



General Assembly

January Session, 2015

***Raised Bill No. 6902***

LCO No. 4172



Referred to Committee on GOVERNMENT ADMINISTRATION  
AND ELECTIONS

Introduced by:  
(GAE)

***AN ACT CONCERNING MUNICIPAL COMMUNICATIONS REGARDING  
REFERENDA.***

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 Section 9-369b of the general statutes is repealed and the  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) (1) (A) Except as provided in subdivision (2) of this subsection,  
4 any municipality may, by vote of its legislative body, authorize the  
5 preparation, [and] printing and dissemination of concise explanatory  
6 texts [of] or other printed material with respect to local proposals or  
7 questions approved for submission to the electors of a municipality at  
8 a referendum. [In] For the purposes of this section, in a municipality  
9 that has a town meeting as its legislative body, the board of selectmen  
10 shall [, by majority vote, determine whether to authorize an  
11 explanatory text or the dissemination of other neutral printed material]  
12 be deemed to be the legislative body of such municipality.

13 (B) [Thereafter, each] Each such explanatory text shall be prepared

14 by the municipal clerk [, subject to the approval of the municipal  
15 attorney,] and shall specify the intent and purpose of each such  
16 proposal or question. Such explanatory text shall not advocate either  
17 the approval or disapproval of the proposal or question. The municipal  
18 clerk shall cause such question or proposal and such explanatory text  
19 to be printed in sufficient supply for public [distribution]  
20 dissemination and shall also provide for the printing of such  
21 explanations of proposals or questions on posters of a size to be  
22 determined by said clerk. At least three such posters shall be posted at  
23 each polling place at which electors will be voting on such proposals or  
24 questions. Any posters printed in excess of the number required by  
25 this section to be posted may be displayed by said clerk at the clerk's  
26 discretion at locations which are frequented by the public. The  
27 explanatory text shall also be furnished to each absentee ballot  
28 applicant pursuant to subsection (d) of section 9-140. [Any  
29 municipality may, by vote of its legislative body and] Each such  
30 explanatory text shall be subject to the approval of the municipal  
31 attorney.

32 (C) Any such other printed material shall be prepared by the person  
33 or persons so authorized by the legislative body, shall not advocate  
34 either the approval or disapproval of the proposal or question and  
35 shall be subject to the approval of [its] the municipal attorney. [,  
36 authorize the preparation and printing of materials concerning any  
37 such proposal or question in addition to the explanatory text if such  
38 materials do not advocate the approval or disapproval of the proposal  
39 or question.]

40 (2) (A) For any referendum called for by a regional school district,  
41 only the regional school board of education [shall] may authorize the  
42 preparation, [and] printing and dissemination of concise explanatory  
43 texts [of] or other printed material with respect to proposals or  
44 questions approved for submission to the electors of [a municipality]  
45 the municipalities encompassed by such regional school district at a  
46 referendum.

47        (B) [The regional school board of education's secretary shall prepare  
48 each such explanatory text, subject to the approval of the regional  
49 school board of education's counsel, and] Each such explanatory text  
50 shall be prepared by the regional school board of education and shall  
51 specify the intent of each such proposal or question. Such explanatory  
52 text shall not advocate either the approval or disapproval of the  
53 proposal or question. The regional school board of education's  
54 secretary shall undertake any other duty of a municipal clerk, as  
55 described in subdivision (1) of this subsection. Each such explanatory  
56 text shall be subject to the approval of the regional school board of  
57 education's attorney.

58        (C) Any such other printed material shall be prepared by the person  
59 or person so authorized by the regional school board of education,  
60 shall not advocate either the approval or disapproval of the proposal  
61 or question and shall be subject to the approval of the regional school  
62 board of education's attorney.

63        (3) (A) For purposes of this subdivision, "community notification  
64 system" means a communication system maintained by a municipality  
65 that is available to all residents of [a] such municipality and permits  
66 any resident to opt to [be notified by the] receive notifications of  
67 community events or news from such municipality via electronic mail,  
68 text, telephone or other electronic or automated means. [of community  
69 events or news.]

70        (B) At the direction of the chief elected official of a municipality or,  
71 with respect to a referendum called for by a regional school district,  
72 the request of the chairperson of the regional school board of  
73 education having jurisdiction over such municipality encompassed by  
74 such regional school district, a municipality that maintains a  
75 community notification system may use such system to send or  
76 publish a notice informing all residents enrolled in such system of an  
77 upcoming referendum. [to all residents enrolled in such system.] Such  
78 notice shall be limited to [(A)] (i) the time and location of such

79 referendum, [(B)] (ii) a statement of the question as it is to appear on  
80 the ballot at the referendum, and [(C)] (iii) if applicable, the  
81 explanatory text or other materials approved in accordance with  
82 subdivision (1) or (2) of this subsection. Any such notice shall not  
83 advocate the approval or disapproval of the proposal or question or  
84 attempt to influence or aid the success or defeat of the referendum.

85 (C) Other than a notice authorized by this subdivision, no person  
86 may use or authorize the use of municipal funds to send an unsolicited  
87 communication to a group of residents regarding a referendum via  
88 electronic mail, text, telephone or other electronic or automated means  
89 for the purpose of reminding or encouraging such residents to vote in  
90 a referendum, provided such prohibition shall not apply to a regularly  
91 published newsletter or similar publication.

92 (D) An Internet web site maintained by a municipality or a regional  
93 school district shall not be deemed a community notification system  
94 for the purposes of this subdivision, but may contain a notice  
95 informing residents of an upcoming referendum and any explanatory  
96 text or other materials approved in accordance with subdivisions (1) or  
97 (2) of this subsection.

98 (4) Except as specifically authorized in this section, no expenditure  
99 of state or municipal funds shall be made to influence any person to  
100 vote for approval or disapproval of any such proposal or question or to  
101 otherwise influence or aid the success or defeat of [the] any such  
102 referendum. The provisions of this subdivision shall not apply to a  
103 written, printed or typed summary of any official's views on a  
104 proposal or question, which is prepared for any news medium or  
105 which is not distributed with public funds to a member of the public  
106 except upon request of such member. For purposes of this section, the  
107 maintenance of a third-party comment posted on social media or an  
108 Internet web site maintained by the state, a municipality or a regional  
109 school district permitting such third-party comments shall not  
110 constitute an expenditure of state or municipal funds.

111 (b) The State Elections Enforcement Commission, after providing an  
112 opportunity for a hearing in accordance with chapter 54, may impose a  
113 civil penalty on any person who violates this section by authorizing an  
114 expenditure of state or municipal funds for a purpose which is  
115 prohibited by this section. The amount of any such civil penalty shall  
116 not exceed twice the amount of the improper expenditure or one  
117 thousand dollars, whichever is greater. In the case of failure to pay any  
118 such penalty imposed under this subsection within thirty days of  
119 written notice sent by certified or registered mail to such person, the  
120 superior court for the judicial district of Hartford, on application of the  
121 commission, may issue an order requiring such person to pay the  
122 penalty imposed. Notwithstanding the provisions of sections 5-141d,  
123 7-101a and 7-465, any other provision of the general statutes, and any  
124 provision of any special act or charter, no state or municipal officer or  
125 employee shall be indemnified or reimbursed by the state or a  
126 municipality for a civil penalty imposed under this subsection.

127 (c) Any municipality may provide, by ordinance, for the  
128 preparation, [and] printing and dissemination of concise summaries of  
129 arguments in favor of, and arguments opposed to, local proposals or  
130 questions approved for submission to the electors of a municipality at  
131 a referendum for which explanatory texts are prepared under  
132 subsection (a) of this section. Any such ordinance shall provide for the  
133 establishment or designation of a committee to prepare such  
134 summaries, in accordance with procedures set forth in said ordinance.  
135 The members of said committee shall be representatives of various  
136 viewpoints concerning such local proposals or questions. The  
137 committee shall provide an opportunity for public comment on such  
138 summaries to the extent practicable. Such summaries shall be  
139 approved by vote of the legislative body of the municipality, or any  
140 other municipal body designated by the ordinance, and shall be posted  
141 and distributed in the same manner as explanatory texts under  
142 subsection (a) of this section. Each summary shall contain language  
143 clearly stating that the printing of the summary does not constitute an

144 endorsement by or represent the official position of the municipality.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>from passage</i>	9-369b

**Statement of Purpose:**

To clarify the means by which municipalities and regional school districts may communicate information regarding referenda.

*[Proposed deletions are enclosed in brackets. Proposed additions are indicated by underline, except that when the entire text of a bill or resolution or a section of a bill or resolution is new, it is not underlined.]*