

STATE OF CONNECTICUT  
STATE ELECTIONS ENFORCEMENT COMMISSION

In the Matter of a Complaint by  
Harry Krazia Jr., Farmington

File No. 2007-187

FINDINGS AND CONCLUSIONS

Complainant brings this complaint pursuant to Connecticut General Statutes § 9-7b and alleges that the Farmington Board of Education and Farmington Future violated General Statutes § 9-369b in connection with a flyer that was sent home with elementary and upper elementary school students.

After an investigation of the complaint, the following Findings and Conclusions are made:

1. Farmington Future is duly registered with the Farmington Town Clerk as an ongoing political committee of two or more individuals. Farmington Future produced and delivered flyers to the elementary and upper elementary schools in Farmington, which encouraged voters to support Farmington schools and the Farmington town budget. On March 30th and April 6th respectively, the Farmington Future flyers were disseminated as inserts in the "Friday Folders" to elementary school and upper elementary school students. "Friday Folders" are an apparatus for the school system to send items home with the students.
2. General Statutes § 9-369b provides in pertinent part:

“(a) Except as provided in subsection (b) of this section, any municipality may, by vote of its legislative body, authorize the preparation and printing of concise explanatory texts of local proposals or questions approved for submission to the electors of a municipality at a referendum. . . . Except as provided in subsection (d) of this section, **no expenditure of state or municipal funds shall be made to influence any person to vote for approval or disapproval of any such proposal or question.**” [Emphasis added.]
3. The Commission has consistently concluded that the use of school children as couriers to deliver advocacy material constitutes an expenditure of public funds. (See, e.g., *Complaint by Ethel Standish, Windham, File No. 89-201.*)
4. The prohibition on the expenditure of public funds contained in General Statutes § 9-369b only applies once a referendum is "pending" and all the necessary legal steps have taken place to ensure that the question will be submitted to voters.

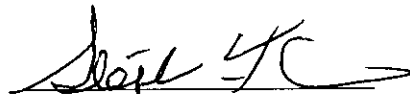
5. In the present case, Legal Notice for the Town of Farmington Annual Town Meeting scheduled for April 23, 2007 and the Referendum scheduled for May 3, 2007 appeared in *The Hartford Courant* on April 10, 2007. The Referendum was not legally pending on March 30<sup>th</sup> or April 6<sup>th</sup> and accordingly, the dissemination of the Farmington Future flyer via the elementary and upper elementary schools in the "Friday Folders" on those dates did not violate General Statute § 9-369b.
6. Furthermore, Farmington Superintendent of Schools Doctor Robert Villanova consulted a member of the Commission staff prior to distributing the flyers at issue and was advised the distribution was permissible because the referendum was not legally pending.

ORDER

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

The complaint is hereby dismissed.

Adopted this 18<sup>th</sup> day of July, 2007 at Hartford, Connecticut.



Stephen F. Cashman, Chairman  
By Order of the Commission