

STATE OF CONNECTICUT
STATE ELECTIONS ENFORCEMENT COMMISSION

Complaint of Nancy Shwartz
Newtown

File No. 2010-075

FINDINGS AND CONCLUSIONS

The Complainant brings this complaint pursuant to General Statutes § 9-7b and asserts that the Newtown Health District placed a table with literature for its' Lyme Disease Prevention Program well within the 75ft. limit of a polling place on April 27, 2010 and May 18, 2010.

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

1. Complainant alleges that on April 27, 2010 the Newtown Health District violated General Statutes by placing a table with literature for its' Lyme Disease Prevention Program well within the 75ft. limit of a polling place.
2. The Town of Newtown held a budget referendum on April 27, 2010. The referendum question was: Shall the sum of \$104,687,615 be appropriated as the annual town budget for the 2010-2011 fiscal year?
3. Complainant also alleges that on May 18, 2010 the Newtown Health District violated General Statutes by placing a table with literature for its' Lyme Disease Prevention Program well within the 75ft. limit of a polling place.
4. The Town of Newtown held a budget referendum on May 18, 2010. The referendum question was: Shall the sum of \$104,184,615 be appropriated as the annual town budget for the 2010-2011 fiscal year?
5. During both the April 27th and May 18th budget referenda, the Newtown Health District had a table set up directly outside of the gymnasium with brochures for their Lyme Disease Prevention Program. The brochures were from the Center for Disease Control, Consumer Specialty Products Association, the Newtown Health District and the National Pesticide Information Center. The brochures all provided information about Lyme disease prevention.
6. The Democratic and Republican Registrars of Voters agreed to allow the table to be set up pursuant to General Statutes § 9-236(a)(3).
7. Additionally, prior to setting up the table in connection with the referendum, the Director of the Newtown Health District received informal support from the Newtown First Selectman for the Director's idea to set up the table with the Lyme Disease Prevention Program information.

8. General Statutes 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 or in any corridor, passageway or other approach leading from any such outside entrance to such polling place or in any room opening upon any such corridor, passageway or approach, except as provided in section 9-294. Nothing contained in this section shall be construed to prohibit* (1) parent-teacher associations or parent-teacher organizations from holding bake sales or other fund-raising activities on the day of any primary, referendum or election in any school used as a polling place, provided such sales or activities shall not be held in the room in which the election booths are located, (2) the registrars of voters from directing the officials at a primary, referendum or election to distribute, within the restricted area, adhesive labels on which are imprinted the words "I Voted Today" or (3) *the registrars of voters in a primary, election or referendum from jointly permitting nonpartisan activities to be conducted in a room other than the room in which the election booths are located.* The registrars may jointly impose such conditions and limitations on such nonpartisan activity as deemed necessary to ensure the orderly process of voting. The moderator shall evict any person who in any way interferes with the orderly process of voting. [Emphasis added.]

9. The Commission concludes that based on the facts and circumstances of this specific case, the table that the Newtown Health District set up that included information regarding the Health District's Lyme Disease Prevention Program did not violate General Statutes § 9-236 because the Registrars of Voters jointly permitted the table to be set up in accordance with § 9-236(a)(3).

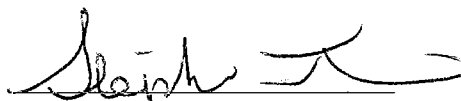
10. Accordingly the Commission concludes that the Newtown Health District did not violate General Statutes § 9-236 and the complaint is dismissed.

ORDER

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

That the case be dismissed.

Adopted this 17th day of November, 2010 at Hartford, Connecticut.


Stephen F. Cashman, Chairperson
By Order of the Commission