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Connecticut General Assembly Bans School District Use of Electronic and Automated Notifications for Referenda Votes

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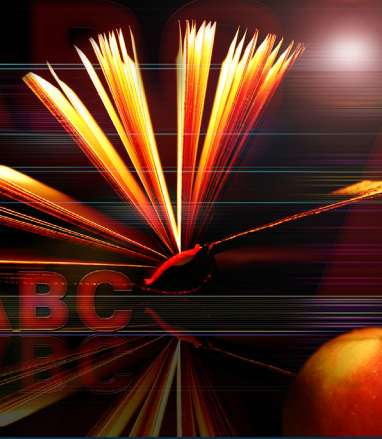
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Public Act 13-247 makes significant changes to Section 9-369b of the Connecticut General Statutes. Effective July 1, 2013, with the limited exceptions described below, Public Act 13-247 prohibits any person from using or authorizing the use of municipal funds to send an unsolicited communication to a group of residents regarding a pending referendum via electronic mail, text, telephone or other electronic or automated means, for the purpose of reminding or encouraging residents to vote in the referendum.

There are two exceptions set forth in the Act. First, the Act permits a *municipality* to send notice to residents of a pending referendum through “community notification systems,” at the direction of its chief elected official. A community notification system is a system that is available to *all residents of a municipality* and permits any resident to opt to be notified by the municipality via electronic mail, text, telephone or other electronic or automated means. Municipalities that maintain such a system and have authorization to use it are restricted to limited content including: (A) the time and location of the referendum, (B) a statement of the question as it appears on the ballot at the referendum, and (C) if applicable, the explanatory text that accompanies such referendum, provided that the explanatory text has been approved in accordance with Section 9-369b of the Connecticut General Statutes. Such notifications must not advocate for or against the pending referendum question.

Second, the prohibition set forth in the Act does not apply to “a regularly published newsletter or similar publication.”

Since the Act limits use of community notification systems to municipalities that have been authorized to use such a system by the chief elected official for the municipality, school districts are no longer permitted to use community notification systems or other electronic means to remind residents to vote in a referendum. However, as set forth above, the Act does not prohibit the use of regularly published newsletters or similar publications to



remind and/or encourage residents to vote on a pending referendum. However, any such communications should be limited to the content set forth in items (A), (B) and (C) above, and communications must not advocate for or against the pending referendum question.

The full language of Public Act 13-247 § 386 can be accessed at <http://www.cga.ct.gov/2013/act/pa/pdf/2013PA-00247-R00HB-06706-PA.pdf>.

Questions or Assistance:

If you have any additional questions, please contact Anthony Shannon at ashannon@goodwin.com or 860-251-5055; or Anne Littlefield at alittlefield@goodwin.com or (860) 251-5715.

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