



General Assembly

**Amendment**

January Session, 2013

LCO No. 7437

**\*HB0663007437SR0\***

Offered by:  
SEN. MCLACHLAN, 24<sup>th</sup> Dist.

To: House Bill No. 6630

File No. 471

Cal. No. 465

**"AN ACT CONCERNING THE DELIVERY OF ABSENTEE  
BALLOTS BY THE TOWN CLERKS."**

1 After the last section, add the following and renumber sections and  
2 internal references accordingly:

3 "Sec. 501. Section 9-369b of the general statutes is repealed and the  
4 following is substituted in lieu thereof (*Effective July 1, 2013*):

5 (a) (1) Except as provided in [subsection (b)] subdivision (2) of this  
6 [section] subsection, any municipality may, by vote of its legislative  
7 body, authorize the preparation and printing of concise explanatory  
8 texts of local proposals or questions approved for submission to the  
9 electors of a municipality at a referendum. In a municipality that has a  
10 town meeting as its legislative body, the board of selectmen shall, by  
11 majority vote, determine whether to authorize an explanatory text or  
12 the dissemination of other neutral printed material. Thereafter, each  
13 such explanatory text shall be prepared by the municipal clerk, subject  
14 to the approval of the municipal attorney, and shall specify the intent  
15 and purpose of each such proposal or question. Such text shall not

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

40 [(b)] (2) For any referendum called for by a regional school district,  
41 the regional board of education shall authorize the preparation and  
42 printing of concise explanatory texts of proposals or questions  
43 approved for submission to the electors of a municipality at a  
44 referendum. The regional school board of education's secretary shall  
45 prepare each such explanatory text, subject to the approval of the  
46 regional school board of education's counsel, and shall undertake any  
47 other duty of a municipal clerk, as described in [subsection (a)]  
48 subdivision (1) of this [section] subsection.

49 (3) For purposes of this subdivision, "community notification

50 system" means an alert system that is available to all residents of a  
51 municipality and permits any resident to opt to be notified by the  
52 municipality via electronic mail, text, telephone or other electronic or  
53 automated means of community events or news. At the direction of the  
54 chief elected official of a municipality, a municipality that maintains a  
55 community notification system may use such system to send a notice  
56 informing residents of an upcoming referendum to all residents  
57 enrolled in such system. Such notice shall be limited to (A) the time  
58 and location of such referendum, (B) a statement of the question as it is  
59 to appear on the ballot at the referendum, and (C) if applicable, the  
60 explanatory text approved in accordance with subdivision (1) or (2) of  
61 this subsection. Any such notice shall not advocate the approval or  
62 disapproval of the proposal or question or attempt to influence or aid  
63 the success or defeat of the referendum.

64 (4) Except as specifically authorized in this section, no expenditure  
65 of state or municipal funds or use of state or municipal property,  
66 personnel or resources, including the funds, property, personnel or  
67 resources of the local or regional board of education, shall be made to  
68 influence any person to vote for approval or disapproval of any such  
69 proposal or question or to otherwise influence or aid the success or  
70 defeat of the referendum. The provisions of this subdivision shall not  
71 apply to a written, printed or typed summary of any official's views on  
72 a proposal or question, which is prepared for any news medium or  
73 which is not distributed with public funds to a member of the public  
74 except upon request of such member.

75 [(c)] (b) The State Elections Enforcement Commission, after  
76 providing an opportunity for a hearing in accordance with chapter 54,  
77 may impose a civil penalty on any person who violates [subsection (a)  
78 or (b) of] this section by authorizing an expenditure of state or  
79 municipal funds or the use of state or municipal property, personnel or  
80 other resources, including the funds, property, personnel or resources  
81 of the local or regional board of education, for a purpose which is  
82 prohibited by [subsection (a) of] this section. The amount of any such  
83 civil penalty shall not exceed twice the amount of the improper

84 expenditure or the cost of the improper use or one thousand dollars,  
 85 whichever is greater. In the case of failure to pay any such penalty  
 86 imposed under this subsection within thirty days of written notice sent  
 87 by certified or registered mail to such person, the superior court for the  
 88 judicial district of Hartford, on application of the commission, may  
 89 issue an order requiring such person to pay the penalty imposed.  
 90 Notwithstanding the provisions of sections 5-141d, 7-101a and 7-465,  
 91 any other provision of the general statutes, and any provision of any  
 92 special act or charter, no state or municipal officer or employee shall be  
 93 indemnified or reimbursed by the state or a municipality for a civil  
 94 penalty imposed under this subsection.

95 [(d)] (c) Any municipality may provide, by ordinance, for the  
 96 preparation and printing of concise summaries of arguments in favor  
 97 of, and arguments opposed to, local proposals or questions approved  
 98 for submission to the electors of a municipality at a referendum for  
 99 which explanatory texts are prepared under subsection (a) [or (b)] of  
 100 this section. Any such ordinance shall provide for the establishment or  
 101 designation of a committee to prepare such summaries, in accordance  
 102 with procedures set forth in said ordinance. The members of said  
 103 committee shall be representatives of various viewpoints concerning  
 104 such local proposals or questions. The committee shall provide an  
 105 opportunity for public comment on such summaries to the extent  
 106 practicable. Such summaries shall be approved by vote of the  
 107 legislative body of the municipality, or any other municipal body  
 108 designated by the ordinance, and shall be posted and distributed in the  
 109 same manner as explanatory texts under subsection (a) of this section.  
 110 Each summary shall contain language clearly stating that the printing  
 111 of the summary does not constitute an endorsement by or represent  
 112 the official position of the municipality."

This act shall take effect as follows and shall amend the following sections:		
Sec. 501	July 1, 2013	9-369b