

STATE OF CONNECTICUT
STATE ELECTIONS ENFORCEMENT COMMISSION

In the Matter of a Complaint by Carmen Bermudez, Hartford

File No. 2018-071

FINDINGS AND CONCLUSIONS

The Complainant alleged that during the August 14, 2018 Democratic Party Primary for state elected positions she witnessed Respondent Miguel Rivera-Nieves violating General Statutes § 9-236 (a) by electioneering within the Dutch Point Community Room polling place in the City of Hartford.

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. At all times relevant to the instant Complaint, Eva Bermudez-Zimmerman was a candidate for Lieutenant Governor during the August 14, 2018 Democratic Party Primary.
3. At all times relevant to the instant Complaint, Respondent Miguel Rivera-Nieves worked as an Assistant Registrar at the Dutch Point Community Room polling place during the August 14, 2018 Democratic Party Primary.

4. The Complainant here alleged that while she was casting her ballot in the August 14, 2018 primary at the Dutch Point Community Room, she personally heard and witnessed Respondent Miguel Rivera-Nieves tell another voter not to vote for Lieutenant Governor Candidate Eva Bermudez-Zimmerman, who is the Complainant's daughter.
5. The Complainant asserted that the Respondent told the other voter in Spanish, "No, not [Ms. Bermudez-Zimmerman] she's no good. She's not even Puerto Rican" and looked directly at the Complainant to make sure that she heard as well.
6. The Complainant further asserted that she accosted the Respondent and scolded him for "saying nasty things about a candidate."
7. She stated in her Complaint that others in the polling place heard and witnessed the exchange, but she did not identify any individual specifically and/or provide evidence to support her claims.¹
8. Commission investigators attempted to corroborate the allegations by interviewing the election workers on site that day and reviewing the moderator's diary.
9. The moderator's diary did not record the incident alleged by the Complainant here. However moderator Erica Davy did recall coming into the polling place to find an individual fitting the Complainant's description distraught and yelling at Respondent Rivera-Nieves.
10. The moderator stated that she attempted to intervene and inquire as to the Complainant's concern, but that the Complainant was very upset and continued to yell at Respondent Rivera-Nieves.
11. The moderator further stated that after a time she felt that she would be unable to address the Complainant's concern and as such she directed the Complainant to go to "City Hall" (presumably the Registrars' of Voters Office) to communicate her concerns.
12. The moderator also stated that she did not record the incident in the moderator's diary as she was unable to discern the nature of the confrontation with Respondent Rivera-Nieves.²

¹ The Commission notes that the Complainant was not cooperative in assisting the Commission with its investigation of her claim. The Complainant failed to return multiple inquiries made of her by Commission investigators by telephone and mail (including certified) seeking further information.

² The Moderator's Handbook, published by the Secretary of the State, recommends recording "any unusual situations or problems that occur." However, there are only certain events in which a moderator *must* record such event in the

13. The Commission's investigation revealed no other witnesses who would corroborate the allegations made by Complainant.
14. 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 by Mr. Rivera-Nieves.
15. Accordingly, this matter should be dismissed.

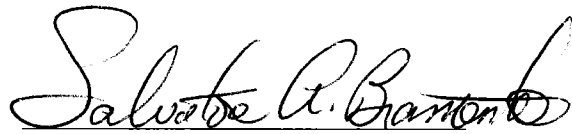
Moderator's Diary (E.g., bringing a ballot out to a voter suffering from a "temporary incapacity" pursuant to General Statutes § 9-261 (b)). These facts do not qualify under any statute in Title 9.

ORDER

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

Dismissed.

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

A handwritten signature in cursive script that reads "Salvatore A. Bramante".

~~Anthony J. Castagno, Chairperson~~

By Order of the Commission

Salvatore A. Bramante - Vice Chair