



Minnie Gonzalez loses appeal in ballot case

by Mark Pazniokas | September 3, 2013 | View as "Clean Read"

The Connecticut Appellate Court on Tuesday ruled against state Rep. Minnie Gonzalez, D-Hartford, in an absentee ballot case in which she was fined by the State Elections Enforcement Commission.

The commission imposed a \$4,500 civil penalty on Gonzalez for four counts of election-law violations, concluding she was “knowingly present” while four voters filled out absentee ballots in the town clerk’s office in Hartford City Hall in the fall of 2006.

Gonzalez appealed the fine to the Superior Court, where she won a split verdict: The trial judge, Carl Schuman, upheld the commission’s guilty finding on two counts, but found insufficient evidence on the other two counts.

The decision prompted an appeal by Gonzalez and a cross-appeal by the attorney general’s office on behalf of the State Elections Enforcement Commission.

In an opinion by Judge Richard A. Robinson, the Appellate Court found for the state on all counts by affirming Schuman’s two guilty findings and reversing him on the two counts he dismissed.

The court rejected Gonzalez’s claim that the elections-enforcement proceedings against her were tainted, because the hearing officer, Stephen F. Cashman, had refused to recuse himself from the final vote of the commission.

Gonzalez had claimed bias by Cashman, who had proposed a settlement in the case.

“To overcome the presumption of impartiality, the plaintiff was required to demonstrate that Cashman had prejudged the facts in this case,” Robinson wrote. “In its memorandum of decision, the court found that Cashman acted as one of five commissioners who found reason to believe that the plaintiff had violated the election law and that the entire commission approved the proposed consent order.”

The appellate judges agreed with the trial court, which found that the “record reveals no evidence at all of bias or predisposition on the part of the hearing officer.”

Thomas J. Weihing, who represents Gonzalez, declined comment. Gonzalez, who has the right to appeal to the Connecticut Supreme Court, could not be reached.

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