

STATE OF CONNECTICUT
STATE ELECTIONS ENFORCEMENT COMMISSION

Complaint of Malcolm Barlow,
Manchester

File No. 2012-143

FINDINGS AND CONCLUSIONS

The Complainant filed this complaint with the Commission pursuant to General Statutes § 9-7b concerning a referendum held by the Town of Manchester coinciding with the November 6, 2012 general election. The Complainant alleges that the wording of the referendum question itself was biased in violation of General Statutes § 9-369b.

After a preliminary investigation of the Complaint, the Commission makes the following findings and conclusions:

1. Based on the information alleged in the complaint, the Town of Manchester's referendum question regarding the Mary Cheney Library was authorized in the form of a question, beginning with "shall" and providing a "yes" or "no" option for the vote.
2. General Statutes § 9-369b provides, in relevant part:

Whenever at any regular or special state or municipal election any vote for approval or disapproval of ... any question or proposal is taken...The vote on such amendment, question or proposal shall be taken by a "Yes" and "No" vote on the voting machine, and the designation of such amendment, question or proposal on the voting machine ballot label shall be "Shall (here insert the question or proposal, followed by a question mark)"....

3. The Commission finds that the form of the referendum question comported with the requirements of § 9-369 by beginning with "shall" and ending with a question mark.
4. General Statutes § 9-369b (a) 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....

5. The Commission concludes that the above restrictions in § 9-369b (a) do not apply to the wording of the referendum question itself. See *Complaint by Daniel Mederios, Southington*, File No. 1991-229, at paragraphs 6-7. *Complaint of Thomas Kelly, Oxford*, File No. 2010-069. *Complaint of Nancy Sharp, Woodbury*, File No. 2011-010 at paragraph 13.

ORDER

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

That the matter be dismissed.

Adopted this 14th day of November, 2012 at Hartford, Connecticut



Stephen F. Cashman, Chairman
By Order of the Commission