

**STATE OF CONNECTICUT**  
**STATE ELECTIONS ENFORCEMENT COMMISSION**

In the Matter of a Complaint by Karen Jackson, Bridgeport

File No. 2016-042

**FINDINGS AND CONCLUSIONS**

The Complaint in this matter concerns the alleged unauthorized presence of children in a polling place during the April 26, 2016 presidential preference primary. As detailed hereinafter, it is the Commissions determination that this matter should be dismissed.

1. Complainant Karen Jackson was, at all times relevant hereto, an elector in the City of Bridgeport.
2. Respondent Santa Ayala was, at all times relevant hereto, the Democratic Registrar of Voters in the City of Bridgeport.
3. Respondent Patricia A. Howard was, at all times relevant hereto, the Deputy Democratic Registrar of Voters in the City of Bridgeport.
4. Complainant alleges that she observed “children having lunch and breakfast directly beside the erected polling station” during the Democratic Presidential Preference Primary on April, 26, 2016.<sup>1</sup>
5. General Statutes § 9-236 (c) provides:

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

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<sup>1</sup> The Complaint also references General Statutes § 9-261 (b) and so-called “curbside voting.” Specifically, the Complaint appears to claim that curbside voting was required for all voters in this case. This is a fundamental misreading of the law. Accordingly, allegations concerning a violation of General Statutes § 9-261 (b) by the Respondents should be dismissed.

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.

6. For the Democratic Presidential Preference Primary on April 26, 2016, the Beardsley School Building in Bridgeport was designated as a polling location.
7. Specifically, one half of the cafeteria in Beardsley School was designated as a polling place, while the other half was left open as an operational cafeteria.<sup>2</sup>
8. There are differing accounts as to what barriers existed between the two halves of the cafeteria. Some claim that there was no barrier whatsoever, while others claim that there was police tape, a chain, and signage defining the two sections of the room.
9. Following a full investigation which included interviews with the parties and election officials and sworn statements provided by witnesses present during the Presidential Preference Primary, the Commission finds that there was police tape, a chain, and signage delineating the separation between the area of the cafeteria being used as a polling place and the area left open as an operating cafeteria.
10. The Commission further finds that there was no area where an individual could have entered the polling place without violating a visible, physical barrier.
11. Moreover, evidence shows that the area of the cafeteria used as a polling place had dedicated entrance and exit areas during the primary.
12. The evidence further shows that there were sufficient staff present and monitoring the temporary barrier between the two halves of the cafeteria.
13. There is no allegation, nor is there any evidence to suggest that any child entered the side of the cafeteria used as a polling place, when they were not authorized to do so.

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<sup>2</sup> While schools are often closed for Election Day, Beardsley School was open for class for the April 26, 2016 Presidential Preference Primary.


14. While the Commission strongly encourages the use of a separate room as a polling place, the Commission declines to hold that failure to do so is a *prima facie* violation of the General Statutes § 9-236 (c).
15. Rather, when a section of a room is being used as a polling place, and another section is being used for another function, the Commission will look at the underlying facts to determine if sufficient steps have been taken to protect the integrity of the polling place.
16. In this case, the area of the cafeteria used for voting was separated by two physical barriers, signage, was continuously monitored, and had a dedicated entrance and exit.
17. Accordingly, this Commission concludes that this case should be dismissed.

ORDER

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

This matter is dismissed.

Adopted this 6th day of November, 2016 at Hartford, Connecticut.

  
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Anthony J. Gastagno, Chairperson  
By Order of the Commission