

STATE OF CONNECTICUT
STATE ELECTIONS ENFORCEMENT COMMISSION

In the Matter of a Complaint by Catherine Magaldi-Lewis

File Nos. 2014-072
2014-097

FINDINGS AND CONCLUSIONS

The Referring Official alleges that Respondent Catherine Ann Palazzi was soliciting individuals to vote within the room where voting was taking place.¹

1. Respondent, Catharine Ann Palazzi was, at all times relevant hereto, the Republican Registrar of Voters for the town of Andover.
2. The Referring Official, Catherine Magaldi-Lewis was, at all times relevant hereto, the Democratic Registrar of Voters for the town of Andover.
3. The Referring Official alleges that while voting on a town budget referendum was occurring in the town of Andover, Respondent, Catherine Ann Palazzi was calling voters because “she was concerned about the budget vote passing.”
4. General Statutes § 9-236 enumerates certain prohibitions on electioneering in and around a polling place, and 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 on any such outside entrance to such polling place

¹ The following are the Commission’s findings and conclusions based on those portions of the Complainant’s statements of complaint which the Commission could reasonably construe as alleging facts amounting to a specific violation of those laws within the Commission’s jurisdiction. Any statements within the Complaint not addressed herein either did not specifically allege a violation or alleged facts which if proven true would not have amounted to a violation within the Commission’s jurisdiction.

or in any room opening upon any such corridor, passageway or approach. 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.

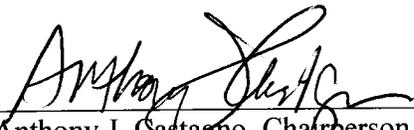
5. While the Referring Official and her deputy both make the same allegations, the evidence in this case is insufficient to support a finding of a violation in this instance.
6. First, the Respondent denies making any calls during the period in question.
7. Moreover, the Respondent's cellphone records do not show that any outgoing telephone calls were made from her phone while voting on the referendum in question was occurring.
8. An independent investigation by the Commission staff revealed no additional witness to corroborate the allegations made by the Referring official.
9. It should be noted that there was no allegation, nor was there any evidence to support an allegation, that Respondent was having any inappropriate *in-person* communications within the 75-foot zone.
10. In the absence of sufficient evidence to find a violation, this matter should be dismissed.

ORDER

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

That the matter is dismissed.

Adopted this 10 day of August, 2016 at Hartford, Connecticut.


Anthony J. Castagno, Chairperson
By Order of the Commission