

STATE OF CONNECTICUT
STATE ELECTIONS ENFORCEMENT COMMISSION

In the Matter of a Complaint by Lauren Blaha,
Killingworth

File No. 2019-094

FINDINGS AND CONCLUSIONS

Complainant Lauren Blaha filed this Complaint pursuant to General Statutes § 9-7b. The Complainant alleged violations of General Statutes § 9-369b by the Killingworth Public Library. After its investigation, the Commission makes the following findings and conclusions:

1. Complainant alleged that the Town of Killingworth violated the provisions of Section 9-369b by allowing the use of a public meeting room by individuals to phone bank pertaining to passage of the Regional School Board #17 school budget referendum on May 7, 2019.

2. More specifically, complainant alleged that:

May 6 2019, I arrived at the Town Hall at approximately 5:15 pm ... to retrieve the sealed Optical Scanner for the [May 7, 2019] Regional School #17 School Budget Referendum that was being held at Killingworth Elementary School the following day. ... [A] Gentlemen and a women came in asking where they were to go as Robin Duffield had made arrangements for them to use a room to make phone calls for the referendum. I knew that Robin was involved with the Teachers union. I went and inquired with [Selectman] Lou [Annio] if he knew about this activity and told him who they were and why they were in the building.

We were both concerned about a Town Building being used, I went in and asked if they were going to be using the Town phones, they informed me that they were using their cell phones.

When I left to go to the school Lou was talking to First Selectwomen Catherine Iino via phone about the group using the Town Hall building.

3. At all times relevant to this Complaint, Catherine Iino was the First Selectman in the Town of Killingworth. The Regional School District 17 is made up of the Towns of Haddam and Killingworth. On May 7, 2019 R.S.D. 17 held its 2019-2020 budget referendum in its respective towns.

4. General Statutes § 9-369b provides in pertinent part:

(a)(1)(A) Except as provided in subdivision (2) of this subsection, any municipality may, by vote of its legislative body, authorize the preparation, printing and dissemination of concise explanatory texts or other printed material with respect to local proposals or questions approved for submission to the electors of a municipality at a referendum. For the purposes of this section, in a municipality that has a town meeting as its legislative body, the board of selectmen shall be deemed to be the legislative body of such municipality....

...
(4) Except as specifically authorized in 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 or to otherwise influence or aid the success or defeat of any such referendum.*** The provisions of this subdivision shall not apply to a written, printed or typed summary of any 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. For purposes of this section, the maintenance of a third-party comment posted on social media or on an Internet web site maintained by the state, a municipality or a regional school district permitting such third-party comments shall not constitute an expenditure of state or municipal funds. [Emphasis added.]

5. The threshold issue of this complaint is whether a violation of General Statutes § 9-369b occurred based on the use of a room in Killingworth Town Hall for phone banking pertaining to a pending referendum. There is no allegation that public equipment, telephones or otherwise, were used for the phone banking.
6. Catherine Iino cooperated fully with this investigation and provided a detailed response and explanation regarding these allegations. Ms. Iino indicated that a group of individuals asked her approximately two weeks prior to the May 7, 2019 referendum to use public meeting space prior to the voter for phone banking. She identified them as Teacher's Union members and gave them permission based on their representations that they would use their own cell phones.

7. Pertaining to the use of public meeting spaces in Killingworth generally, Ms. Iino indicated that the town “has very limited meeting spaces,” and that the town therefore allows:

Civic organizations, political parties, and other groups to use town facilities when they are not otherwise in use. I viewed the request to use the space as coming from a civic organization, and so I agreed to the group’s use of the space. ... [W]e have allowed use of the building as a forum for public communication [previously].

The Commission finds the above assertions consistent with the published policies for use of Town of Killingworth facilities. The Commission, after investigation, found no evidence contrary to these assertions.

8. After investigation, and consistent with the complaint, it was determined that the Teacher’s Union volunteers used public meeting space at Killingworth Town Hall for phone banking to advocate for a referendum. The Commission finds that the personal cell phones were used for this phone banking operation.
9. Therefore, the Commission finds that its analysis and application of General Statutes § 9-369b turns on whether the use of public meeting space by a group of individuals to operate a phone bank in favor of a referendum the night before the May 7, 2019 R.S.D. 17 budget referendum constituted a public expenditure for purposes of applying General Statutes § 9-369b.
10. After investigation, the Commission finds that there is ample evidence that Killingworth allows the use of its meeting space in Town Hall for civic organizations and community groups at no charge. Further, the Commission finds that there is evidence that the use of such space is on a first-come-first served basis.
11. The Commission finds credible evidence that the use of the meeting space for phone banking by members of the Teacher’s Union on the night of May 6, 2019 was permitted based on the aforementioned general use policy and was not influenced by whether the group using it was promoting or opposing the May 7, 2019 R.S.D. 17 budget referendum.
12. The Commission finds, after investigation, a lack of evidence that any group of individuals was restricted or denied the use of public space for meeting regarding the upcoming May 17, 2019 R.S.D. 17 referendum.

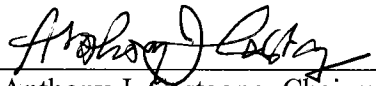
13. The Commission consequently concludes that the fact that a group was allowed to use public meeting space at Killingworth Town Hall the night before the May 7, 2019 R.S.D. 17 school budget referendum, did not amount to a public expenditure for purposes of applying General Statutes § 9-369b.
14. The Commission concludes therefore that General Statutes § 9-369b and its prohibitions governing public expenditures, under these narrow and specific facts, were not violated. Complainant's allegation is therefore dismissed.

ORDER

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

That the Complaint be dismissed.

Adopted this 20 day of NOV 2019 at Hartford, Connecticut



Anthony J. Castagno, Chairman
By Order of the Commission