

STATE OF CONNECTICUT
STATE ELECTIONS ENFORCEMENT COMMISSION

In the Matter of a Complaint by Michael A. Pace
Town of Old Saybrook

File No. 2015-022

FINDINGS AND CONCLUSIONS

Complainant Michael A. Pace brought this complaint pursuant to General Statutes § 9-7b, alleging that a mailer he received supporting a municipal referendum related to the purchase of a new police boat for the Town of Old Saybrook may have been supported by a municipal agency. After investigating the allegations in the complaint, the Commission makes the following findings and conclusions.

1. Complainant alleged that on February 21, 2015, he received a mailer at his home seeking his support for an upcoming municipal referendum regarding the purchase of a police boat. The mailer contained no attribution but referred readers to a website called “www.itsjustaboat.com.” Complainant stated that given the municipal departments that likely would benefit from the purchase of a new boat, he believed that a municipal department may have generated the mailing. Complainant named no potential respondents.
2. General Statutes § 9-369b (a) (4) prohibits the “expenditure of . . . municipal funds . . . to influence any person to vote for approval or disapproval of any such proposal or question or to influence or aid the success or defeat of the referendum.”¹
3. The Commission’s three-part analysis to determine if communications violate General Statutes § 9-369b, requires answering the following queries:
 - (1) whether the communications advocate an outcome on a referendum question;
 - (2) whether those communications were made with public funds, and;
 - (3) whether the communications was issued while a referendum was pending.
4. In this instance, the Commission’s investigation could not ascertain that any public funds were used in the creation of either the mailer or the website advocating for the purchase of the police boat.

¹ General Statutes § 9-369b (a)(1) (prohibiting spending of municipal funds to promote referendum outcome).

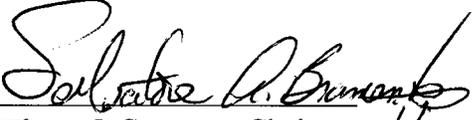
5. As part of its investigation, the Commission was able to determine that both the website and the mailer were paid for by a private individual.
6. The Commission found, however, no evidence to support Complainant's allegation that public funds were used to produce the February 2015 mailer or the website that promoted a positive outcome in the 2015 referendum in Old Saybrook.
7. Complainant's allegation is therefore dismissed as there were no facts to support his allegation.

ORDER

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

That the Complaint be dismissed.

Adopted this 15th day of February of 2017 at Hartford, Connecticut.


~~Anthony J. Castagne, Chairman - Vice~~
By Order of the Commission
