



Substitute House Bill No. 6902

Public Act No. 15-173

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

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

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 Section 9-369b of the general statutes is repealed and the following is substituted in lieu thereof (*Effective from passage*):

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

(B) [Thereafter, each] Each such explanatory text shall be prepared by the municipal clerk [, subject to the approval of the municipal attorney,] and shall specify the intent and purpose of each such proposal or question. Such explanatory text shall not advocate either the approval or disapproval of the proposal or question. The municipal

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clerk shall cause such question or proposal and such explanatory text to be printed in sufficient supply for public [distribution] dissemination and shall also provide for the printing of such explanations of proposals or questions on posters of a size to be determined by said clerk. At least three such posters shall be posted at each polling place at which electors will be voting on such proposals or questions. Any posters printed in excess of the number required by this section to be posted may be displayed by said clerk at the clerk's discretion at locations which are frequented by the public. The explanatory text shall also be furnished to each absentee ballot applicant pursuant to subsection (d) of section 9-140. [Any municipality may, by vote of its legislative body and] Each such explanatory text shall be subject to the approval of the municipal attorney.

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

(2) (A) For any referendum called for by a regional school district, the regional school board of education shall authorize the preparation, [and] printing and dissemination of concise explanatory texts [of] or other printed material with respect to proposals or questions approved for submission to the electors of [a municipality] the municipalities included in such regional school district at a referendum. For any such referendum, only the regional school board of education shall make any such authorization.

(B) [The regional school board of education's secretary shall prepare

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each such explanatory text, subject to the approval of the regional school board of education's counsel, and] Each such explanatory text shall be prepared by the regional school board of education and shall specify the intent of each such proposal or question. Such explanatory text shall not advocate either the approval or disapproval of the proposal or question. The regional school board of education's secretary shall undertake any other duty of a municipal clerk, as described in subdivision (1) of this subsection. Each such explanatory text shall be subject to the approval of the regional school board of education's attorney.

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

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

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

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

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

(D) An Internet web site maintained by a municipality or a regional school district shall not be deemed a community notification system for the purposes of this subdivision, but may contain a notice with the information described in subparagraph (B) of this subdivision.

(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 [the] 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.

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

(c) Any municipality may provide, by ordinance, for the preparation, [and] printing and dissemination of concise summaries of arguments in favor of, and arguments opposed to, local proposals or questions approved for submission to the electors of a municipality at a referendum for which explanatory texts are prepared under subsection (a) of this section. Any such ordinance shall provide for the establishment or designation of a committee to prepare such summaries, in accordance with procedures set forth in said ordinance. The members of said committee shall be representatives of various viewpoints concerning such local proposals or questions. The committee shall provide an opportunity for public comment on such summaries to the extent practicable. Such summaries shall be approved by vote of the legislative body of the municipality, or any other municipal body designated by the ordinance, and shall be posted and distributed in the same manner as explanatory texts under subsection (a) of this section. Each summary shall contain language

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clearly stating that the printing of the summary does not constitute an endorsement by or represent the official position of the municipality.

Approved July 2, 2015