

STATE OF CONNECTICUT  
STATE ELECTIONS ENFORCEMENT COMMISSION

In the Matter of a Complaint by  
Daniel P. McSparran, New London

File No. 2010-143

FINDINGS AND CONCLUSIONS

The Complainant brings this complaint pursuant to Connecticut General Statutes § 9-7b and alleges that Robert Pero of 181 State Street, New London, Connecticut, distributed flyers advocating a position on referendum questions within seventy-five feet of the entrance to a polling place, in violation of General Statutes § 9-236 (a).

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

1. On November 2, 2010, Robert Pero ("Mr. Pero") was present at the Harbor School polling place in New London.
2. At all times relevant hereto, Mr. Pero served as the Mayor of New London and was a member of the Republican party.
3. General Statutes § 9-236 (a) provides as follows in relevant part:

On the day of any primary, referendum or election, no person shall solicit .... in behalf of or in opposition to any question being submitted at the election or referendum .... 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 .....

4. The photographs attached to the complaint, allegedly showing Mr. Pero inside the seventy-five foot mark outside of the polling place, are inconclusive.
5. The Moderator's Diary for the Harbor School polling place records no relevant complaints or irregularities.
6. William Giesing, New London Democratic Registrar of Voters, a witness familiar with the polling place and who participated in placement of the seventy-five foot markers, reviewed the photographs attached to the complaint and offered his written statement including a detailed analysis of the photographs.
7. William Giesing took additional photographs and measurements in his review of the Complainant's allegations and supplied the Commission with annotated photographs demonstrating the location of the seventy-five foot line.
8. William Giesing's investigation demonstrated that the photographs supplied by the Complainant actually show Mr. Pero outside of the seventy-five foot mark.

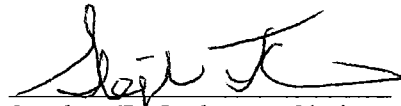
9. Mr. Giesing, a witness supporting the Respondent's position, is a member of an opposing political party of the Respondent.
10. Aside from the inconclusive photographs attached to the complaint, the Complainant has offered no additional evidence or witnesses to support his claim.
11. The Commission therefore concludes that the investigation of this matter has not revealed adequate evidence to establish that Mr. Pero impermissibly solicited on behalf of a referendum question within seventy-five feet of the entrance to a polling place as prohibited by § 9-236 (a).

### ORDER

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

That the matter be dismissed without prejudice.

Adopted this 15th day of December, 2010 at Hartford, Connecticut.



Stephen F. Cashman, Chairperson  
By Order of the Commission