

STATE OF CONNECTICUT
STATE ELECTIONS ENFORCEMENT COMMISSION

In the Matter of a Complaint by Ronald C. Eleveld,
Windsor

File No. 2016-054

FINDINGS AND CONCLUSIONS

Complainant brought this Complaint pursuant to Connecticut General Statutes § 9-7b. Complainant alleged that Windsor Superintendent of Schools and various other groups and individuals violated referenda and campaign finance laws, pertaining to expenditures in support of a June 7, 2016 referendum in the Town of Windsor. After its investigation of this complaint, the Commission makes the following findings and conclusions:

1. Complainant alleged that certain individuals and groups violated campaign finance laws by advocating for the June 7, 2016 referendum in the Town of Windsor by, among other things, using public funds for advocacy; by failing to register as a referendum committee with the Windsor Town Clerk's office and by failing to provide disclaimers on signs and social media sites that advocated for the referendum.
2. Specifically, Complainant alleged that: Dr. Craig Cooke, Windsor Superintendent of Schools, violated General Statutes § 9-369b by using public funds to distribute lists of parents' email addresses to individuals and groups that advocated for a "yes" vote at the June 7, 2016 referendum.
3. To the extent that Complainant's allegations pertain to individuals other than Dr. Cooke, they are treated under separate dispositions.
4. General Statutes § 9-369b, provides in pertinent part:
(a) (1) Except as provided in subsection (b) of this section, any 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.... Except as provided in subsection (d) of 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.***
[Emphasis added.]

5. General Statutes § 9-369b prohibits the use of public funds to advocate for or against a referendum. Complainant alleged that the Dr. Cooke violated that section by releasing Windsor lists of Windsor Public School parents' email addresses to influence the June 7, 2016 referendum in the Town of Windsor.
6. Upon investigation, it was determined that Dr. Cooke on June 7, 2016 provided a list of email addresses of Windsor High School parents to Ms. Darlene Clark Klase, Co-chair of the Windsor High School Governance Council. Further, on June 7, 2016 Respondent Cooke provided a list of email addresses of Clover Street School parents and a list of email addresses of Poquonock School parents to Ms. Stacey Samson, Secretary of the Parent Teacher Organization of those Windsor schools.
7. The Commission further finds that lists of email addresses of Windsor Public School parents were designated by the Windsor Board of Education as "directory information" that could be released. Moreover, the Commission finds that such lists, were deemed *not* protected by educational privacy laws by the Windsor Public Schools attorney. The Commission finds that Dr. Cooke was advised by Windsor Public Schools counsel that such lists could be released upon request and pursuant to the Freedom of Information Act and rulings by the Freedom of Information Commission.
8. The Commission concludes after investigation that the release of lists of parent email addresses did not constitute advocacy or as a matter of law otherwise constitute an authorization of the expenditure of public funds to advocate for the referendum by Respondent Cooke in violation of General Statutes § 9-369b.
9. Complainant's allegation pertaining to Dr. Cooke and his alleged violation of General Statutes § 9-369b and the June 7, 2016 referendum in the Town of Windsor is therefore dismissed as it was not supported by the facts or the law after investigation.

ORDER

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

That the Complaint be dismissed.

Adopted this 19th day of April, 2017 at Hartford, Connecticut



Anthony J. Castagno, Chairman
By Order of the Commission

2 Salvatore A. Bramante Vice