

JUN 23 2008

ENFORCEMENT
COMMISSION

STATE OF CONNECTICUT

STATE ELECTIONS ENFORCEMENT COMMISSION

In the Matter of a Complaint by
Ira Johnson, New Haven

File No. 2007-350

**AGREEMENT CONTAINING CONSENT ORDER AND PAYMENT OF A CIVIL
PENALTY FOR VIOLATION OF CONNECTICUT GENERAL STATUTES § 9-236**

This agreement by and between Cameron Davis-Taylor of the City of New Haven, County of New Haven, State of Connecticut, hereinafter referred to as the Respondent, and the undersigned authorized representative of the State Elections Enforcement Commission, is entered into in accordance with Section 9-7b-54 of the Regulations of Connecticut State Agencies and Section 4-177(c) of the General Statutes of Connecticut. In accordance herewith, the parties agree that:

1. Respondent was the moderator at Career High School polling place during the September 11, 2007 New Haven Democratic primary in Ward 3.
2. Respondent is a certified moderator and has been so for approximately ten years.
3. Respondent permitted the candidate, Jacqueline James, to enter and remain in the polling place at least five (5) times throughout the day for periods lasting up to 20 to 30 minutes, for purposes other than casting her vote.
4. At times, candidate sat in a chair by the door in the polling place where she greeted and talked to electors coming to cast their votes.
5. Respondent was aware of the candidate's presence at her polling place but neglected her duties as a moderator by allowing the candidate to enter and remain within the polling place on numerous occasions.
6. Conn. Gen. Stats. §9-236, provides in pertinent part:

(a) On the day of any primary, referendum or election, no person shall solicit in behalf of or in opposition to the candidacy of another or himself or in behalf of or in opposition to any question being submitted at the election or referendum, or loiter or peddle or offer any advertising matter, ballot or circular to another person within a radius of seventy-five feet of any outside entrance in use as an entry to any polling place The moderator shall evict any person who in any way interferes with the orderly process of voting ...

(b) (1) The selectmen shall provide suitable markers to indicate the seventy-five-foot distance from such entrance. ... (3) The moderator and his assistants shall meet at least twenty minutes before the opening of a primary, referendum or an election in the voting district, and shall cause to be placed by a police officer or constable, or such other primary or election official as they select, a suitable number of distance markers. *Such moderator or any police officer or constable shall prohibit loitering and peddling of tickets within that distance.*

c) *No person* except those permitted or exempt under this section or section 9-236a and primary or election officials and party checkers appointed under section 9-235 *shall be allowed within any polling place except for the purpose of casting his vote.* ... [Emphasis added.]

7. It is concluded that Respondent, by allowing a candidate to remain within the polling place on numerous and repeated occasions at the September 11, 2007 Democratic primary, for a purpose other than to cast her vote, violated Conn. Gen. Stat. §9-236.
8. Ironically, the Respondent clearly enforced Conn. Gen. Stat. § 9-236 against the Complainant's sister when she entered the polling place wearing a t-shirt bearing the Complainant's name. Such selective enforcement of the same provision suggests that the Respondent may have been less than impartial in the performance of her responsibilities as an election official.
9. The Respondent admits all jurisdictional facts and agrees that this agreement and Order shall have the same force and effect as a final decision and Order entered into after a full hearing and shall become final when adopted by the Commission. The Respondent shall receive a copy hereof as provided in Section 9-7b-56 of the Regulations of Connecticut State Agencies.
10. It is understood and agreed that this Agreement will be submitted to the Commission at its next meeting and, if it is not accepted by the Commission, it is withdrawn by the Respondent and may not be used as an admission in any subsequent hearing, if the same becomes necessary.
11. The Respondent waives:
 - (a) Any further procedural steps;
 - (b) The requirement that the Commission's decision contain a statement of findings of fact and conclusions of law, separately stated; and
 - (c) All rights to seek judicial review or otherwise to challenge or contest the validity of the Order entered into pursuant to this agreement.
12. Upon the Respondent's compliance with the Order hereinafter stated, the Commission shall not initiate any further proceedings against her pertaining to this matter.

ORDER

IT IS HEREBY ORDERED that the Respondent shall pay a civil penalty of one hundred dollars (\$100.00) to the Commission on or before June 24, 2008 and that the Respondent shall henceforth strictly comply with the requirements of Conn. Gen. Stats. §9-236.

The Respondent:

For the State Elections Enforcement Commission

Cameron Davis Taylor
Cameron Davis-Taylor
904 Howard Avenue, Apt 14-K
New Haven, CT 06519-1108

BY: Joan B. Andrews
Joan B. Andrews, Esq.
Director of Legal Affairs and Enforcement
and Authorized Representative of the State
Elections Enforcement Commission
20 Trinity Street, Hartford, CT 06106-1628

Dated: June 20, 2008

Dated: June 23, 2008

Adopted this 25th day of June of 2008 at Hartford, CT by vote of the Commission.

Stephen F. Cashman
Stephen F. Cashman, Chairperson
By Order of the Commission