

STATE OF CONNECTICUT
STATE ELECTIONS ENFORCEMENT COMMISSION

In the Matter of a Complaint by Robert Sampson, Wolcott

File No. 2021-123

FINDINGS AND CONCLUSIONS

The Complainant asserted that he had information that an elector was unlawfully turned away at a polling place in the Town of Prospect at the November 3, 2020 General Election due to someone voting in her name, possibly by absentee ballot.¹

Background

1. The events here concern the November 3, 2020 General Election in the Town of Prospect.
2. The Town of Prospect maintained two polling places during the November 3, 2020 General Election, District 89-1 at the Prospect Fire House and District 89-2 at the Prospect Community Center.
3. The relevant events alleged herein concern the Prospect Community Center polling place.
4. At all times relevant to the instant Complaint, the registrars of voters in Prospect were Republican Marianne Byrne and Democrat Kate Blinstrubas.
5. At all times relevant to the instant Complaint, the relevant elections officials serving at the Prospect Community Center polling place on November 3, 2020 were: Moderator Betty Bajek; Assistant Registrars Andrea Sutton and Patricia Vlamis; and Official Checkers Mary Welch, Ermina Debastiani, and Kathleen Troutman.

Allegation

6. The Complainant alleged as follows, in pertinent part:

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.

Over the recent months, I have made several attempts to communicate with local elections staff in Prospect, CT to get to the bottom of an unusual report of a voter being turned away from the polls in this past November's election. However, despite my detailed and repeated requests, I have not received any useful information and the facts of what actually happened remain a mystery. I have also included the Secretary of the State's office on all of the previous correspondence with the hopes that they might investigate.

I regret having to formally file this complaint since there is likely a simple and innocent explanation. Unfortunately, it has not yet been provided. I'm also sorry that I have to list the registrars in Prospect as respondents since I have great respect and appreciation for the hard working local elections staff across our state, including in the Town of Prospect.

The purpose of this complaint is to formally request a thorough and proper investigation into an incident that occurred in Prospect during the November 3, 2020 election where a registered voter was turned away at the polls and advised she was ineligible as she had already voted. Attached is the email chain documenting my knowledge of the incident and my questions. It is my hope that the State Elections Enforcement Commission can look into this further, allay any concerns, or at least provide information so we can prevent a similar incident from happening in the future.

Regardless if this was an honest mistake or something more nefarious, there is more to understand and it deserves our attention. Ultimately any answers or new information will be more helpful than the responses I have received thus far. As the people of the 16th district's representative in the state senate, I work to preserve the integrity of Connecticut's elections system every day and I want to ensure that we have the appropriate policies in place.

7. The Complainant identified Prospect Republican Town Committee Chair Nazih Noujaim as the individual who "brought this issue to my attention" and identified Prospect elector Donna Fellin as the affected elector.

8. The Complainant also included with the above allegation an email conversation chain between he, Prospect Republican Registrar of Voters Marianne Byrne, which and Mr. Noujaim. The email conversation also carbon copied Secretary of the State Denise Merrill and Prospect Democratic Registrar of Voters Kate Blinstrubas.
9. The aforementioned email chain spanned date stamps from February 24, 2021 through March 15, 2021.
10. The email exchanged began with Ms. Byrne contacting the Complainant and asking him to explain statements attributed to him in an article in the Connecticut Mirror on February 22, 2021.
11. The Mirror article attributed the Complainant as having made comments during a public meeting of the General Elections and Administration Committee of the General Assembly, on which the Complainant serves as the Senate Ranking Member, as follows:

Sampson, who was participating in the Government Administration and Elections Commission [sic] hearing, clarified Monday night that he knows of just one instance of voter fraud in his district during the last election. It occurred when a voter in Prospect showed up at the polls and was told an absentee ballot had already been cast in her name. That individual was eventually allowed to vote, he said.

12. In the email chain, Mr. Noujaim relayed what he told the Complainant, as follows:

[Elector Donna Fellin] came to vote and was told that she voted absentee ballot which she never did. I called the state and they told her to come back and vote which she did at 7:55PM. They pulled the absentee ballot application from what she told me and her middle name was off and date of birth was off by a year on the absentee application. Not sure if the person that filled the ballot or voted for her, picked up the ballot or it was mailed to them.

13. On or about March 2, 2021, Ms. Byrne responded to the Complainant in the email chain that her office had investigated the issue, that there was no absentee ballot involved, and that the issue involved a question over a “duplicate” that was resolved.

14. In subsequent emails between the Complainant and Ms. Byrne and Ms. Blistrubas, she explains in more detail that the elector's name appeared more than once on the registry list due to a duplicate registration issue, that the registrars contacted the elector on Election Day before she came into the polling place to verify the correct birth date, and that they resolved the issue without the elector being turned away at the polls. They further explained in the exchange that no election record was found of any absentee ballot application or absentee ballot ever being filed in the elector's name.
15. The subsequent emails became heated between the Complainant, Mr. Noujaim, and the registrars, and the instant Complaint was filed.
16. The main issue raised by the Complaint here is whether vote was cast, in person or by absentee ballot, in Ms. Fellin's name by an unknown third party, as suggested by the Complainant (as told to him by Mr. Noujaim) in his Complaint and asserted as fact in his public comments.

Law

17. General Statutes § 9-360 provides, in pertinent part:

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

Donna Fellin

18. The investigation interviewed Ms. Fellin in this matter, whose recollection to Commission investigators was reasonably consistent with Mr. Noujaim's statement.

19. Ms. Fellin's recollection was uncertain, but she stated that she believed she remembered entering her polling place, voting successfully, and leaving at approximately 6pm. She stated that she believed that she got a phone call from what she recalled to be the Office of the Registrar of Voters at approximately 7:40pm, but could not recall the individual to whom she spoke. She stated that she recalled that the individual told her that there was an issue with her registration and that someone may have voted in her name. She stated that she returned back at the polling place, arriving at approximately 7:50pm and met with officials there, but could not recall whom. She stated that she remembered filling out a form, but could not recall what that form was. She could not recall specific details beyond the above. She could not recall speaking with Mr. Noujaim or any other individual about her experience on Election Day, November 3, 2020.

Response from the Registrars

20. Prospect Republican Registrar of Voters Marianne Byrne and Democratic Registrar of Voters Kate Blinstrubas responded to the above in detail; their statements, and the evidence included, generally disputed the events recalled by Ms. Fellin, and alleged by the Complainant through Mr. Noujaim.
21. The Registrars stated generally in their response “[t]here has been no wrongdoing or error by the Prospect Registrars of Voters. In fact, the Registrars proactively identified an inconsistency on their voter [rolls] and took affirmative steps to rectify it.”
22. As an initial matter, the Registrars submitted evidence that Ms. Fellin first registered to vote in 1973 under the name “Donna E. Fellin” at the same address at which she lives today and with a birth year of 1945.
23. The Registrars submitted evidence that 47 years later Ms. Fellin submitted a Voter Registration Application (“VRA”) dated August 26, 2020 under the name “Donna Elaine Fellin,” with an identical birth month and date, but with a birth year of 1948.
24. The August 26, 2020 VRA appeared to have been submitted through the DMV system. The VRA was listed as a “new voter registration” and no prior registration address was listed. The VRA also moved Ms. Fellin from affiliating with the Republican Party to being unaffiliated.
25. The Registrars asserted that because of the above differences between the two registrations filed 47 years apart, no immediate flag that the registrations were for the same individual.

As such, the August 26, 2020 VRA created a new registration, instead of merely updating the existing 1973 registration.

26. The Registrars asserted that as the November 3, 2020 General Election was the next voting event after Ms. Fellin's duplicate registration was created, it was the first opportunity for the duplication issue to be scrutinized and come to light.
27. The Registrars asserted that Assistant Registrar Andrea Sutton first noticed that the name "Donna E. Fellin" appeared twice at the same address on the official checklist at approximately 9:45am, as recorded in the moderator's diary, and contacted Registrar Blinstrubas to inform her of the issue.
28. The Registrars asserted that Registrar Blinstrubas researched the issued and discovered the two VRAs for Ms. Fellin with different birthdates.
29. They asserted that Ms. Blinstrubas spoke with Ms. Fellin via telephone after discovering the issue, informed Ms. Fellin of the duplicate issue, and clarified that the 1948 birthdate was the correct one. They asserted that Ms. Blinstrubas informed Ms. Fellin that when she appeared at her polling place to vote she would need to fill out an amended VRA to correct the issue, but that she would be permitted to vote.
30. They asserted that at no point during the discussion between Ms. Blinstrubas and Ms. Fellin was any mention of an absentee ballot or another individual voting in Ms. Fellin's name.
31. They asserted that after speaking with Ms. Fellin, Ms. Blinstrubas contacted Ms. Sutton and instructed her to mark the second "Donna E. Fellin" listed on the official checklist as "DUP" so that only one vote could be recorded.
32. The above assertions were all supported by statements submitted by Ms. Blinstrubas and Ms. Sutton.
33. The Registrars further asserted that the records of the Prospect Community Center—including, but not limited to, the moderator's diary, the assistant registrars' diary and the official checklist—as well as statements submitted by Ms. Sutton, Ms. Sutton's counter part Patricia Vlamis, Moderator Betty Bajek, and Official Checkers Mary Welch, Kathleen Troutman, and Erminia DeBastiani all show that Ms. Fellin came in once to the polling place, filled out a new VRA with the correct information, and was permitted to vote.
34. The Registrars further asserted that the above records and statements support that there was no record or memory of any election official of turning away Ms. Fellin, or any other

individual on November 3, 2021 because of a previous registered vote, by absentee ballot or any other means.

35. The Registrars further asserted that the absentee ballot records of the Prospect Town Clerk contain no record of any absentee ballot application being submitted by, or on behalf of, Ms. Fellin. The Registrars supported this assertion with statements by Acting Town Clerk Nancy Cunningham and Absentee Ballot Moderator Elizabeth Guevin, as well as the official Absentee Ballot Report.
36. The Absentee Ballot Report submitted by the Registrars does not contain Ms. Fellin's name and neither Ms. Cunningham, nor Ms. Guevin had any memory of receiving an absentee ballot application in Ms. Fellin's name and/or issuing an absentee ballot in her name and/or seeing any record evidencing that such a thing occurred.

Analysis

37. As alleged in the instant Complaint and also publicly stated during a meeting of the Government Administration and Elections committee of the General Assembly, the Complainant asserted that a ballot may have been fraudulently voted in a Prospect elector's name and that such elector was impermissibly turned away from her polling place.
38. As clarified in his emails between the Prospect Registrars included in the instant Complaint, this information came from Mr. Noujaim, who obtained the information either directly or indirectly from the elector, Ms. Fellin.
39. However, after reviewing the evidence submitted by the Prospect Registrars, the Commission concludes that there is no support for the conclusion that a ballot was voted, in person or by absentee, in Ms. Fellin's name by anyone other than the elector, Ms. Fellin.
40. The absentee ballot records kept by the Town Clerk's Office have no data evidencing of any application or absentee ballot associated with Ms. Fellin.
41. The records of the Prospect Community Center were well-kept and detailed. While it is unclear from the available evidence whether Ms. Fellin appeared at the polling place once or twice, there was no indication from the evidence that anyone other than Ms. Fellin voted under her name that day and/or that Ms. Fellin was turned away before being allowed to cast her ballot.
42. The statements and records submitted by the Prospect Registrars strongly support the assertion that the only issue concerning Ms. Fellin on Election Day, November 3, 2020 was

that there were two registrations in her name, both of which submitted by Ms. Fellin: One in 1973 with an incorrect birth year of 1945 and one on August 26, 2020 submitted through the DMV with a correct birth year of 1948.

43. The evidence supports the Registrars' assertions that they discovered the double-registration issue and contacted Ms. Fellin to inform her of the matter. The evidence also supports the assertion that Ms. Fellin filled out a new VRA at the polling place and was permitted to vote.
44. Considering the aforesaid, the Commission concludes that the evidence does not support the finding of a violation here.
45. Accordingly, this matter should be dismissed.

ORDER

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

Dismissed.

Adopted this 3rd day of November, 2021 at Hartford, Connecticut.



Stephen T. Penny, Chairperson
By Order of the Commission