

STATE OF CONNECTICUT
STATE ELECTIONS ENFORCEMENT COMMISSION

In the Matter of a Complaint by Tony Barr
Bridgeport

File No. 2021-173

FINDINGS AND CONCLUSIONS

Complainant Tony Barr of Bridgeport filed this complaint pursuant to General Statutes § 9-7b, alleging possible violations of statutes regarding absentee balloting. After investigating the allegations made in the complaint, the Commission makes the following findings and conclusions:

1. Complainant Barr alleged that Respondent Maria Pereira had “mishandled absentee ballots and applications in the 2021 [Bridgeport] Democratic primary. [The voters identified by Barr in his complaint] worry their votes are compromised for 11/2.”
2. Barr identified seven electors that he alleged had complained about the actions of Pereira related to absentee ballots. Barr stated in his complaint that he had made videos of each of the voters, recorded the voters with their permission, and that each knew that their statements would be used to fashion a complaint to the Commission.
3. Commission investigators attempted to speak with each of the voters identified by Barr in his complaint. None of the witnesses contacted by the Commission investigator, save one, confirmed the allegations that Barr laid out in his complaint.
4. The one witness that corroborated the facts in Barr’s complaint was Darlene Massari. Ms. Massari stated that she went to vote at the August 2021 Democratic Primary in Bridgeport and was told by poll workers that she had already voted via absentee ballot. After she questioned this, Ms. Massari said, she was able to vote in person at the polls.
5. According to Barr’s complaint, Massari said that Pereira visited her home and asked her to complete an absentee ballot. According to Barr’s complaint, Massari did not request the absentee ballot through Pereira. When contacted by Commission investigators, Massari said that she had refused to sign the absentee ballot application when Pereira attempted to collect it.
6. In her response to the complaint, Pereira said that she had collected an absentee ballot from Massari. According to the Bridgeport Town Clerk’s office as well, Massari requested an absentee ballot and one was mailed to her. The voter, however, did not return a completed ballot to the town clerk’s office.

7. General Statutes § 9-140 lays out the requirements for absentee ballot requests, including that absentee ballot request circulators must keep track of absentee ballots that they collect and specify that the assisted the elector in completing the application. Specifically, the statute states at § 9-140 (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. The municipal clerk shall not distribute with an absentee ballot application any material which promotes the success or defeat of any candidate or referendum question. The municipal clerk shall maintain a log of all absentee ballot applications provided under this subsection, including the name and address of each person to whom applications are provided and the number of applications provided to each such person. Each absentee ballot application provided by the municipal clerk shall be consecutively numbered and be stamped or marked with the name of the municipality issuing the application. The application shall be signed by the applicant under the penalties of false statement in absentee balloting on (1) the form prescribed by the Secretary of the State pursuant to section 9-139a, (2) a form provided by any federal department or agency if applicable pursuant to section 9-153a, or (3) any of the special forms of application prescribed pursuant to section 9-150c, 9-153a, 9-153b, 9-153d, 9-153e, 9-153f or 9-158d, if applicable. 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.

8. General Statutes § 9-140 (k) lays out requirements for individuals who distribute more than five absentee ballot applications:

(1) A person shall register with the town clerk before distributing five or more absentee ballot applications for an election, primary or referendum, not including applications distributed to such person's immediate family. Such requirement shall not apply to a person who is the designee of an applicant.

(2) Any person who distributes absentee ballot applications shall maintain a list of the names and addresses of prospective absentee ballot applicants who receive such applications, and shall file such list with the town clerk prior to the date of the primary, election or referendum for which the applications were so distributed. Any person who distributes absentee ballot applications and receives an executed application shall forthwith file the application with the town clerk.

9. When assisting electors in completing absentee ballot applications, Pereira filled out the requisite assister information in Section IV and logged the application numbers as required under General Statutes § 9-140 (a) and (k), cited above.
10. While there is an apparent conflict between Massari and Pereira regarding the absentee ballot application, there is insufficient evidence to show that a violation occurred.
11. The Commission concludes that the evidence does not support the conclusion that a violation of General Statutes § 9- 140 occurred.

ORDER

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

That the Complaint be dismissed.

Adopted this 16th day of Nov. 2022, at Hartford, Connecticut.



Stephen Penny, Chairman
By Order of the Commission