

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

In the Matter of a Complaint by John Flynn, Norwalk

File No. 2020-027

**FINDINGS AND CONCLUSIONS**

The Complainant filed the instant complaint with the Commission pursuant to Connecticut General Statutes § 9-7b. The Complaint alleged that the Respondent, Norwalk Police Lieutenant Mattera, in his official capacity, did not allow him to set up campaign paraphernalia and signs outside the Columbus Magnet School polling location in Norwalk. The following are the Commission's findings of fact and conclusions of law:

1. General statutes § 9-236 (a) provides:

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 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.

2. The Complainant alleged that Respondent compelled him to move campaign signs and a 10 foot by ten foot canopy tent that he had set up on the grounds of Columbus Magnet School.
3. The police report generated at the time of the incident by Respondent Mattera provided that in pertinent part:

On this date I was working an extra-duty assignment at Columbus School. Columbus School was one of the voting locations within the City of Norwalk. I was working the location with Det. Kougioumtzidis who was in the front of the school and I was in the parking lot to the rear of the school.

Det. Kougioumtzidis contacted me and asked me to meet him to the front of the school. I drove to the front of the school and was advised by Det. Kougioumtzidis that a gentleman wanted to set up a pop-up tent in the middle of Arthur J. Perschino Way which is a one way street in front of Columbus School. Det. Kougioumtzidis had advised him that he could not block the roadway and he could not be on private property. The gentleman had now moved the tent which was now partially on King Kennedy property. I re-affirmed Det. Kougioumtzidis' instructions to him. At which point the gentleman got into simultaneous discussion with another gentleman there about signs and who was blocking who's signs. I tried as best to resolve the issue but made a decision to have the Election Moderator come out and deal with the situation.

The Election Moderator came out and spoke to the gentleman and re-iterated what Det. Kougioumtzidis and I had advised him. She advised him where he could put the pop-up tent and the gentleman so moved the tent to that location. Once the Election Moderator was satisfied I cleared the area and as I was leaving asked the other gentleman who that person was and I was advised Mr. John Flynn. I was not made aware of any other incidents.

The entire incident was captured on body-cam which was tagged.

4. Respondent Mattera's account of the event was confirmed by the contemporaneous police report of Norwalk Police Detective Kougioumtzidis which stated:

On 11/05/2019, I was working an extra work job at Columbus Magnet School located at 46 Concord St. Columbus school was designated as one of the schools for voting. I had my marked police cruiser parked in front of the side entrance of the schools main entry road facing Chestnut St. The road is identified as Arthur J. Perschino Way. The road is one way facing East designated for vehicles to have access to the school.

I observed a white male later identified as John Flynn arrive and start to place multiple signs, a chair and canopy in front of the entrance to Arthur J. Perschino Way. At first I assumed the individual would move the items from blocking the road but he continued to set up in front of the entrance/exit. As I started to make my way towards his location, I was contacted by Mike Mushak who was part of the Democratic Party and in the same location. Mushak advised me that he spoke with Flynn and that he told him he was going to place his signs and canopy in front of the entrance. I contacted Flynn and asked what was he going to do with all the items in front of the entrance, Flynn stated he was going to set up his signs there and the canopy because it was going to rain. Flynn continued to say that he had permission and was told he could put his signs there. I asked who gave him

permission and he failed to provide any names, even when asked multiple times over and over he would not provide any names. I advised Flynn that he could not leave the items there because he was blocking the road which vehicles, including EMS and or Fire might need to pass. Flynn then started to move his canopy to the side placing half on the side of King Kennedy lot and half on the edge of the road. Again I advised Flynn he could not place his items there.

Flynn continued to argue and stated it was fine where he placed it. I contacted Lt. Mattera who was also working at this location to respond to my location. Lt. Mattera arrived and advised Flynn that he could not block the road and had to move his belongings. I then proceeded to contact the moderator in charge Jackie Byron who was currently inside the school. Byron came outside and I advised her of the issue regarding Flynn's signs and canopy. Byron advised Flynn that he could not place the canopy at that location due to it being private property and that he needed prior permission. Byron showed Flynn where he was allowed to place his items as long as he was not blocking the signs already in place from other parties. Flynn moved his belongings and placed them on Chestnut St to the side facing the school. Byron stated she was satisfied with that spot and advised me to let her know if we require anything further. Incident was captured with my body camera.

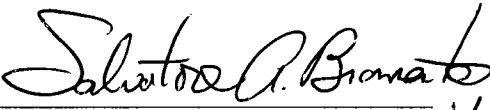
5. These reports were further confirmed by Moderator Jackie Byron's statement to Commission investigators in the course of this investigation.
6. In this case, it appears not only that Respondent Mattera, Detective Kougioumtzidis, and Moderator Byron acted appropriately in this case, but did so in the least restrictive manner possible.
7. Based upon this foregoing, it is the determination of the Commission that 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 20<sup>th</sup> day of May, 2020 at Hartford, Connecticut.

  
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Anthony J. ~~Castagno~~, Chairperson - *Vice*  
By Order of the Commission  
