

STATE OF CONNECTICUT
STATE ELECTIONS ENFORCEMENT COMMISSION

In the Matter of a Complaint by Linda Szykowitz,
Middletown

File No. 2016-093

AGREEMENT CONTAINING CONSENT ORDER

This Agreement, by and between Thomas J. Serra, of the Town of Middletown, County of Middlesex, State of Connecticut (hereinafter "Respondent") and the 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. The Complainant alleged that during the voting hours of the November 8, 2016 election Respondent and State Representative Joseph C. Serra engaged in electioneering within the "75 feet" from the entrance of a polling place restricted zone and remained within several polling places in violation of General Statutes General Statutes § 9-236 (a) & (c).
2. By way of background, the "Fayerweather Building – Bekham Hall" is a single building at Wesleyan University that is open to the public for use as "meetings and events" space. Further, Bekham Hall, which is part of the Fayerweather Building, is used for social and public events and by the City of Middletown as the District 14 polling place location.
3. At all times relevant to this complaint, Respondent was a registered voter in the City of Middletown. His polling place location for the November 8, 2016 election was District 4 at the Moody School.
4. This disposition pertains to allegations against Respondent alone. Allegations against Joseph C. Serra are treated under a separate disposition.
5. General Statutes § 9-236 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. ...

(b) (1) The selectmen shall provide suitable markers to indicate the seventy-five-foot distance from such entrance. Such markers shall consist of a board resting on an iron rod, which board shall be not less than twelve inches square and painted a bright color and shall bear the figures and letters "75 feet" and the following words: "On the day of any primary, referendum or election no person shall solicit in behalf of or in opposition to another or himself or peddle or offer any ballot, advertising matter or circular to another person or loiter 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."

...

(3) The moderator and the moderator's assistants shall meet at least twenty minutes before the opening of a primary, referendum or an election in the voting district, and shall cause to be placed by a police officer or constable, or such other primary or election official as they select, a suitable number of distance markers. Such moderator or any police officer or constable shall prohibit loitering and peddling of tickets within that distance.

(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. ... (Emphasis added.)

6. In a written response to this complaint and investigation, Respondent admitted that Respondent entered Fayerweather Hall for “approximately five minutes.” The Commission notes that Respondent however denied entering Bekham Hall while in the Fayerweather Hall building. Additionally, Respondent denied entering the polling place at the Moody School location.
7. The Commission finds that District 14 election officials witnessed Respondent at the entrance to the polling place. Additionally, the Commission finds that Respondent was present at District 14 polling place at Bekham Hall at approximately 11:00 AM. Finally, the evidence indicates that Respondent was asked to leave and left upon request. The Respondent denies that he was ever asked to leave the District 14 polling place.
8. The Commission in the course of its investigation finds that Respondent was also present at the Districts 4 & 5 polling place at Moody School within the polling place. Specifically, the Commission finds credible witness accounts of Respondent being present within the polling place at Moody School during the hours of voting on November 8, 2016, other than for casting his ballot in District 4 where Respondent is registered to vote.
9. After a thorough review and investigation, the Commission concludes that Respondent violated General Statutes § 9-236 (c) on two occasions during the November 8, 2016 election in that he entered and remained in the Districts 4 & 5 and District 14 polling places, for purposes other than to vote.
10. The Commission notes that the purpose for which Respondent entered buildings that contained polling places in Middletown on November 8, 2016 is not dispositive for applying General Statutes § 9-236; but rather, the fact that Respondent entered and *remained* in polling places for purposes other than casting a ballot after accessing such buildings is determinative in this instance.
11. 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 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.
12. 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.

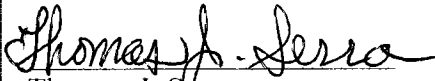
13. It is understood and agreed that this Agreement will be submitted to the Commission for consideration at its next meeting and, if the Commission does not accept it, it is withdrawn and may not be used as an admission by the Respondent in any subsequent hearing, if the same becomes necessary

14. Upon the Respondent's compliance with the Order hereinafter stated, the Commission shall not initiate any further proceedings pertaining to these matters and this Respondent.

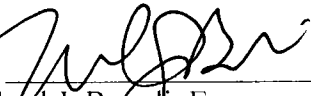
ORDER

IT IS ORDERED THAT Respondent will henceforth strictly comply with the requirements of General Statutes § 9-236.

The Respondent:


Thomas J. Sera
251 Sisk Street
Middletown, Connecticut

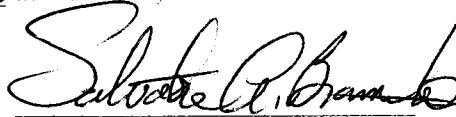
For the State of Connecticut:

BY: 
Michael J. Brandi, Esq.
Executive Director and General Counsel and
Authorized Representative of the
State Elections Enforcement Commission
20 Trinity St., Suite 101
Hartford, Connecticut

Dated: _____

Dated: 5/9/18

Adopted this 16th day of May of 20 18 at Hartford, Connecticut


4 Salvatore Bramante
Vice-Chairman

RECEIVED
STATE ELECTIONS

MAY 09 2018

ENFORCEMENT COMMISSION

Anthony J. Castagno, Chair
By Order of the Commission