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STATE OF CONNECTICUT

STATE ELECTIONS ENFORCEMENT COMMISSION

In the Matter of a Referral by the West Hartford Registrar of Voters

File No. 2019-090

AGREEMENT CONTAINING CONSENT ORDER

This agreement by and between Robert Margolis (hereinafter "Respondent") 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. At all times relevant hereto, Patrice Peterson (the "Referring Official") was the Democratic Registrar of Voters for the Town of West Hartford.
2. The Referring Official alleged that the Respondent improperly entered polling places without a legal reason to do so in violation of General Statutes § 9-236.
3. The Connecticut General Statutes limit who may be within a polling place during an election. Specifically, General Statutes § 9-236 (c) provides:

No person shall be allowed within any polling place for any purpose other than casting his or her vote, except (1) those permitted or exempt under this section or section 9-236a, (2) primary officials under section 9-436, (3) election officials under section 9-258, including (A) a municipal clerk or registrar of voters, who is a candidate for the same office, performing his or her official duties, and (B) a deputy registrar of voters, who is a candidate for the office of registrar of voters, performing his or her official duties, or (4) party checkers under section 9-235. Representatives of the news media shall be allowed to enter, remain within and leave any polling place or restricted area surrounding any polling place to observe the election, provided any such representative who in any way interferes with the orderly process of voting shall be evicted by the moderator. A number of students in grades four to twelve, inclusive, not to exceed four at any one time in any one polling place, may enter any polling place between twelve o'clock noon and three o'clock p.m. for the purpose of observing the activities taking place in the polling place, provided there is proper parental or teacher supervision present, and provided further, any such student who in any way interferes with the orderly process of voting shall be evicted by the moderator. An elector may be accompanied into any polling place by one or more children who are fifteen years of age or younger and supervised by the elector if the elector is the parent or legal guardian of such children.

4. General Statutes § 9-235 details who may be appointed as an unofficial checker that may enter a polling place pursuant to General Statutes § 9-236 (c) (4). Candidates for office are specifically omitted from the list of those permitted to serve as unofficial checkers. General Statutes § 9-235 (c) ("No candidate for an office in an election may be an unofficial checker at such election.").

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5. The Commission is empowered to assess a civil penalty of not more than two thousand dollars for a violation of General Statutes § 9-236. See General Statutes § 9-7b.
6. At all times relevant hereto, Respondent was a candidate for the Connecticut House of Representative for the 19th District in the April 16th, 2019 special election.
7. During the course of the April 16th, 2019 special election, Respondent, by his own admission entered several polling locations to check the vote totals in each polling location.
8. When Respondent entered the polling location at Hall High School, a poll worker identified the Respondent as a candidate and caught up with him outside the polling location after he had checked the vote tally there.
9. The Moderator's Diary indicates, and the Respondent confirms, that the elections official that made contact with him outside of the Hall High School polling location told the Respondent that it was improper for him to enter the polling place.
10. The Respondent states that he did not enter any polling locations after that interaction outside of the Hall High School polling location.
11. It was not alleged, nor was any evidence discovered that the Respondent electioneered or even spoke with any voter while inside any polling location on April 16, 2019.
12. Prohibiting candidate interference with the process of elections is a matter the Commission has taken seriously. See *In the Matter of a Complaint by Linda Szykowiec, Middletown, File No. 2016-093A*; *In the Matter of a Referral by Nancy Ahern, 2018-011A*.
13. However, when a Respondent is a first time offender and the violation of General Statutes § 9-236 is not for the purpose of influencing or interfering with the process of voting, the Commission has declined to assess a civil penalty. *Id.*
14. All evidence available to the Commission indicates that when the Respondent was advised of the law he ceased his improper incursions into the polling place.
15. Based upon the foregoing, the Commission concludes that, by entering polling locations as a candidate on April 16, 2019, the Respondent violated General Statutes § 9-236.
16. Respondent admits all jurisdictional facts and agrees 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. Respondent shall receive a copy hereof as provided in Section 9-7b-56 of the Regulations of Connecticut State Agencies.
17. It is understood and agreed that this agreement will be submitted to the Commission at its next meeting and, if it is not accepted by the Commission, it is withdrawn by the Respondent and may not be used by either party as an admission in any subsequent hearing, if the same becomes necessary.

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18. 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.

19. Upon Respondent's compliance with the Order hereinafter stated, the Commission shall not initiate any further proceedings against Respondents pertaining to this matter, and this agreement and order does not serve as a prospective ban on future contracts between Respondent and state agencies.

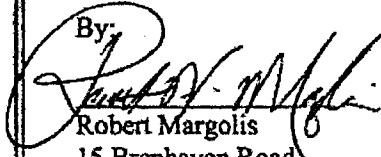
ORDER

IT IS HEREBY ORDERED THAT Respondent shall henceforth strictly comply with the requirements of General Statutes § 9-236.


The Respondent:

For the State of Connecticut:

By:


Robert Margolis
15 Brenhaven Road
Avon, CT 06001 06117

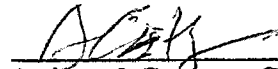
By:


Michael J. Brandi, Esq.,
Executive Director and General
Authorized Representative of the State
Elections Enforcement Commission
20 Trinity Street, Suite 101
Hartford, CT 06103

Dated: 3/10/2020

Dated: 3/10/2020

Adopted this 20th day of MAY, 2020 at Hartford, Connecticut


Anthony J. Castagno, Chairman
By Order of the Commission