

STATE OF CONNECTICUT
STATE ELECTIONS ENFORCEMENT COMMISSION

Complaint of Thomas Kelly of Oxford,

File No. 2010-069

FINDINGS AND CONCLUSIONS

Complainant filed this complaint with the Commission pursuant to General Statutes § 9-7b, alleging that Oxford First Selectwoman Mary Ann Drayton-Rogers, Town Counsel Francis Teodosio and Town Clerk Margaret Potts West, violated General Statutes § 9-369b by authorizing the allegedly prejudicial language of a referendum question.

After an investigation of the matter, the Commission makes the following findings and conclusions:

1. The Complainant claims that part of the wording of a referendum question itself (i.e., “as approved and unanimously recommended by both the Great Oak Roof & Solar Panel Project Committee and the Board of Selectmen (3-0)?”) was influential and prejudicial to the outcome of the referendum question.
2. General Statutes § 9-369b provides, in relevant part:

... [A]ny 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 ... *Such text shall not advocate either the approval or disapproval of the proposal or question* ... [N]o 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.]

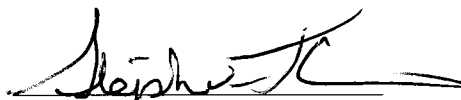
3. The Commission concludes that these provisions apply to any explanation of the referendum which is printed and/or disseminated by the town and not to the wording of the actual referendum question. See, *In the Matter of a Complaint by Daniel Mederios*, Southington SEEC File No. 1991-229, at paragraphs 6-7. Thus, even if the facts alleged by the Complainant are true, the Respondents have not violated § 9-369b as alleged.

ORDER

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

That the matter be dismissed.

Adopted this 21ST day of September 2011 at Hartford, Connecticut



Stephen F. Cashman, Chairman
By Order of the Commission