

FEB 13 2009

STATE OF CONNECTICUT

STATE ELECTIONS ENFORCEMENT COMMISSION  
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 VIOLATIONS OF CONNECTICUT GENERAL STATUTES § 9-236**

This agreement by and between Jacqueline M. James 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 incumbent alderman and endorsed Democratic candidate for Ward 3 Alderman at the September 11, 2007 Democratic primary in the City of New Haven.
2. Complainant alleged that Respondent was in the Ward 3 polling place for up to two hours on the day of the primary, after she voted.
3. 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* ....
  - 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.]
4. The investigation revealed that the Respondent went to the Career High School, Ward 3 polling place on numerous occasions throughout the primary day to cast her vote, to seek refuge from the rain and to distribute food to polling officials, among other reasons. She was seen sitting in a chair by the door greeting and hugging voters, and observed in the Career High School polling place no less than five (5) times, remaining in the polling place between 20 to 30 minutes each time.
5. It is concluded that Respondent, by being present at the Career High School polling place at the September 11, 2007 Democratic primary multiple times for reasons other than casting her vote, violated Conn. Gen. Stats. §9-236. The violation is aggravated by the fact the Respondent was a candidate in the primary, whose very presence is advocacy for her candidacy.

6. 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.
7. 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.
8. 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.
9. Upon the Respondent's compliance with the Order hereinafter stated, the Commission shall not initiate any further proceedings against her pertaining to this matter.

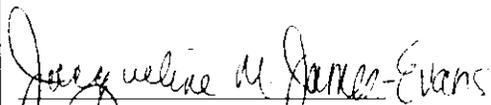
**ORDER**

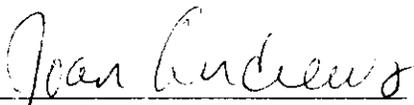
IT IS ORDERED THAT the Respondent shall pay a civil penalty in the amount of two hundred dollars (\$200.00) to the State Elections Enforcement Commission on or before December 16, 2008.

IT IS FURTHER ORDERED THAT the Respondent shall henceforth strictly comply with the requirements of Conn. Gen. Stats. §9-236.

**The Respondent:**

**For the State Elections Enforcement Commission**

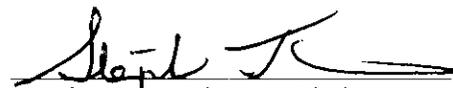
  
Jacqueline M. James  
78 Orchard St., 2Fl (78 Orchard St.)  
New Haven, CT 06519-1010

BY:   
Joan 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: 2/8/09

Dated: 2/17/09

Adopted this 5<sup>th</sup> day of March of 2009 at Hartford, CT by vote of the Commission.

  
Stephen F. Cashman, Chairperson  
By Order of the Commission