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STATE OF CONNECTICUT  
STATE ELECTIONS ENFORCEMENT COMMISSION

In the Matter of a Complaint by Janice Rossetti  
City of Hartford

File No. 2012-005

AGREEMENT CONTAINING A CONSENT ORDER

The parties, David MacDonald, of the City of Hartford, State of Connecticut, hereinafter referred to as "Respondent," and the undersigned authorized representative of the State Elections Enforcement Commission, enter into this agreement as authorized by Connecticut General Statutes § 4-177 (c) and Regulations of Connecticut State Agencies § 9-7b-54. In accordance with those provisions, the parties agree that:

1. Complainant filed this complaint alleging that Respondent, a candidate in the 2011 municipal elections in the City of Hartford, had violated General Statutes § 9-236 (c) by entering a polling place when he was not authorized to do so. According to the sworn complaint, Complainant notified the moderator of the polling place of this violation and subsequently filed the instant complaint with the Commission.
2. Respondent was a candidate for the Hartford Court of Common Council in 2011. On Nov. 8, 2011, the date of the municipal election, Respondent entered the District 14 polling place at the Metzner Center on Franklin Avenue.
3. General Statutes § 9-236 (c) prohibits unauthorized persons from entering a polling place. Specifically, the sections states:

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. . . .

General Statutes § 9-236 (c). Individuals who violate this prohibition are subject to civil penalties as well as potential criminal prosecution. *See* General Statutes § 9-7b (authorizing Commission to impose civil penalties of as much as \$2,000 per violation of provisions in part V of Chapter 146, which includes General Statutes § 9-236); General Statutes § 9-236 (d) ("(d) 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 guilty of a class C misdemeanor.")

4. Respondent acknowledges that he entered the polling place but claims he did so only to speak with the moderator because he worried that the Complainant had approached the moderator about his violating the 75-foot rule when he helped a voter enter the polling place.
5. The moderator's diary reflects the conversations that she had with both Complainant and Respondent about the allegations that Respondent had improperly entered the polling place.
6. Respondent had no legal authority to enter the polling place. By entering the polling place, whether to assist a voter attempting to enter the building or to discuss a potential complaint with the moderator, Respondent violated General Statutes § 9-236 (c).

7. As enumerated in § 9-7b-48 of the Regulations of Connecticut State Agencies:

In its determination of the amount of the civil penalty to be imposed, the Commission shall consider, among other mitigating or aggravating circumstances:

- (1) the gravity of the act or omission;
- (2) the amount necessary to insure immediate and continued compliance;
- (3) the previous history of similar acts or omissions; and
- (4) whether the person has shown good faith in attempting to comply with the applicable provisions of the General Statutes.

Regulations, Connecticut State Agencies, § 9-7b-48.

8. Respondent admits all jurisdictional facts and agree that this Agreement and Order shall have the same force and effect as a final decision and order entered into after a full hearing and shall become final when adopted by the Commission.
9. 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.

10. Upon the Respondent's agreement to comply with the Order hereinafter stated, the Commission shall not initiate any further proceedings against him concerning this matter.
11. It is understood and agreed by the parties to this Agreement that the Commission will consider this Agreement at its next meeting and, if the Commission rejects it, the Agreement will be withdrawn and may not be used as an admission by the Respondent in any subsequent hearing, if one becomes necessary.

**ORDER**

**IT IS HERERY ORDERED THAT** Respondent pay as a civil penalty the amount of \$200 for violating General Statutes § 9-236 (c) when he impermissibly entered the polling place at Metzner Center in Hartford on Election Day, Nov. 8, 2011. Respondent further agrees henceforth to comply strictly with the requirements of General Statutes § 9-623.

The Respondent

For the State of Connecticut

By:



David MacDonald  
266 Grandview Terrace  
Hartford, CT 06114-2212

By:

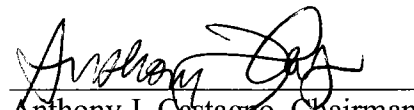


Michael J. Brandi, Esq.  
Executive Director and General Counsel and  
Authorized Representative of the  
State Elections Enforcement Commission  
20 Trinity St., Suite 101  
Hartford, CT 06106

Dated: 2/27/14

Dated: 3/18/14

Adopted this 19 day of Mar 2014 at Hartford, Connecticut by vote of the Commission.



Anthony J. Castagno, Chairman  
By Order of the Commission