

STATE OF CONNECTICUT
STATE ELECTIONS ENFORCEMENT COMMISSION

In the Matter of a Complaint by Maria Pereira, Bridgeport
In the Matter of a Complaint by Maria Pereira, Bridgeport

File No. 2020-013
File No. 2020-023

FINDINGS AND CONCLUSIONS

The Complainant brought these matters alleging, *inter alia*, that 10 electors who she alleged applied for an absentee ballot in the September 10, 2019 Democratic Party Primary, may have not qualified for such absentee ballot under General Statutes § 9-135.¹

After an investigation of the Complaints, the Commission makes the following findings and conclusions:

Law

1. General Statutes § 9-135 enumerates the reasons by which an elector may vote using an absentee ballot in lieu of voting in person and reads, in pertinent part

(a) Any elector eligible to vote at a primary or an election and any person eligible to vote at a referendum may vote by absentee ballot if he or she is unable to appear at his or her polling place during the hours of voting for any of the following reasons: (1) His or her active service with the armed forces of the United States; (2) his or her absence from the town of his or her voting residence during all of the hours of voting; (3) his or her illness; (4) his or her physical disability; (5) the tenets of his or her religion forbid secular activity on the day of the primary, election or referendum; or (6) the required performance of his or her duties as a primary, election or referendum official, including as a town clerk or registrar of voters or as staff of the clerk or registrar, at a polling place other than his or her own during all of the hours of voting at such primary, election or referendum.

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 and which are not already the subject of any current or prior Commission matter. Any statements within the Complaint not addressed herein either did not specifically allege a violation, alleged facts which if proven true would not have amounted to a violation within the Commission's jurisdiction, or are the subject of a current or prior docketed commission investigation.

(b) No person shall misrepresent the eligibility requirements for voting by absentee ballot prescribed in subsection (a) of this section, to any elector or prospective absentee ballot applicant...

2. The default rule of voting in Connecticut is that an elector must vote in person at such elector's designated polling location or such elector's Election Day registration location. Absentee voting is a limited exception to that general rule, which is not only established in General Statutes § 9-135, but also in Section 7 of Article Sixth of the Constitution of the State of Connecticut.
3. In general, exceptions to the law are narrowly construed. See *Commission on Human Rights and Opportunities v. Sullivan*, 285 Conn. 208, 222, 939 A.2nd 541 (2008); *In the Matter of a Complaint by Louis DeCilio, Stratford*, File No. 2017-057 (exception for absentee ballot voting by primary, election, or referendum officials does not include unofficial checkers).

Allegation

4. The Complainant alleged in both of these matters, as follows, in pertinent part:

In my ten years involved in Bridgeport Politics, I have never had a legitimate need to complete four or more absentee ballot applications from a single residence for a September Democratic Primary or November General Election. It is even more rare that three or more voters residing in the same home will need absentee ballots in both a September Primary and November General Election. There is often a[n] increased need for absentee ballots in August Democratic Primaries because public schools have not yet begun, therefore entire households are in need of absentee ballots because entire families are away on family vacations.

5. The Commission notes that it does not appear from the face of this Complaint that the Complainant had specific knowledge of the excuse each voter selected when applying for an absentee ballot. The Complainant did not make any specific allegation that any of these electors falsely signed their sworn statements, nor did she include any evidence of what actual selection each elector made on their absentee ballot application.²
6. Moreover, the Complainant did not provide any specific information to show that these electors did not qualify for the absentee ballots for which they applied.

² No absentee ballot applications were included with this Complaint.

7. Complainant's primary basis for these Complaints was that the Respondent Electors in each case were all in the same household.

Investigation

8. As an initial matter, SEEC investigators conducted a review and analysis of records from prior primaries and elections going back to 2015.
9. As to the allegation regarding multiple individuals from the same household using absentee ballots, the SEEC investigation found that more than one elector in the same household voting by absentee ballot is not anomalous in Bridgeport, as alleged.
10. As such, as a sole basis for conducting a full evidentiary inquiry of whether a voter qualified for an absentee ballot, this type of allegation, alone, is unavailing.
11. Turning to the specific Respondent Electors here alleged here to have falsely applied for absentee ballots in the September 10, 2019 Democratic Party Primary, Commission investigators confirmed that all of the Respondent Electors did apply for and were sent absentee ballots for the September 10, 2019 Democratic Party Primary in the City of Bridgeport.³
12. However, the Commission also confirmed that ultimately none of these electors returned their absentee ballots for the September 10, 2019 Democratic Party Primary.

Analysis and Conclusion

13. The conclusion here is straightforward. Notwithstanding the Complainant's generalized bases for her allegations here, as these Respondent Electors ultimately did not utilize absentee ballots to vote, there is no predicate for determining whether they qualified.
14. Accordingly, this matter should be dismissed as to all Respondents.

³ Commission investigators also confirmed that none of the electors in 2020-013 and all 6 of the Respondent Electors in 2020-023 applied for absentee ballots for the November 5, 2019 General Election.

ORDER

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

No further action

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



Stephen T. Penny, Chairperson
By Order of the Commission