



House of Representatives

General Assembly

File No. 172

February Session, 2004

House Bill No. 5018

House of Representatives, March 23, 2004

The Committee on Government Administration and Elections reported through REP. O'ROURKE of the 32nd Dist., Chairperson of the Committee on the part of the House, that the bill ought to pass.

AN ACT CONCERNING THE PREPARATION OF MATERIALS FOR REFERENDA CALLED FOR BY A REGIONAL SCHOOL DISTRICT.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Section 9-369b of the general statutes is repealed and the
2 following is substituted in lieu thereof (*Effective from passage*):

3 (a) [Any] Except as provided in subsection (b) of this section, any
4 municipality may, by vote of its legislative body, authorize the
5 preparation and printing of concise explanatory texts of local
6 proposals or questions approved for submission to the electors of a
7 municipality at a referendum. In a municipality that has a town
8 meeting as its legislative body, the board of selectmen shall, by
9 majority vote, determine whether to authorize an explanatory text or
10 the dissemination of other neutral printed material. Thereafter, each
11 such explanatory text shall be prepared by the municipal clerk, subject
12 to the approval of the municipal attorney, and shall specify the intent

13 and purpose of each such proposal or question. Such text shall not
14 advocate either the approval or disapproval of the proposal or
15 question. The municipal clerk shall cause such question or proposal
16 and such explanatory text to be printed in sufficient supply for public
17 distribution and shall also provide for the printing of such
18 explanations of proposals or questions on posters of a size to be
19 determined by said clerk. At least three such posters shall be posted at
20 each polling place at which electors will be voting on such proposals or
21 questions. Any posters printed in excess of the number required by
22 this section to be posted may be displayed by said clerk at the clerk's
23 discretion at locations which are frequented by the public. The
24 explanatory text shall also be furnished to each absentee ballot
25 applicant pursuant to subsection (d) of section 9-140. Except as
26 provided in subsection [(c)] (d) of this section, no expenditure of state
27 or municipal funds shall be made to influence any person to vote for
28 approval or disapproval of any such proposal or question. Any
29 municipality may, by vote of its legislative body and subject to the
30 approval of its municipal attorney, authorize the preparation and
31 printing of materials concerning any such proposal or question in
32 addition to the explanatory text if such materials do not advocate the
33 approval or disapproval of the proposal or question. This subsection
34 shall not apply to a written, printed or typed summary of an official's
35 views on a proposal or question, which is prepared for any news
36 medium or which is not distributed with public funds to a member of
37 the public except upon request of such member.

38 (b) For any referendum called for by a regional school district, the
39 regional board of education shall authorize the preparation and
40 printing of concise explanatory texts of proposals or questions
41 approved for submission to the electors of a municipality at a
42 referendum. The regional school board of education's secretary shall
43 prepare each such explanatory text, subject to the approval of the
44 regional school board of education's counsel, and shall undertake any
45 other duty of a municipal clerk, as described in subsection (a) of this
46 section.

47 [(b)] (c) The State Elections Enforcement Commission, after
48 providing an opportunity for a hearing in accordance with chapter 54,
49 may impose a civil penalty on any person who violates subsection (a)
50 or (b) of this section by authorizing an expenditure of state or
51 municipal funds for a purpose which is prohibited by subsection (a) of
52 this section. The amount of any such civil penalty shall not exceed
53 twice the amount of the improper expenditure or one thousand
54 dollars, whichever is greater. In the case of failure to pay any such
55 penalty imposed under this subsection within thirty days of written
56 notice sent by certified or registered mail to such person, the superior
57 court for the judicial district of Hartford, on application of the
58 commission, may issue an order requiring such person to pay the
59 penalty imposed. Notwithstanding the provisions of sections 5-141d,
60 7-101a and 7-465, as amended, any other provision of the general
61 statutes, and any provision of any special act or charter, no state or
62 municipal officer or employee shall be indemnified or reimbursed by
63 the state or a municipality for a civil penalty imposed under this
64 subsection.

65 [(c)] (d) Any municipality may provide, by ordinance, for the
66 preparation and printing of concise summaries of arguments in favor
67 of, and arguments opposed to, local proposals or questions approved
68 for submission to the electors of a municipality at a referendum for
69 which explanatory texts are prepared under subsection (a) or (b) of this
70 section. Any such ordinance shall provide for the establishment or
71 designation of a committee to prepare such summaries, in accordance
72 with procedures set forth in said ordinance. The members of said
73 committee shall be representatives of various viewpoints concerning
74 such local proposals or questions. The committee shall provide an
75 opportunity for public comment on such summaries to the extent
76 practicable. Such summaries shall be approved by vote of the
77 legislative body of the municipality, or any other municipal body
78 designated by the ordinance, and shall be posted and distributed in the
79 same manner as explanatory texts under subsection (a) of this section.
80 Each summary shall contain language clearly stating that the printing
81 of the summary does not constitute an endorsement by or represent

82 the official position of the municipality.

This act shall take effect as follows:	
Section 1	<i>from passage</i>

GAE *Joint Favorable*

The following fiscal impact statement and bill analysis are prepared for the benefit of members of the General Assembly, solely for the purpose of information, summarization, and explanation, and do not represent the intent of the General Assembly or either House thereof for any purpose:

OFA Fiscal Note

State Impact: None

Municipal Impact: None

Explanation

This bill, which clarifies the procedure for the authorization and dissemination of printed material for a referendum called for by a regional school district, has no fiscal impact.

OLR Bill Analysis

HB 5018

AN ACT CONCERNING THE PREPARATION OF MATERIALS FOR REFERENDA CALLED FOR BY A REGIONAL SCHOOL DISTRICT**SUMMARY:**

The law allows any municipality, by vote of its legislative body, to authorize the printing and preparation of concise explanatory texts of local proposals or questions approved for submission to the municipality's electors at a referendum. This bill allows the board of selectmen in a municipality with a town meeting as its legislative body to decide by majority vote whether to authorize an explanatory text or dissemination of other neutral printed material. For a regional school district referendum, the bill requires (1) the regional board of education to authorize the preparation and printing of concise explanatory texts; (2) the regional board's secretary to prepare the texts, subject to the board's counsel; and (3) the secretary to undertake all of the responsibilities with respect to the questions, proposals, and texts that the law already specifies for municipal clerks in towns conducting referenda.

EFFECTIVE DATE: Upon passage

COMMITTEE ACTION

Government Administration and Elections Committee

Joint Favorable Report

Yea 17 Nay 0