family member appears to be a case of first impression; matters regarding errors pertaining the roles of individuals as assisters pursuant to the requirements of General Statutes § 9-140 (a) are not uncommon.

12. The Commission finds that Respondent prior to the November 3, 2020 election signed an absentee ballot application as assister on behalf of her deceased father.
13. The Commission concludes therefore that Respondent falsely signed an absentee ballot as an assister in violation of General Statutes § 9-140 (a).
14. The Commission finds that Respondent signed as having assisted her deceased father in the completion of an absentee ballot for the November 3, 2020 election. Making a false statement in absentee balloting is prohibited by General Statutes § 9-359a.
15. The Commission concludes therefore that Respondent committed false statement in absentee balloting in violation of § 9-359a.
16. 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.
17. It is understood and agreed that this henceforth order will be submitted to the Commission at its next meeting and, if it is not accepted by the Commission, it is withdrawn by the Respondent and may not be used as an admission in any subsequent hearing, if the same becomes necessary.
18. 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 agreement or Order entered into pursuant to this agreement.
19. Upon the Respondent's agreement with the Order hereinafter stated, the Commission shall not initiate any further proceedings against Respondent pertaining to this matter.

RECEIVED

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STATE ELECTIONS
ENFORCEMENT COMMISSION

ORDER

IT IS HEREBY ORDERED that the Respondent shall henceforth strictly comply with General Statutes § 9-140 and § 9-359a.

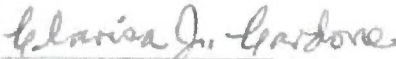
IT IS FURTHER ORDERED that the Respondent shall pay a civil penalty in the amount of one thousand dollars (\$1,000.00), in full settlement of this matter.

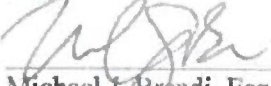
The Respondent:

For the State of Connecticut

By:

BY:



Clarissa J. Cardone
15 Madison Road Madsen Road
West Hartford, Connecticut


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

Dated: 3-31-2022

Dated: 4/7/22

Adopted this 20th day of April, 2022 at Hartford, Connecticut


Stephen T. Penny, Chairman
By Order of the Commission