

STATE OF CONNECTICUT
STATE ELECTIONS ENFORCEMENT COMMISSION

In the Matter of a Complaint by
Thomas Appleby, New Fairfield

File No. 2007-414

AGREEMENT CONTAINING HENCEFORTH ORDER FOR A VIOLATION OF
CONNECTICUT GENERAL STATUTES § 9-236

This agreement, by and between Carmen Franco, (hereinafter referred to as "Respondent") of the City of Bridgeport, County of Fairfield, State of Connecticut and the authorized representative of the State Elections Enforcement Commission, is entered into in accordance with § 9-7b-54 of the Regulations of Connecticut State Agencies and § 4-177(c) of the General Statutes of Connecticut.

In accordance herewith, the parties agree that:

1. Complainant is the News Director of *News 12 Connecticut*, a television news organization which covers the Southwestern Connecticut area. On Election Day, November 6, 2007, *News 12 Connecticut* sent a photographer to shoot video of Bridgeport Democratic mayoral candidate Bill Finch voting at his local precinct, the St. Paul's Lutheran Church.
2. Respondent served as the Moderator at the St. Paul's Lutheran Church polling place during the November 6, 2007 Bridgeport municipal election.
3. The photographer arrived at the St. Paul's Lutheran Church polling place shortly after 6:00 a.m. The photographer entered the polling place with a camera and a tripod and started setting up to shoot video of Bridgeport Democratic mayoral candidate Bill Finch voting at his local precinct. As the photographer was setting up, he was approached by the Respondent.
4. The photographer told the Respondent that he was from *News 12 Connecticut* and that he was there to shoot video of Bridgeport Democratic mayoral candidate Bill Finch voting at his local precinct. The Respondent told the photographer that he could not be there and asked him to leave.
5. The Respondent called the Bridgeport Registrars of Voters office and after that telephone call, the Respondent again told the photographer to leave and informing him that he was going to call the police and have him arrested because he was refusing to leave. The photographer then left the polling place.
6. General Statutes § 9-236 provides in pertinent part:

. . . (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 therein, 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. Any person who violates any provision of this section or, while the polls are open for voting, removes or injures any such distance marker, shall be fined not more than fifty dollars or imprisoned not more than three months or both. [Emphasis added.]

7. The Commission has previously construed Conn. Gen. Stat. § 9-236 to permit video taping by a news media representative, so long as a voter's right to a secret ballot is not interfered with and the news media representative does not disrupt the orderly process of voting. See *Complaint of S. Vigneri, Windham, File No. 95-217*.
8. The Respondent violated General Statutes § 9-236(c) by failing to allow the *News 12 Connecticut* photographer to remain in the polling place to observe and video tape the election.
9. After a series of phone calls between *News 12 Connecticut*, the Registrars of Voters Office and the polling place, the Respondent subsequently allowed the *New 12 Connecticut* photographer in to the polling place and he was allowed to shoot video of Bridgeport Democratic mayoral candidate Bill Finch voting.
10. The Respondent maintains that although he has been a moderator for eight years, he has never seen a camera in a polling place that he has worked in.
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. It is understood and agreed that this henceforth order will be submitted to the Commission at its next meeting and, if it is not accepted by the Commission, it is withdrawn by the Respondents and may not be used as an admission in any subsequent hearing, if the same becomes necessary.

13. 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 agreement or Order entered into pursuant to this agreement.

14. Upon the Respondents' agreement with the Order hereinafter stated, the Commission shall not initiate any further proceedings against him pertaining to this matter.

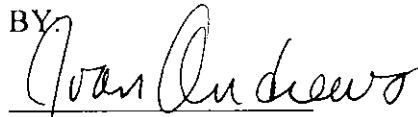
ORDER

IT IS HEREBY ORDERED that the Respondent shall henceforth comply with § 9-236, General Statutes.

Dated: 2/11/08

For the State of Connecticut

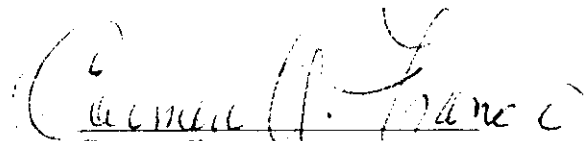
BY:



Joan M. Andrews, Esq.
Director of Legal Affairs
and Enforcement,
Authorized Representative
of the State Elections
Enforcement Commission
20 Trinity Street, Suite 101
Hartford, Connecticut

The Respondent

Dated: 2/14/08



Carmen Franco
Bridgeport, CT

Adopted this 13th day of February, 2008 at Hartford, Connecticut



Stephen F. Cashman, Chair
By Order of the Commission