

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

In the Matter of a Complaint by Patricia George, Killingly

File No. 2025-011

**FINDINGS AND CONCLUSIONS**

This complaint was brought pursuant to General Statutes § 9-7b. The complainant, a member of the Killingly Town Council, alleges that the Respondents, members of the Killingly Board of Education (“BOE”), sent out communications via email, and shared them on Facebook, advocating a position on a pending referendum in violation of Connecticut General Statutes § 9-369b.

**Complaint**

1. On or about May 5, 2025, the Commission received the above-captioned complaint alleging that Respondents Sue Nash and Susan Lannon, members of the BOE, violated General Statutes § 9-369b by using public funds to advocate a position on a legally pending referendum in the town of Killingly.

**Applicable Law**

2. This matter is governed by General Statutes § 9-369b(a)(4) which provides the following:

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.

**Facts Found After an Investigation**

3. Complainant provided a copy of the May 1, 2025, letter that the Respondents emailed to parents and guardians of the Killingly Public Schools via an email address with the Killingly Public Schools email domain. The letter listed the potential ramifications to the district’s staffing and building resources if the Killingly Town Council’s proposed \$1,800,000 reduction to the BOE budget went into effect. The letter

was also shared on Respondent Lannon's Facebook page as well as the District's Facebook page.

4. The Commission finds that at the May 5, 2025 Annual Town Meeting, the Town Council approved the budget for a referendum vote to be held on May 13, 2025.

### **Analysis and Conclusions**

5. The Commission applies a three-prong test to determine whether a communication violated General Statutes § 9-369b: (1) whether the communication advocates; (2) whether the communication was made while a referendum was pending; and (3) whether the communication was made with public funds. See *In the Matter of a Complaint by Joseph A. DeLucia*, Norwich, File No. 2023-005; *In the Matter of a Complaint by Matthew Paulson*, Bethel, File No. 2015-030; and *In the Matter of a Complaint by Patrick S. Dwyer*, Bridgewater, File No. 2014-049.

6. The Commission has held that a referendum is legally pending when all of the necessary legal conditions have been satisfied to require that a referendum be held.<sup>1</sup> *In the Matter of a Complaint by Alex Ruskewich*, Wilton, File No. 2014-118A.

7. Where a municipality utilizes an adjourned town meeting format, the Commission has held that all necessary legal conditions have been satisfied when a town meeting is adjourned to convene a referendum. *In the Matter of a Complaint filed by Kirk Carr*, Clinton. File No. 2014-053.

8. The Commission finds that at the May 5, 2025 Annual Town Meeting, the Town Council approved the budget for a referendum vote to be held on May 13, 2025. As the final budget was not determined prior to the adjournment of the Annual Town Meeting, the Commission finds that May 5, 2025 is the date the referendum became legally pending for purpose of this analysis.

9. It follows that because the budget referendum was not pending until the adjournment of the May 5, 2025 Annual Town Meeting, any materials disseminated by the Town and/or the Respondents prior to the adjournment were not subject to the prohibitions of General Statutes § 9-369b.

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<sup>1</sup> The Killingly Town Charter, Chapter VII, §1007 provides that: "the annual budget shall become effective only after it has been approved by [the Town] Council in accordance with the provisions of Section 1005 of this Chapter, and adopted as an ordinance at a Town Meeting, called and conducted... by a machine vote by a majority of those persons eligible to vote.... The Annual Town Meeting shall consider the budget submitted by the Town Council and may increase or decrease any appropriation contained therein. Following the conclusion of the Annual Town Meeting, said Meeting shall be adjourned to a machine vote."

10. As the threshold question of whether the referendum was legally pending has been answered in the negative, the Commission will not make determinations on whether the communications advocated were made with public funds.

11. The Commission therefore, based on the foregoing, dismisses this matter as the allegations were not supported by the facts or the law after investigation.

### ORDER

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

That this matter is dismissed.

Adopted this 16<sup>th</sup> day of July 2025, at Hartford, Connecticut.



Stephen T. Penny, Chairman  
By Order of the Commission

/s/ Zak Jazlowiecki, Esq.

State Elections Enforcement Commission  
Supervising Attorney

Pursuant to Connecticut Practice Book  
§3-15 and §3-17<sup>2</sup>

Dated: 7/16/2025

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<sup>2</sup> Pursuant to Connecticut Practice Book Sections 3-14 through 3-21, Certified Legal Intern Grace Galey helped prepare this document.