

STATE OF CONNECTICUT
STATE ELECTIONS ENFORCEMENT COMMISSION

Complaint of Judy Aron
West Hartford

File No. 2008-073

**AGREEMENT CONTAINING HENCEFORTH ORDER
FOR A VIOLATION OF GENERAL STATUTES § 9-369b**

This agreement, by and between Sharon LaPointe, of the Town of West Hartford, County of Hartford, State of Connecticut (hereinafter referred to as the Respondent) and the authorized representative of the State Elections Enforcement Commission is entered into in accordance with § 9-7b-54 of the Regulations of Connecticut State Agencies and § 4-177(c) of the General Statutes of Connecticut. In accordance herewith, the parties agree that:

1. On June 17, 2008 the Town of West Hartford held a budget referendum. The budget referendum was legally pending on May 27, 2008.
2. Complainant filed the instant complaint with the Commission on June 12, 2008 alleging that the Morley Elementary School Parent Teacher Organization (hereinafter the Morley PTO) violated General Statutes § 9-369b in connection with the June 2008 *Morley PTO News* and the June 17, 2008 budget referendum.
3. Complainant specifically alleged that the June 2008 *Morley PTO News* was posted on a publicly funded web server and that the June 2008 *Morley PTO News* advocated a position on the June 17, 2008 budget referendum. Respondent was the president of the Morley PTO at the time the *Morley PTO News* was posted.
4. The *Morley PTO News* is the newsletter for the Morley PTO. The Morley PTO, in an effort to go "green" began posting their newsletter on-line beginning with the January/February 2008 newsletter. The URL for the Morley PTO is <http://www.whps.org/School/morley/MorleyPTO/>. The URL for the Morley Elementary school is <http://www.whps.org/school/morley/index.htm>.
5. The *Morley PTO News* dated June 2008, includes a request to volunteers to help inform the Morley Community regarding the upcoming town budget referendum and to have volunteers in high traffic areas put up "Vote Yes" lawn signs in their yard. The *Morley PTO News* dated June 2008 was posted on the publicly funded URL, <http://www.whps.org/School/morley/MorleyPTO/> after May 27, 2008.
6. General Statutes § 9-369b provides in pertinent part:

... **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.** Any municipality may, by vote of its legislative body and subject to the approval of its municipal attorney, authorize the preparation and printing of materials concerning any such proposal or question in addition to the explanatory text if such materials do not advocate the approval or disapproval of the proposal or question. This

subsection shall not apply to a written, printed or typed summary of an official's views on a proposal or question, which is prepared for any news medium or which is not distributed with public funds to a member of the public except upon request of such member. [Emphasis added.]

7. The Commission concludes that the June 17, 2008 budget referendum was legally pending for purposes of General Statutes § 9-369b on May 27, 2008.
8. The Commission further concludes that the Morley PTO, by posting on a publicly funded web-server, a request in the June 2008 *Morley PTO News* for volunteers in high traffic areas to put up "Vote Yes" lawn signs in their yard, violated General Statutes § 9-369b by advocating a position on the June 17, 2008 budget referendum.
9. The 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. The Respondent shall receive a copy hereof as provided in § 9-7b-56 of the Regulations of Connecticut State Agencies.
10. 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 as an admission in any subsequent hearing, if the same becomes necessary.
11. 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.
12. Upon the Respondent's compliance with the Order hereinafter stated, the Commission shall not initiate any further proceedings against the Respondent pertaining to this matter.

ORDER

IT IS HEREBY ORDERED that the Respondent shall henceforth strictly comply with the requirements of General Statutes § 9-369b.

For the State of Connecticut:

BY: Joan Andrews

Joan M. Andrews, Esq.
Director of Legal Affairs and Enforcement
& Authorized Representative of the
State Elections Enforcement Commission
20 Trinity St., Suite 101
Hartford, CT

Dated: 4.14.09

The Respondent:

Sharon LaPointe

Sharon LaPointe
West Hartford, CT

Dated: 3-10-09

Adopted this 8th day of April of 2009 at Hartford, Connecticut

Stephen F. Cashman

Stephen F. Cashman, Chairman
By Order of the Commission