

STATE OF CONNECTICUT
STATE ELECTIONS ENFORCEMENT COMMISSION

In the Matter of a Complaint by Amy E. Jacques-Purdy, Haddam

File No. 2015-029

FINDINGS AND CONCLUSIONS

The Complainant alleged that on at a referendum held in the town of Haddam on May 5, 2015, Respondent Melissa Schlag, the Haddam First Selectman, violated General Statutes § 9-236 by campaigning within the Central Office polling place.¹

BACKGROUND

1. On May 5, 2015, a referendum was held in the Town of Haddam to vote on the Region 17 Board of Education budget.
2. The Respondent, Melissa Schlag, was the First Selectman of Haddam at all times relevant to the instant complaint.

ALLEGATIONS

3. The Complainant alleged that it was “brought to my attention” by an unidentified Haddam resident that during polling hours at approximately 8:30-8:40am, Respondent Schlag was seen speaking in the Central Office polling place (District 2) with a Haddam resident who was there to vote. The Complainant alleged that it was her understanding that Ms. Schlag was stationed “within feet of the polling booths” and that her presence could have been intimidating to voters. Finally, the Complainant alleged that she believes that District 2 was not Ms. Schlag’s polling location and that she was impermissibly located within the 75’ zone, in violation of General Statutes § 9-236.

¹ The following are the Commission’s findings and conclusions based on those portions of the Complainant’s statement of complaint which the Commission could reasonably construe as alleging facts amounting to a specific violation of those laws within the Commission’s jurisdiction. Any statements within the Complaint not addressed herein either did not specifically allege a violation or alleged facts which if proven true would not have amounted to a violation within the Commission’s jurisdiction.

LAW

4. General Statutes § 9-236 enumerates certain prohibitions on electioneering in and around a polling place, and reads, in pertinent part:

(a) On the day of any primary, referendum or election, *no person shall solicit on behalf of or in opposition to the candidacy of another or himself or on 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.* 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. . . .

...

(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.* Representatives of the news media shall be allowed to enter, remain within and leave any polling place or restricted area surrounding any polling place to observe the election, provided any such representative who in any way interferes with the orderly process of voting shall be evicted by the moderator. A

number of students in grades four to twelve, inclusive, not to exceed four at any one time in any one polling place, may enter any polling place between twelve o'clock noon and three o'clock p.m. for the purpose of observing the activities taking place in the polling place, provided there is proper parental or teacher supervision present, and provided further, any such student who in any way interferes with the orderly process of voting shall be evicted by the moderator. An elector may be accompanied into any polling place by one or more children who are fifteen years of age or younger and supervised by the elector if the elector is the parent or legal guardian of such children. (Emphasis added.)

Respondent's Answer

5. The Respondent provided timely and detailed responses to the Complainant's allegations. In summary, the Respondent generally denies the allegations and specifically offers that District 2 was her proper polling location, that she did have a short conversation with town employee and polling place worker David Challenger after he approached her to discuss personnel related matters, but that nothing related to the referendum topic was discussed.

Investigation

6. As an initial matter, the Connecticut Voter Registration System confirms that District 2 was the Respondent's proper polling on the date in question.²
7. While the Complainant did not provide SEEC investigators with her witness, interviews were conducted of both the District 2 moderator Anthony Giamei and Mr. Challenger, the polling place worker.
8. Mr. Challenger did confirm approaching Ms. Schlag and briefly discussing topics related to his own employment. He asserts that the two spoke for "a couple of minutes" and then Ms. Schlag proceeded to cast her ballot and leave the room in which the tabulators were located.
9. Mr. Giamai, the moderator of the District 2 polling place, submitted a statement confirming that he recalled that a conversation occurred between the Respondent and Mr. Challenger. His recollection placed the conversation after the Respondent had cast her ballot and also outside of the room in which the tabulators were located, but still within the 75 zone

² The Respondent has moved her bona fide residence subsequent to the facts of this complaint and now is serviced by a different polling location.

enumerated in General Statutes § 9-236. But he asserts that his recollection was that the conversation was short and did not involve any discussion of the referendum question.

Conclusion

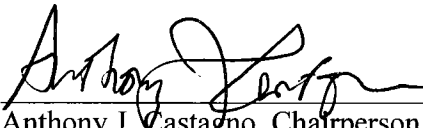
10. Considering the totality of the circumstances here, the Commission concludes that the evidence is insufficient to establish any violation by the Respondent, Ms. Schlag. She was voting in her proper voting location. Both she and Mr. Challenger were permitted to be inside the room in which the tabulators were located. She does not deny briefly speaking with Mr. Challenger after being approached by him, but generally denies that the conversation was anything other than short and unrelated the referendum. There is no evidence in this matter that the brief conversation between individuals authorized to be in the polling place created any kind of disruption or otherwise ran afoul of the prescriptions of General Statutes § 9-236. Accordingly, this matter should be dismissed.

ORDER

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

Dismissed.

Adopted this 11th day of May, 2016 at Hartford, Connecticut.


Anthony J. Castagno, Chairperson
By Order of the Commission