



STATE OF CONNECTICUT
STATE ELECTIONS ENFORCEMENT COMMISSION

**MINUTES OF THE
STATE ELECTIONS ENFORCEMENT COMMISSION
REGULAR MEETING
5th Floor Conference Room
July 1, 2009
9:00 A.M.**

I. Call to Order

Chairman Cashman called the meeting to order at 9:11 A.M. Commissioners Jenkins, Gerratana and Bozzuto were present. Agency staff was also present.

II. Approval of the Minutes

A. Approval of the Minutes of the June 17, 2009 Regular Meeting

It was moved by Commissioner Jenkins and seconded by Commissioner Gerratana to approve the Minutes of the June 17, 2009 Regular Meeting. So voted.

III. Oath of Office to Patricia Stankevicius

This matter is continued.

IV. Pending Complaints and Investigations

A. Public Session

***1. In the Matter of a Complaint by Lillian Arciniegas, Hartford
File No. 2008-152***

Proposed Findings and Conclusions

Investigators: Attorney William Smith and Gilberto Oyola, Lead Legal Investigator

Managing Attorney: Joan M. Andrews

Attorney Andrews summarized the above referenced complaint and the proposed Findings and Conclusions recommending dismissal of the complaint. She recommended adoption of the proposed Findings and Conclusions, which represents a disposition with respect to one of eight allegations in this complaint.

It was moved by Commissioner Bozzuto and seconded by Commissioner Jenkins to adopt the proposed Findings and Conclusions in File No. 2008-152 dismissing the matter with respect to Marie Hamilton. So voted. The complaint is dismissed without prejudice for the reasons stated. A copy of the Findings and Conclusions is attached and incorporated herein as part of these minutes. The matter is still pending with respect to other allegations.

2. In the Matter of a Complaint by Carol Marelli and Nancy Moran, ROV's, East Lyme
File No. 2009-007
Proposed Findings and Conclusions
Investigator: Gilberto Oyola, Lead Legal Investigator
Managing Attorney: Joan M. Andrews

Attorney Andrews summarized the above referenced complaint and the proposed Findings and Conclusions recommending dismissal of the complaint. She recommended adoption of the proposed Findings and Conclusions.

It was moved by Commissioner Gerratana and seconded by Commissioner Jenkins to dismiss the matter and adopt the proposed Findings and Conclusions in File No. 2009-007. So voted. The complaint is dismissed for the reasons stated. A copy of the Findings and Conclusions is attached and incorporated herein as part of these minutes.

3. In the Matter of a Complaint by Rae Tramontano and Sharon Ferrucci, ROV's, New Haven
File No. 2009-014
Proposed Findings and Conclusions
Investigator: Attorney William Smith
Managing Attorney: Joan M. Andrews

Attorney Andrews summarized the above referenced complaint and the proposed Findings and Conclusions recommending dismissal of the complaint. She recommended adoption of the proposed Findings and Conclusions.

It was moved by Commissioner Bozzuto and seconded by Commissioner Gerratana to dismiss the matter and adopt the proposed Findings and Conclusions in File No. 2009-014. So voted. The complaint is dismissed for the reasons stated. A copy of the Findings and Conclusions is attached and incorporated herein as part of these minutes.

4. In the Matter of a Complaint by Craig R. Powers, Woodstock
File No. 2009-050
Proposed Findings and Conclusions
Investigator: Attorney Kevin Ahern
Managing Attorney: Joan M. Andrews

Attorney Andrews summarized the above referenced complaint and the proposed Findings and Conclusions recommending dismissal of the complaint. She recommended adoption of the proposed Findings and Conclusions.

It was moved by Commissioner Bozzuto and seconded by Commissioner Jenkins to dismiss the matter and adopt the proposed Findings and Conclusions in File No. 2009-

050. So voted. The complaint is dismissed for the reasons stated. A copy of the Findings and Conclusions is attached and incorporated herein as part of these minutes.

It was moved by Commissioner Jenkins and seconded by Commissioner Gerratana at 9:22 A.M. to proceed into Executive Session pursuant to C.G.S. §1-200(6) (B) and (E), and §1-210(b)(3) and (4) to discuss strategy and negotiations with respect to pending claims and exempt records relating thereto, listed as items 5 through 6 on the agenda. So voted. Commissioners Cashman, Jenkins, Gerratana and Bozzuto were present. Staff members present in the case discussion were Mr. Garfield, Mr. Lenge, Ms. Andrews, Mr. Crayton, Mr. Ahern, Mr. Oyola, Ms. Stratton, Ms. Blackburn, Ms. Kulmacz, Ms. Rotman, Ms. Nicolescu, Ms. Kief, Ms. Sadowski, Mr. Urso, Ms. Adams, Ms. Zaccagnino, Mr. Gebo and Ms. Killeen. So voted.

The Commission came out of Executive Session at 9:26 a.m. and took the following action:

B. Executive Session per C.G.S. 1-200(6)(B) and (E), and 1-210(b)(3) and (4)

5. In the Matter of a Complaint by Selim Noujiam, Waterbury
File No. 2009-009
Investigator: Attorney William Smith
Managing Attorney: Joan M. Andrews

This matter is continued.

6. In the Matter of a Complaint by John E. Kisluk, Plainville
File No. 2009-037
Investigator: Attorney William Smith
Managing Attorney: Joan M. Andrews

This matter is continued.

V. Notice of Administrative Compliance

7. File Nos. 2008-215NF, 2009-021NF and 2009-035NF
Respondent: James Nobles, Treasurer, Go Green 2008
Investigator: Attorney Kevin Ahern
Managing Attorney: Joan M. Andrews

Recommendation: Commission takes administrative notice that Respondent complied with the Commission directive and accepts the payment of \$400.00 as a settlement to the State of Connecticut.

It was moved by Commissioner Gerratana and seconded by Commissioner Jenkins that the Commission takes administrative notice that the Respondent has complied with the states demand and will take no further action with respect to this matter. So voted.

VI. *Administrative Reports*

Mr. Garfield informed the Commission of Jean Love's retirement effective June 30, 2009. All reports on deadlines will be met.

Mr. Garfield assured the Commissioners that the monetary allocation to the agency is sufficient to continue operation during the present budget crisis.

Mr. Lenge updated the Commissioners on revisions to the SEEC forms and that integration for Information Technology throughout the agency is in the works.

Ms. Andrews reported that she was reappointed to the Registrar of Voters certification committee. A training program has been created. The program will be available through Goodwin College.

Ms. Kulmacz indicated final reports on the audits presently being conducted will be ready for the next Commission meeting. The audit unit is reaching out to candidates planning to run in the 2010 election cycle for a preliminary review of their documents.

Ms. Rotman reported that 2010 candidates are coming in and help is available for anyone interested in utilizing the Citizens Election Program.

VII. *Legislative Updates*

Ms. Nicolescu updated the Commission on present issues before the General Assembly.

It was moved by Commissioner Gerratana and seconded by Commissioner Jenkins at 9:40 A.M. to proceed into Executive Session pursuant to C.G.S. §1-200(6)(A) and (E) and §1-210(b)(3) and (4) to discuss personal appointment listed as item 8 on the agenda. So voted. Commissioners Cashman, Jenkins, Gerratana and Bozzuto were present. All staff members, with the exception of Mr. Garfield, left the executive session on the personnel matter. It was moved by Commissioner Gerratana and seconded by Commissioner Jenkins at 11:00 A.M. to return to public session. So voted.

C. *Executive Session per C.G.S. 1-200(6)(A) and (E), and 1-210(b)(2)*

8. Personnel Matter "Executive Director" personnel search or update.

No votes were taken.

VIII.

Adjournment

It was moved by Commissioner Gerratana and seconded by Commissioner Jenkins at 11:00 A.M. to adjourn the meeting. So voted. Unless otherwise indicated, all votes of the Commission were unanimous.

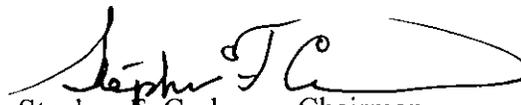
Respectfully submitted



MaryAnn Stratton

Acting Clerk of the Commission

Adopted this 5th day of August 2009 at Hartford, Connecticut



Stephen F. Cashman, Chairman

By Order of the Commission

The next regular meeting will be held on Wednesday August 5, 2009 at 9:00 A.M., in the 5th Floor Conference Room.

**STATE OF CONNECTICUT
STATE ELECTIONS ENFORCEMENT COMMISSION**

In the Matter of a Complaint by
Lillian Arciniegas, Hartford

File No. 2008-152

FINDINGS AND CONCLUSIONS

The Complainant, brings this complaint pursuant to §9-7b, General Statutes, alleging possible violations with respect to absentee ballot application and absentee ballots pertaining to the August 12, 2008 Democratic primary in Hartford.

After an investigation of this matter, the following findings and conclusions are made:

1. Complainant, who worked to get-out-the vote for Carmen I. Sierra, a candidate for state representative at the August 12, 2008 Democratic primary, alleged that various private individuals and officials at the Hartford Town Clerk's office violated election laws pertaining to absentee ballot applications and absentee balloting pertaining to that primary.
2. Specifically, Complainant alleged that:
 - (1) A resident of 65 Eaton Street, Hartford, claimed she did not sign an absentee application that was signed by Marie Hamilton as an assister and dated by the Town Clerk's office July 2, 2008;
 - (2) Seven absentee applications from 65 Eaton Street signed by the same assister, as referenced immediately above, were received and date stamped by the Town Clerk's Office at 4:33 AM – 4:34 AM, which, because the Town Clerk's Office is not open at this time, evidenced "tampering" with the date and time stamp machine;
 - (3) On August 5, 2008, supervised absentee balloting was conducted at 65 Eaton Street, despite there not being the necessary amount of absentee ballot applications to allow for supervised balloting at this residence;
 - (4) A staff member at 210 George Street, Hartford, signed the signature line on absentee ballot applications of three residents without signing the word "by" before their signatures and possibly without their consent, and that these ballots could have possibly been cast by this staff member;
 - (5) Individuals who conducted supervised balloting at 65 Eaton Street were providing residents, who had already voted, absentee ballots to assist other residents to vote who were incapable of attending the supervised balloting held in the recreational room. These residents were not supervised by the those conducting absentee balloting;

- (6) An individual was issued her absentee ballot on July 25, 2008 although the ballot application was received on July 3, 2008. This ballot should have been issued on July 22, 2008 just like the other applications received prior to July 22, 2008;
- (7) An individual from 288 White Street lost the first absentee ballot and was sent another absentee ballot in its place. On the form requesting an additional ballot the date stamp was July 32, 2008 at 7:32 AM. This is evidence of "tampering" with the date stamp machine; and,
- (8) Several absentee ballots were sent out late (all within five business days), and not within the twenty-four hour period from receipt of the applications as required. Absentee ballot applications received from members of Complainant's slate of candidates, were sent out late and her slate was "treated unfairly" regarding submission of absentee ballot applications as compared to the opposition slate of candidates.
3. The only allegation implicating Ms. Marie Hamilton is *Allegation One*. The other allegations are addressed with other Respondents in other documents.
4. Marie Hamilton is a former City of Hartford Democratic Deputy Registrar of Voters. Ms. Hamilton denied the allegations in the complaint as they pertained to her, and by sworn statement asserted that she assisted the individual at 65 Eaton Street Room with her absentee ballot application, and that the individual signed her own application.
5. General Statutes § 9-140, provides in pertinent part:
- (a) Application for an absentee ballot shall be made to the clerk of the municipality in which the applicant is eligible to vote or has applied for such eligibility. Any person who assists another person in the completion of an application shall, in the space provided, sign the application and print or type his name, residence address and telephone number. ***Such signature shall be made under the penalties of false statement in absentee balloting. ... The application shall be signed by the applicant under penalties of false statement ...***
[Emphasis added.]
6. Ms. Hamilton acknowledges that she assisted many of the residents residing at 65 Eaton Street, Hartford with their absentee ballot applications. She asserts that she is personally known to many of the residents of that building, after serving over ten years as a deputy registrar. Ms. Hamilton further acknowledges that on July 2, 2008 she did offer and assist resident applicants who wanted absentee ballots with their applications. There is no law prohibiting such assistance, so long as the individual assisting signs the application as assister if they complete any portion of the form, which Ms. Hamilton did.

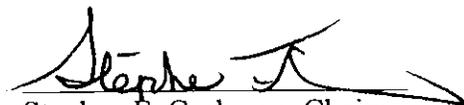
7. Ms. Hamilton further acknowledges that with regard to the absentee ballot application alleged by Complainant not to have actually been signed by the applicant, that she did offer and administer assistance to the named applicant and resident at 65 Eaton Street. Ms. Hamilton provided sworn written testimony regarding this matter, and asserts that she assisted the individual and that the individual applicant signed the absentee ballot application in question in the presence of other residents she was volunteering to assist with absentee ballot applications.
8. The investigation revealed that the applicant's signatures on both absentee ballot applications appear to be in the same handwriting and made by the same individual. Further, the applicant in question recalls signing an application which was provided by Ms. Hamilton, and identified the signature in question as her own. Records from the August 12, 2008 Democratic primary in Hartford indicate that the individual whose absentee ballot applications are discussed above voted by absentee ballot.
9. The Commission concludes that Ms. Hamilton did not sign the application for the applicant in question, as alleged.

ORDER

The following Order is issued on the basis of the aforementioned finding:

The complaint is hereby dismissed.

Adopted this 15th day of July of 2009 at Hartford, Connecticut.



Stephen F. Cashman, Chairman
By Order of the Commission

**STATE OF CONNECTICUT
STATE ELECTIONS ENFORCEMENT COMMISSION**

In the Matter of a Complaint by Carol A. Marelli &
Nancy J. Moran, Registrars of Voters, East Lyme

File No. 2009-007

FINDINGS AND CONCLUSIONS

The complainants filed this complaint with the Commission, pursuant to Conn. Gen. Stats. §9-7b(a)(1), on January 22, 2009. The complainants alleged that David M. Adams, Jr. (hereinafter the "Respondent") may have voted in both East Lyme and Norwalk during the November 4, 2008 presidential election. The complainants requested an investigation on the alleged duplicate voter and his status as an elector.

After an investigation of this matter, the following findings and conclusions are made:

1. The Respondent's name appeared on both the Town of East Lyme and Town of Norwalk official active list of voters for the November 4, 2008 presidential election. The name David M. Adams, Jr. appears on the Town of East Lyme registry list at the address of 5 Scott Road and on the Town of Norwalk registry at the address of 83 Washington Street.
2. The voter history section of the Connecticut Voter Registry System (CVRS) for both East Lyme and Norwalk indicates that David M. Adams, Jr., voted in person in both locations at the November 4, 2008 presidential election. The Respondent's name is physically crossed off at each corresponding address on the official voter registry list at his registration address in each town, as identified above.
3. Conn. Gen. Stat. §9-360 provides:

*Any person not legally qualified who **fraudulently votes in any town meeting, primary or election in which he is not qualified to vote**, and any legally qualified person who, at such meeting, primary or election, **fraudulently votes more than once at the same** meeting, primary or **election**, shall be fined not less than three hundred dollars nor more than five hundred dollars and shall be imprisoned not less than one year nor more than two years and shall be disfranchised. Any person who votes or attempts to vote at any election, primary or town meeting by assuming the name of another who is registered or enrolled, as the case may be, shall be fined five hundred dollars and be imprisoned one year and shall be disfranchised. [Emphasis added.]*
4. The Respondent moved to Norwalk in August 2008 after accepting employment there, and completed a new voter registration card for Norwalk in September 2008.
5. The Respondent maintains that he did not vote in East Lyme on November 4, 2008, and that he only voted in Norwalk, where he now resides. A witness can account for the

Respondent's presence at work in Norwalk between approximately 8:00 a.m. to 6:30 p.m., exclusive of a brief period around lunchtime, making it extremely unlikely that he could have traveled between East Lyme and Norwalk to vote in both locations.

6. The Respondent's father, David M. Adams, Sr., owns adjoining parcels of land at 5 Scott Road and 455 Boston Post Road in the Town of East Lyme. His Connecticut Department of Motor Vehicles operator's license reflects 5 Scott Road as his residence address, however, he appears on the official registry list for East Lyme at the street address of 455 Boston Post Road.
7. On November 4, 2008, David M. Adams, Sr., showed up at the East Lyme High School polling place and provided the checkers with his driver's license containing the 5 Scott Road address. The checker looked up his name on the voter list under the Scott Road address and checked him off. However, the only David M. Adams on Scott Road was the one with the junior suffix. The David M. Adams with the senior suffix was listed under the Boston Post Road address. David M. Adams, Sr.'s name is not crossed off as having voted in the presidential election on November 4, 2008.
8. The investigation revealed that David M. Adams, Jr., only voted in Norwalk and did not vote more than once in the November 4, 2008 presidential election, and further, that when David M. Adams, Sr. presented himself to vote in East Lyme, David M. Adams, Jr.'s name was checked off instead.
9. The Commission concludes that the evidence does not support the conclusion that a violation of Conn. Gen. Stats. §9-360 has occurred.

ORDER

The following order is issued on the basis of the aforementioned findings and conclusions:

That the complaint is dismissed, and based upon the evidence gathered in this matter, the Complainants should remove David M. Adams, Jr. from the East Lyme voter registry list.

Adopted this 1st day of July of 2009 at Hartford, Connecticut.


Stephen F. Cashman, Chairman
By Order of the Commission

STATE OF CONNECTICUT
STATE ELECTIONS ENFORCEMENT COMMISSION

In the Matter of a Complaint by
Rae Tramontano and Sharon Ferrucci,
Registrars of Voters, New Haven

File No. 2009-014

FINDINGS AND CONCLUSIONS

The Complainants, City of New Haven Registrars of Voters, filed this complaint with the Commission, pursuant to Connecticut General Statutes §9-7b(a)(1), alleging that Tiffany Nicole Wilson voted in both Mansfield and in the New Haven at the November 4, 2008 presidential election.

After an investigation of this matter, the following findings and conclusions are made:

1. The Respondent's name appeared on both the Town of Mansfield and City of New Haven official active list of voters for the November 4, 2008 presidential election. Tiffany N. Wilson completed voter registration applications for New Haven dated July 22, 2006, and subsequently, two registrations for Mansfield dated December 3, 2007 and October 21, 2008.
2. The voter history section of the Connecticut Voter Registry System (CVRS) for both Mansfield and New Haven indicate that Tiffany N. Wilson voted in person in both locations at the November 4, 2008 presidential election. The Respondent's name is physically crossed off at each address on the official voter registry list at her registration address in each town, District 1 in Mansfield and Ward 29 in the City of New Haven.
3. Voting District 1 in Mansfield is reserved for University of Connecticut students and campus residents and is called "University of Connecticut District 1." The District is organized alphabetically on the checkers list for purposes of voting at each election. The polling place is the Mansfield Community Center.
4. General Statutes § 9-360 provides:

Any person not legally qualified who *fraudulently votes in any town meeting, primary, election or referendum in which the person is not qualified to vote*, and any legally qualified person who, at such meeting, primary, election or referendum, *fraudulently votes more than once at the same meeting, primary, election or referendum*, shall be fined not less than three hundred dollars or more than five hundred dollars and shall be imprisoned not less than one year or more than two

years and shall be disfranchised. Any person who votes or attempts to vote at any election, primary, referendum or town meeting by assuming the name of another legally qualified person shall be guilty of a class D felony and shall be disfranchised. [Emphasis added.]

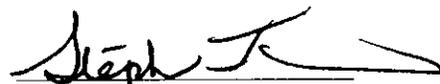
5. The Respondent, a student at the University of Connecticut at the time, denies voting in New Haven, and asserts that she voted only in Mansfield at the November 4, 2008 election. A witness, also a student at the university, accounts for Ms. Wilson's presence in Mansfield most of the day, including going to vote together, and confirms that Ms. Wilson did not make a trip to New Haven that day.
6. The Respondent's mother noticed her daughter's name crossed off on the registry list in New Haven when she presented herself to vote on November 4, 2008, and questioned it since she knew her daughter was out of town. The investigation did not reveal what caused the Respondent's name to be crossed off in New Haven.
7. There is insufficient evidence to conclude that the Respondent voted in New Haven in person on November 4, 2008, and therefore insufficient evidence to prove a violation of Conn. Gen. Stat. § 9-360.
8. When Respondent completed her voter registration application for Mansfield in 2007, she left the "Previous Voting Address" section blank. Had she completed said section, which is prescribed by Conn. Gen. Stat. § 9-23h(5), the Mansfield Registrars of Voters would have known to notify the New Haven Registrars of Voters to remove her from their list, thus avoiding the confusion that resulted from Ms. Wilson's name appearing on and being crossed off on checkers' lists in Mansfield and New Haven for the November 4, 2008 election, which resulted in the instant complaint.

ORDER

The following order is issued on the basis of the aforementioned findings and conclusions:

That the complaint is dismissed, and based upon the evidence gathered in this matter, the Complainants should remove Tiffany N. Wilson from the New Haven voter registry list.

Adopted this 15th day of July, 2009 at Hartford, Connecticut.



Stephen F. Cashman
Chairman
By Order of the Commission

**STATE OF CONNECTICUT
STATE ELECTIONS ENFORCEMENT COMMISSION**

In the Matter of a Complaint by
Craig Powers, Town of Woodstock

File No. 2009-050

FINDINGS AND CONCLUSIONS

Complainant brings this Complaint pursuant to Connecticut General Statutes § 9-7b, alleging that the Woodstock Board of Education ("BOE") spent public funds to advocate a position on a referendum pending in the Town of Woodstock and that the website "Woodstockctcafe.com" failed to include an attribution on a webpage advocating a position on the same referendum.

1. At all times relevant to the instant Complaint, the members of the Woodstock BOE were: Lindsay Paul, Chair; William Loftus III, Vice-Chair; Carol Andrzejcik, Secretary; Francis Corden; Kevin Ford; Brian Musumeci; Kirsten Rigney; Steven Rosendahl and Christine Swenson.
2. On or about May 5, 2009 the Town Clerk of the Town of Woodstock received a petition by a citizen of the town proposing an ordinance to be voted on at a Town Meeting.
3. The minutes of the May 13, 2009 special meeting of the Town of Woodstock Board of Selectmen ("BOS") reflect that at that meeting, held at 4:00 p.m., the BOS set a date of June 9, 2009 for a referendum to be held regarding the aforementioned proposed ordinance.
4. At said special meeting of the BOS, all of the conditions required under the Town of Woodstock Charter were met and the referendum became "legally pending" at that time. *See Complaint of William & Kathleen Oppenheimer, et. al.*, File No. 2003-180 (a referendum is legally pending when all of the necessary legal conditions have been satisfied to require that a referendum be held).
5. The proposed ordinance would, as of the next regularly scheduled November election, make certain changes to the election and makeup of the Woodstock BOE and end the terms of the current Woodstock BOE.
6. Complainant alleges that, sometime after the BOS set the date for the aforementioned referendum: a) Using the town computer system, BOE Chair Lindsay Paul circulated two emails to the members of the BOE containing a proposed "position statement" advocating a public position on the referendum by the BOE; b) on May 14, 2009, the BOE held a special meeting in a town building to discuss and take action on the aforementioned position statement; c) at the aforementioned special meeting, "certain members" of the BOE voted to approve spending of public funds to advocate a BOE position on the referendum; and d) at the special meeting, the BOE voted to approve and release the position statement proposed by the Chair.

7. According to the website of the BOE, on May 13, 2009 the BOE noticed a special meeting to be held May 14, 2009 at 6:30 p.m.; the single noticed agenda item was "Discussion and Possible Action on Petition Presented to the Town Clerk dated May 5, 2009."
8. On May 13, 2009, Chair Lindsay Paul prepared on her home computer a draft "statement for the community" regarding the proposed ordinance.
9. At approximately 5:30 p.m. on May 13, 2009 Chair Lindsay Paul, using the BOE email system, distributed the "statement" to the other members of the BOE to be considered by the members at the special meeting to be held the next evening; a second version of the draft statement was sent in the same manner later that same evening.
10. The draft statement contained words of advocacy which explicitly urged the voters in the town of Woodstock to vote "No" on the proposed ordinance.
11. On May 14, 2009 at 6:30 p.m., the BOE held a special meeting in which the members discussed the proposed ordinance and the "statement" prepared by the Chair and distributed to the members the prior evening via the BOE email system.
12. According to the minutes of the May 14, 2009 BOE special meeting, the BOE passed a motion "[t]o support the statement distributed dated May 14, 2009 and to authorize Mrs. Paul to release it to news media as a press release and to speak on WINY to the document."
13. Of the members present at the BOE special meeting, members Andrzejcik, Paul, Rigney, Ford, and Corden voted in favor of the motion with members Rosendahl and Musumeci voting against.
14. Subsequent to the aforementioned special meeting, Chair Lindsay Paul, using her personal computer, distributed the "statement" bearing words of advocacy to, *inter alia*, the newspapers the Woodstock Villager, the Norwich Bulletin, the Worcester Telegram and the Putnam Town Crier, as well as to "Woodstockcafe.com," a local World Wide Web "site" whose content largely consisted of issues relating to the Town of Woodstock.
15. General Statutes § 9-369b provides, in pertinent part:
 - (a) . . . [N]o 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. . . . This subsection shall not apply to a written, printed or typed summary of an 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. (Emphasis added.)

16. The Commission finds that using the BOE email system to send the “statement” to the other members of the BOE constituted an expenditure, albeit de minimus, of municipal funds.
17. However, the Commission finds that the aforementioned expenditure of municipal funds was exempted from the general prohibition in General Statutes § 9-369b (a) because it was directly related to the preparation of a written, printed or typed summary of an official’s views on a proposal or question, which was prepared for the news media and which was not distributed with municipal funds to a member of the public.
18. The Commission declines to find that noticing and holding a meeting of a public agency was itself an expenditure in violation of General Statutes § 9-369b(a).
19. Similarly, the Commission does not construe General Statutes § 9-369b in a manner that precludes elected officials from freely discussing issues and business on a meeting agenda. *See Complaint by Jesse Haskill*, File No. 2005-264 (No violation found where a statement of advocacy on a pending referendum question was made by a Town Council member at a regularly scheduled public meeting in which the subject matter of the question was on the meeting agenda); *Complaint by Arthur Screen*, File No. 2005-167 (No violation found where a statement of advocacy on a pending budget referendum was made by a Board of Education member at a regularly scheduled public meeting in which the sole agenda item was the review and discussion of budget items). The single exception to that in the Commission’s jurisprudence was when an elected official, unrelated to any item on a meeting agenda, and aware that the meeting was being broadcast using public funds, announced to the viewing audience that there was an hour left to vote on a referendum and urged the viewing audience to “get out and vote no.” *Complaint of Joseph Valys*, File No. 2005-165.
20. Turning to the attribution allegation, the Internet domain “Woodstockcafe.com” is controlled by Respondents John and Becki Leavitt, who also pay for the hosting of the World Wide Web content on said domain and have complete editorial control over said content, which is available to the general public.
21. “Woodstockcafe.com” is in no way owned, maintained or otherwise legally controlled by the Town of Woodstock and/or any of its constituent boards or commissions.
22. On or about May 15, 2009, John and Becki Leavitt publicly posted the “statement” in its entirety on “Woodstockcafe.com,” which “statement” remained accessible to the general public throughout the pendency of the referendum, up to and including the date of the vote.
23. General Statutes § 9-621, provides in pertinent part:
 - (a) No individual shall make or incur any expenditure with the cooperation of, at the request or suggestion of, or in consultation with any candidate, candidate committee or candidate's agent, and no candidate or committee shall make or

incur any expenditure including an organization expenditure for a party candidate listing, as defined in subparagraph (A) of subdivision (25) of section 9-601, for any written, typed or other printed communication, or any web-based, written communication, which promotes the success or defeat of any candidate's campaign for nomination at a primary or election or solicits funds to benefit any political party or committee unless such communication bears upon its face (1) the words "paid for by" and the following: (A) In the case of such an individual, the name and address of such individual; (B) in the case of a committee other than a party committee, the name of the committee and its campaign treasurer; or (C) in the case of a party committee, the name of the committee, and (2) the words "approved by" and the following: (A) In the case of an individual making or incurring an expenditure with the cooperation of, at the request or suggestion of, or in consultation with any candidate, candidate committee or candidate's agent, the name of such individual; or (B) in the case of a candidate committee, the name of the candidate.

...

(c) *No business entity, organization, association, committee, or group of two or more individuals who have joined solely to promote the success or defeat of a referendum question and is required to file a certification in accordance with subsection (d) of section 9-605, shall make or incur any expenditure for any written, typed or other printed communication which promotes the success or defeat of any referendum question unless such communication bears upon its face the words "paid for by" and the following: (1) In the case of a business entity, organization or association, the name of the entity, organization or association and the name of its chief executive officer; (2) in the case of a political committee, the name of the committee and the name of its campaign treasurer; (3) in the case of a party committee, the name of the committee; or (4) in the case of such a group of two or more individuals, the name of the group as it appears on the certification filed in accordance with subsection (d) of section 9-605, and the name and address of its agent.*

(d) The provisions of subsections (a), (b) and (c) of this section do not apply to (1) any editorial, news story, or commentary published in any newspaper, magazine or journal on its own behalf and upon its own responsibility and for which it does not charge or receive any compensation whatsoever, (2) any banner, (3) political paraphernalia including pins, buttons, badges, emblems, hats, bumper stickers or other similar materials, or (4) signs with a surface area of not more than thirty-two square feet. . . . (Emphasis added.)

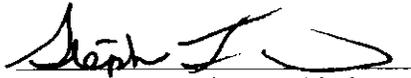
24. The Commission concludes that, even assuming that "Woodstockctcafe.com" did not qualify for the news exemption enumerated in General Statutes § 9-621 (d), "General Statutes § 9-621 (c) only requires an attribution on 'written, typed or other printed communications.'" *See Complaint of Judy Aron*, File No. 2008-073 (noting that subsection (a) had been amended to include web based written communications, but that subsection (c) had not, in concluding that web based referendum expenditures did not require an attribution).
25. Accordingly, because subsection (c) General Statutes § 9-621, unlike subsection (a), does not require an attribution on "web-based, written communication[s]," no attribution was required on the BOE "statement" posted on the website "Woodstockctcafe.com."
26. The Commission further finds that although Becki Leavitt is a bus driver for the Woodstock school system and an employee of the Woodstock BOE, there is no evidence that Becki Leavitt's activities vis-à-vis "Woodstockctcafe.com" were related to her employment as a bus driver for the Woodstock public schools.
27. After considering the aforesaid, no violation of General Statutes §§ 9-369b (a) or 9-621 (c) is found under the facts and circumstances of this case.

ORDER

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

That the Complaint be dismissed.

Adopted this 1st day of July of 2009 at Hartford, Connecticut


Stephen F. Cashman, Chairman
By Order of the Commission