

**STATE OF CONNECTICUT**  
**STATE ELECTIONS ENFORCEMENT COMMISSION**

Complaint of John S. McGinnis, Bridgeport

File No. 2012-172

**FINDINGS AND CONCLUSIONS**

The Complainant filed this complaint with the Commission pursuant to General Statutes § 9-7b concerning a referendum held by the City of Bridgeport, Connecticut coinciding with the November 6, 2012 general election. In the light most favorable to the Complainant, the allegations in the complaint may be construed as potentially alleging a violation of General Statutes § 9-369b by persons unknown who authorized the expenditure of municipal funds, through payments for city employees or equipment, to remove signs from public property that advocated for or against the adoption of a referendum question.

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

1. The Complainant alleges that on the day of a Bridgeport referendum, coinciding with the November 6, 2012 general election, individuals operating out of blue City of Bridgeport (the "City") trucks removed political signs from public property or other public roadways. The Complainant specifically notes that, "it did not matter Republican or Democrat[.] The signs were just taken..."
2. The Complainant alleges that, shortly after some of the signs were removed, he observed other signs appearing in public areas that advocated support for the adoption of the referendum question. As a matter of speculation, the Complainant states that it is possible City employees were involved in the placement of such signs, but offers no specific allegation or evidence rising to the level of reasonable suspicion for such a claim nor was any such evidence obtained in the course of the investigation.
3. The City has cooperated fully with the instant investigation and has provided a written response stating that: (1) the City has adopted various public ordinances, including Chapter 12, § 16 of the City of Bridgeport Code of Ordinances, that prohibit the erection of political signs within the City's rights of way or otherwise on public property; (2) the City's Public Facilities Department is charged with responsibility for all matters related to City streets under Chapter 2, § 52 of the City of Bridgeport Code of Ordinances; and (3) the City's Public Facilities Department removes political signs from public property in the usual course of business.

4. To the extent possible, the City has denied any basis for the allegations other than to state that the non-partisan removal of signs from public areas is a normal operation of the City's Public Facilities Department. The City further states that, unlike the allegation in the complaint, the City does not own or operate any vehicles fitting the description of the "blue" truck.
5. The City has provided a specific denial that the City's Public Facilities Department employees erected any political signs on public property as alleged in the complaint.
6. The City has provided a general denial that City's Public Facilities Department utilizes public sector employees and equipment to support partisan political agendas.
7. General Statutes § 9-369b (a) provides, in relevant part:

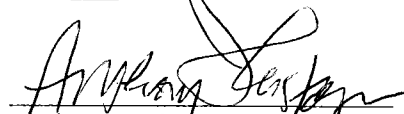
[N]o expenditure of state or municipal funds shall be made to influence any person to vote for approval or disapproval of any such [referendum] proposal or question....
8. Neither "municipal funds" nor "funds" are defined for purposes of Chapter 152 (Referenda). However, for purposes of Chapter 112 (Municipal Financing), "public funds" is defined in General Statutes § 7-401 (4) as "any moneys collected or received by, or in the custody of, any person and belonging to, or held in trust for, the municipality, including, but not limited to, moneys held in trust or for some public or charitable purpose by the municipality."
9. In utilizing municipal funds relative to general advocacy for or against the adoption of a referendum question, the City, "may not pick and choose among the speakers on the basis of the content or viewpoint of their speech. See *City of Madison v. Wisconsin Employment Relations Commission*, 428 U.S. 167 (1976)." *Complaint of George A. Ruhe, Wethersfield*, File No. 2012-045. To the extent that City funds were used to remove signs along public roadways in the regular course of business and on a non-partisan basis, the Commission concludes that this is permissible under General Statutes § 9-369b (a).
10. The Commission concludes that evidence obtained in the course of the investigation is insufficient to find any alleged violation.

**ORDER**

The following is ordered on the basis of the aforementioned findings:

That the matter be dismissed.

Adopted this 15<sup>th</sup> day of may of 2013 at Hartford, Connecticut



Anthony J. Castagno, Chair  
By Order of the Commission