

**STATE OF CONNECTICUT**  
**STATE ELECTIONS ENFORCEMENT COMMISSION**

In the Matter of a Referral by Dayna Arriola and Mary Oliver,      File No. 2022-004A  
Hampton Registrars of Voters

**FINDINGS AND CONCLUSIONS**

The Hampton Registrars of Voters alleged that William Pearl was improperly issued an absentee ballot by the Town Clerk in Hampton prior to the November 2, 2021 municipal election in violation of election laws. After investigating the allegations raised in the complaint the Commission makes the following findings and conclusions:

1. The Hampton Registrars of Voters, made this referral alleging that Respondent and Hampton Town Clerk Shannon Haddad violated election laws regarding the issuance of an absentee ballot.
2. Specifically, the Hampton ROVs alleged that Respondent was improperly issued an absentee ballot by his daughter, Town Clerk Haddad, even though he is a resident and elector in the Town of Killingly.
3. This disposition treats the Respondent only and any disposition as to Shannon Haddad is treated under a separate document.

*Applicable Law*

4.           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. ....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, ...

(c) The municipal clerk shall check the name of each absentee ballot applicant against the last-completed registry list and any updated registry lists on file in the municipal clerk's office. If the name of such applicant does not appear on any of such lists, the clerk shall send such applicant a notice, in a form prescribed by the Secretary of the State, to the effect that (1) the applicant's name did not appear on the list of electors of the municipality at the time the application was processed, and (2) unless the applicant is admitted or restored as an elector of the municipality by the applicable cutoff dates an absentee ballot will not be mailed to him. Such notice shall not be so mailed if, prior to the mailing of the notice, the registrars provide the clerk with reliable information showing the absentee ballot applicant to be an elector of the municipality.

(e) Upon receipt of an application, the municipal clerk shall, unless a notice is mailed to the applicant pursuant to subsection (c) of this section, write the serial number of the outer envelope included in the absentee voting set to be issued to the applicant in the space provided for that purpose on the application form. Sets shall be issued to applicants in consecutive ascending numerical order of the envelope serial numbers, and the clerk shall keep a list of the numbers indicating beside each number the name of the applicant to whom that set was issued. The list shall be preserved as a public record as required by section 9-150b.

5. General Statutes § 9-170, provides:

At any regular or special town election any person may vote who is registered as an elector on the revised registry list of the town last completed and he shall vote only in the district in which he is so registered, provided any person may vote whose name is restored to the list under the provisions of section 9-42 or whose name is added on the last week day before a regular election under the provisions of section 9-17. Each person so registered shall be permitted to vote unless he is not a bona fide resident of the town and political subdivision holding the election or has been convicted of a disfranchising crime. Any person offering to vote and being challenged as to his identity or residence shall, before he votes, prove his identity with the person on whose name he offers to vote or his bona fide residence in the town and political subdivision holding the election, as the case may be, by the testimony, under oath, of at least one other elector or by such other evidence acceptable to the moderator.

6. 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.  
[Emphasis added.]

#### *Facts After Investigation*

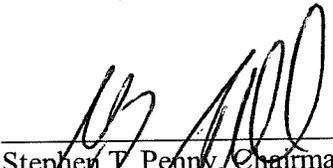
7. After investigation, it was determined that Respondent was issued, and submitted, an absentee ballot in Hampton that was rejected. Respondent therefore did not vote in both municipalities at the November 2, 2021 election.
8. After investigation, it was determined that Respondent's claim of "mistake" was corroborated by witness testimony including the Hampton ROVS upon making this referral.
9. Further, there is evidence that the Hampton ROVs were aware of Respondent's mistaken belief that he could vote based on his owning property.
10. Finally, the Commission finds that Town Clerk Haddad's use of the grand list in error to issue two absentee ballots was known by the Hampton ROVs who consequently rejected both such absentee ballot applications including Respondent's.
11. The investigation determined that Respondent did not vote in Hampton by absentee ballot at the November 2, 2021 election because his absentee ballot had been rejected.
12. After investigation, the Commission finds insufficient evidence that Respondent intentionally signed his application with the knowledge that he was not qualified to do so or otherwise falsely did so in violation of General Statutes § 9-359a.
13. Further, the facts do not support the conclusion that Respondent voted more than once at the November 2, 2021 election in violation of General Statutes § 9-170 and § 9-360.
14. The Commission, for the reasons detailed herein, therefore determines that this matter should be dismissed.

**ORDER**

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

The complaint is dismissed.

Adopted this 7<sup>th</sup> day of September 2022, at Hartford, Connecticut.

  
\_\_\_\_\_  
Stephen T. Penny, Chairman  
By Order of the Commission

Michael Ajello  
Vice Chair