

**STATE OF CONNECTICUT
STATE ELECTIONS ENFORCEMENT COMMISSION**

In the Matter of a Complaint by Rephael Spungen Bildner, New Haven

File No. 2015-127

FINDINGS AND CONCLUSIONS

The Complainant alleged that during the September 16, 2015 Democratic Party Primary for municipal elected positions within the City of New Haven he witnessed unnamed individuals violating General Statutes § 9-236 (a) by electioneering within the 75' zone outside the entrance to the Ward 1 polling place at the New Haven Free Public Library.

Law

1. General Statutes § 9-236 (a) 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. . . . (Emphasis added.)

. . .

2. The Complainant here alleges that he personally witnessed multiple individuals, whom he claims were agents and/or volunteers for the campaign of Ward 1 Alderman candidate Sarah Eidelson escorting voters within the 75' area and therein campaigning on behalf of their preferred candidate during these walks.
3. The Complainant asserted that he knew that these individuals were agents and/or volunteers for the Eidelman campaign because many were wearing paraphernalia for the campaign.

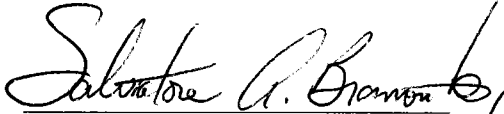
4. The Complainant also asserted that the moderator for the polling place spoke to such individuals on multiple occasions to warn them to stay outside the prohibited area.
5. Unfortunately, the Complainant was not cooperative in the investigation of this matter. The Complainant failed to return multiple inquiries made of him by Commission investigators by telephone, mail, and email seeking further information to assist in investigating his claims.
6. Commission investigators attempted to corroborate the allegations by interviewing the election workers on site that day and reviewing the moderator's diary.
7. The moderator's diary does indicate that the moderator went outside on a single occasion around 4:30 to remind any individuals electioneering that they were to stay outside the 75' zone.
8. However, no individuals were specifically identified in the moderator's diary as electioneering within the prohibited area at any time during the hours of voting.
9. Moreover, the election officials interviewed neither reported witnessing individuals electioneering with the prohibited area nor could identify any other individual who did.
10. Considering the lack of supporting evidence found during the Commission's investigation, the Commission concludes that it cannot hold that any violation of General Statutes § 9-236 (a) occurred here.
11. Accordingly, this matter should be dismissed.

ORDER

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

Dismissed.

Adopted this 15h day of May, 2019 at Hartford, Connecticut.


Anthony J. Castagno, Chairperson Vice
By Order of the Commission
Salvatore A. Bramante