

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

In the Matter of a Complaint by  
Debra Shriner, New London

File No. 2011-151

**FINDINGS AND CONCLUSIONS**

The Complainant filed this Complaint pursuant to Connecticut General Statutes § 9-7b. The Complainant alleges that the City of New London, and its agents, failed to post a sample ballot at the polling place as required by General Statutes § 9-236b. The Complainant further alleges that an unidentified individual, allegedly associated with a candidate's campaign, promoted such a candidate within seventy-five feet of an entrance to a polling place as prohibited by § 9-236 (a). For a related matter, see *Complaint of Andrew Lockwood, New London*, File No. 2011-150.

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

1. At all times relevant hereto, there was a referendum question before the electors of New London to be decided on November 8, 2011, a date coinciding with the 2011 municipal election in New London (the "referendum question").
2. At all times relevant hereto, Michael J. Tranchida served as the New London City Clerk (the "Municipal Clerk").
3. As represented by the subsequent New London City Clerk, and confirmed by a review of the minutes of the relevant meetings, the New London City Council did not authorize any explanatory texts regarding the referendum question.
4. Based on representations of the Municipal Clerk, a sample ballot was posted for inspection at all New London polling places on November 8, 2011 as required by § 9-236b.
5. The potential confusion may be a result of the fact that, as apparently alleged by the Complainant, the posted sample ballot, while accurately presenting and including the referendum question, did not include an explanatory text for the referendum question.
6. A review of the relevant records provided by the City of New London and its agents has confirmed that the City comported with the notice and warning requirements for the referendum question as prescribed under General Statutes §§ 9-369 and 9-369a.
7. General Statutes § 9-369b (a), governing the authorization of explanatory texts by municipalities for referendum questions, provides:

*Except as provided in subsection (b) of this section, any municipality may, by vote of its legislative body, authorize the preparation and printing of concise explanatory texts of local proposals or questions approved for submission to the electors of a municipality at a referendum...* Thereafter, each such explanatory text shall be prepared by the municipal clerk, subject to the approval of the municipal attorney, and shall specify the intent and purpose of each such proposal or question. Such text shall not advocate either the approval or disapproval of the proposal or question. The municipal clerk shall cause such question or proposal and such explanatory text to be printed in sufficient supply for public distribution and shall also provide for the printing of such explanations of proposals or questions on posters of a size to be determined by said clerk. At least three such posters shall be posted at each polling place at which electors will be voting on such proposals or questions. Any posters printed in excess of the number required by this section to be posted may be displayed by said clerk at the clerk's discretion at locations which are frequented by the public.... [Emphasis added.]

8. As no explanatory text was authorized or issued by the City of New London or its agents, no such explanatory text was required to be posted at any New London polling place on November 8, 2011.
9. The Complainant further alleges that an unidentified individual, purportedly associated with a candidate's campaign, stood near the entrance at the New London High School polling place (the "polling place") instructing individuals how to vote (the "alleged violator"). The Complainant has provided neither the alleged violator's identity nor identifying information sufficient to identify this alleged respondent.
10. A review of records provided by the City of New London and its agents confirms the Complainant's claim to the extent that the moderator's diary at the polling place reflects the alleged violator was, in fact, standing near the door and asking individuals to vote for a specific candidate. The moderator's diary reflects that the alleged violator was asked to move back and that he ultimately complied.
11. The moderator's diary, and the evidence obtained in the course of the investigation has not uncovered information sufficient to identify the potential respondent, other than by the sex of the individual, or that indicates a reasonable likelihood of obtaining such evidence.

12. General Statutes § 9-236 (a), prohibiting certain activities in and near polling places, provides:

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, except as provided in section 9-294.* 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. [Emphasis added.]

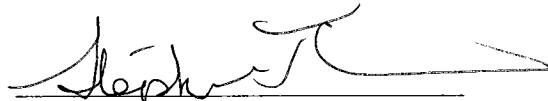
13. Although there is evidence supporting a finding of a violation of § 9-236 (a), the alleged violator remains unidentifiable to the extent necessary to further investigate or prosecute the matter. Based on this fact and that the moderator's diary appears to reflect that the alleged violator complied after a warning, the Commission takes no further action regarding this allegation.
14. The Commission dismisses the complaint regarding the other elements as they allege actions or omissions which do not represent identifiable violations within the Commission's jurisdiction.

**ORDER**

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

That no further action be taken.

Adopted this 19 th day of September, 2012 at Hartford, Connecticut.

A handwritten signature in black ink, appearing to read "Stephen F. Cashman", written over a horizontal line.

Stephen F. Cashman, Chairperson  
By Order of the Commission