

STATE OF CONNECTICUT
STATE ELECTIONS ENFORCEMENT COMMISSION

In the Matter of a Complaint by Thomas Arras, Woodbury

File No. 2016-003

FINDINGS AND CONCLUSIONS

The Complaint in this matter concerns the alleged removal of the Complainant's signs advocating against a referendum from public property by the Respondent. As detailed hereinafter, it is the Commissions determination that this matter should be dismissed.

1. Complainant, Thomas Arras was, at all times relevant hereto, a resident of the Town of Woodbury.
2. Respondent, William J. Butterly was, at all times relevant hereto, the First Selectman of the Town of Woodbury.
3. Complainant alleges that he had placed six signs stating "Please Vote No" "at intervals along Woodbury's Main Street South for the Town's July 28, 2015 Budget Referendum."
4. Complainant further alleges that "On the morning of July 28, 2015, William Butterly, While Working as First Selectman, and thus being paid by the Town, removed my signs[.]"
5. Complainant further alleges that Respondent "removed only my 'Please Vote No' signs while allowing 'Vote Yes' and 'Please Vote' and 'Vote Today' signs to remain along Main Street South[.]"
6. General Statutes § 9-369b (a) (4) provides:

Except as specifically authorized in 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 or to otherwise influence or aid the success or defeat of the referendum. The provisions of this subdivision shall not apply to a written, printed or typed summary of any 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.


7. The Commission has not previously issued an opinion concerning whether the *selective* removal of referendum advocacy signs by a town official while the town official is “on the clock” would be a violation of Connecticut’s election laws.
8. While such unique facts *may* result in a finding of a violation, based on the evidence discovered in this case and detailed herein after, the Commission need not reach such a conclusion here.
9. In his response to the investigation, Respondent admitted that he removed Complainant’s signs from public property as alleged.
10. However, Respondent further claimed that he removed all “advocacy signs” while allowing generic reminders about the referendum and exhortations to vote (i.e., “Vote Today”).
11. Respondent stated that there were no signs on public property that advocated for an affirmative vote on the referendum.
12. The investigation into this matter did not reveal any evidence that there were ever any advocacy signs encouraging an affirmative vote on the referendum.
13. In the absence of evidence of *selective* removal, removal of signs concerning a referendum does not amount to a violation of General Statutes § 9-369b.
14. Because neither the Complainant nor the investigation into this matter revealed sufficient evidence to prove Respondent’s removal of Complainant’s signs were intended “to influence any person to vote for approval or disapproval” of the referendum, the Commission concludes that this matter should be dismissed.

ORDER

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

This matter is dismissed.

Adopted this 13th day of July, 2016 at Hartford, Connecticut.



Anthony J. Castagno, Chairperson
By Order of the Commission