

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

In the Matter of a Referral by Nancy Ahern, New Haven

File No. 2018-011C

**AGREEMENT CONTAINING CONSENT ORDER**

This Agreement, by and between Adam Marchand, of the City of New Haven, County of New Haven, State of Connecticut and the authorized representative of the State Elections Enforcement Commission is entered into in accordance with Section 9-7b-54 of the Regulations of Connecticut State Agencies and Section 4-177 (c) of the General Statutes of Connecticut. In accordance herewith, the parties agree that:

1. The Referring Official, was the moderator for the 25th Ward polling place held in the Edgewood School in New Haven for the November 7, 2017 general election.
2. She asserted that Adam Marchand, candidate for Alderman in the 25th Ward entered the polling place room at which time she confronted him in the moment and told him to leave. She asserted that she told him to leave and he apologized and exited the room.
3. General Statutes § 9-236 enumerates the permissible activity inside and up to 75' outside the building housing a polling place and reads as follows:

*(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. 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*

## Response

6. Mr. Marchand was prompt in his reply asserted that the Referring Official's recitation of the facts matched his memory of the events.
7. The Respondent asserted that he had come into the polling place to inquire as to the machine tally on the tabulator, which he told the Referring Official when she confronted him.
8. The Respondent asserted that she told him that if he wanted the machine tally, he could make a request for the tally to her from outside the room and she could bring it to him at her next convenience.
9. The Respondent averred that he would be sure to adhere to the requirements of the law and remain outside of the restricted area in the future.

## Analysis

10. General Statutes § 9-236 (c), which covers the room in which the machines are located, is treated as a strict liability statute by the Commission.
11. Any incursion by an unauthorized individual is considered a violation of the provision, regardless of the character of the incursion.
12. General Statutes § 9-236 (a), which covers the interior areas outside the room in which the machines are located and all the way up to 75' from the outside entrance, is not as strict and does require an analysis of the character and intensity of the activity.
13. Subsection (a) is concerned mainly with whether the individual was loitering and/or electioneering.
14. However, subsection (c) requires no analysis of the character and intensity of the activity, even if such activity is innocent and/or unrelated to elections activity, such as utilizing a bathroom located within the same room. *In the Matter of a Complaint by Jon Kisluk, Plainville*, File No. 2011-081 (moderator correctly restricted access to bathroom located

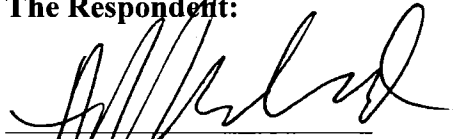
entering polling place room to use bathroom; no prior history; henceforth order); *In the Matter of a Complaint by Sharon Benedict, Roxbury*, File No. 2013-089 (After casting his ballot, candidate remained in the polling place room to converse with his daughter, a polling place official; no prior history; henceforth order); *In the Matter of a Complaint by Allen J. Friedrich, Glastonbury*, File No. 2012-117 (Respondent, a sitting legislator, entered polling place multiple times during primary in which he was not on the ballot and spoke with voters and brought polling place workers coffee; no prior history; henceforth order); *In the Matter of a Complaint by Victoria S. Harlow, Haddam*, File No. 2006-167 (Respondent entered the polling place and remained there for 10 minutes to bring and distribute homemade fudge to polling place workers; henceforth). However, see e.g., *In the Matter of a Complaint by Ira Johnson, New Haven*, File No. 2007-350 (Candidate entered polling place 5 times for periods of 20-30 minutes throughout Election Day; \$200 civil penalty for candidate; \$100 for moderator who allowed candidate to remain)

19. The Respondent here has no prior history in this area and appears to have been genuinely ignorant of the restrictions on him.
20. There is no question that the Respondent was in the voting room. However, this incursion was limited in time, as the Referring Official was quick to act. Consistent with prior matters, the Commission does not believe that a civil penalty is warranted here, provided that the Respondent enter into a consent agreement in which he henceforth agrees to strictly abide by General Statutes § 9-236 in the future.
21. The 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 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.
22. 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.
23. It is understood and agreed that this Agreement will be submitted to the Commission for consideration at its next meeting and, if the Commission does not accept it, it is withdrawn

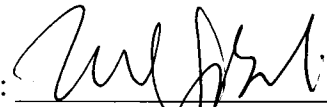
ORDER

That the Respondent will henceforth strictly comply with General Statutes § 9-236.

**The Respondent:**

  
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Adam Marchand  
New Haven, CT

**For the State of Connecticut:**

BY:   
\_\_\_\_\_  
Michael J. Brandt, Esq.  
Executive Director and General Counsel and  
Authorized Representative of the  
State Elections Enforcement Commission  
20 Trinity St., Suite 101  
Hartford, CT

Dated: 6 February 2020

Dated: 2/11/2020

Adopted this 19<sup>th</sup> day of February of 2020 at Hartford, Connecticut

  
\_\_\_\_\_  
~~Anthony J. Castagno, Chair~~ Stephen Penny  
By Order of the Commission