

Lynn Bielawiec

From: Michael Wilkinson
Sent: Thursday, January 18, 2018 9:23 AM
To: Lynn Bielawiec
Subject: FW: FW: Somers and voting
Attachments: Farmington Charter.pdf

Lynn, can you send attached and below to Charter Revision Commission. Additional information having to do with non-resident voting. Thanks!

From: Sheila Bailey
Sent: Wednesday, January 17, 2018 12:56 PM
To: Michael Wilkinson
Subject: RE: FW: Somers and voting

Hi Mike,

The two towns we are talking about (Somers and Ellington) are indeed towns governed by town meetings. State Statute 7-6 specifically addresses non-electors with an assessment of not less than \$1,000 being eligible to vote at town meetings. However when the town meeting is adjourned to a referendum vote either by action of the Board of Selectmen or by a petition of electors of the town, that referendum vote is considered an adjourned town meeting and still falls under 7-6.

Ellington specifically addresses non-electors voting in special referenda in their Charter. (see below)

CHAPTER VI. THE TOWN MEETING

SECTION 601. GENERAL

The town meeting shall have authority for final approval of those actions of the town hereinafter enumerated, and when considering such actions said meeting shall be deemed to be the legislative body of the town. All persons deemed to be eligible to vote in town meetings as prescribed in Section 7-6 of the General Statutes, as amended, shall be eligible to vote in town meetings called pursuant to Section 602, 603 and 604 of this chapter and shall be eligible to vote in special referenda called pursuant to Section 605 of this chapter.

There are many towns governed by a Town Council who also allow their non-residents to vote at a budget referendum (Farmington, Vernon to name two) and whose charters refer back to State Statute 7-6, however; their charters call their annual budget presentation the "annual town meeting". I think the question to ask Vianca to review is whether or not Chapter C4-8 of our charter (copy below) would be sufficient for Tolland to make that change in our Charter to allow non-electors the ability to vote should the commission decide to make that recommendation and whether statute supports that in view of the fact that we do not hold an annual town meeting.

§ C4-8. Special Town Meetings.

Any legislative power of the Town previously vested in the Special Town Meeting shall be vested in the Town Council except as otherwise provided in sections C9-10, C9-16 and Chapter X of this Charter.

Just to muddy the water a little, I was able to find the attached section in Farmington's Town Charter (a town run by a Town Council) that specifically addresses referendum questions held in conjunction with an election.

Sheila M. Bailey, Town Clerk
21 Tolland Green
Tolland, CT 06084
Tel - 860-871-3630

From: Michael Wilkinson
Sent: Thursday, January 11, 2018 5:00 PM
To: Sheila Bailey
Subject: FW: FW: Somers and voting

Sheila can you give your input on below and send back to me. Thanks!

From: Marilee Beebe [REDACTED]
Sent: Thursday, January 11, 2018 4:44 PM
To: Lynn Bielawiec; Michael Wilkinson
Cc: susan Errickson; Kim Kowalyshyn
Subject: Re: FW: Somers and voting

Mike,

Thank you for forwarding the Somers information. I presume that you know that Sue and I discussed this at length yesterday. I had been calling the Somers registrar, was not able to connect, and finally called the town clerk. I received the same information that Ms. Bailey provided, and I also reviewed the Somers Charter. However the section that you reference only refers to voting in a town meeting and not in a referendum; and the opinion from our town attorney indicates that state statute does find that they are equal. (Non-residents are also allowed to vote in straw polls in Tolland Town Council meetings)
Therefore I did not see support for voting in a referendum in the Somers Charter - even though it is their practice.

Can you please ask Vianca to review? This has been the subject of lively debate and we need to be absolutely clear on any enabling language.

Thank you,
Marilee

voting machines between the hours of 12:00 Noon and 8:00 p.m., except as provided hereinafter and in Subsection D, and the voting machine ballot labels shall be provided by the Town Clerk. The Council may determine that voting at any such referendum shall open at an hour earlier than 12:00 Noon, but not earlier than 6:00 a.m.

[Amended 7-1-2003]

- D. If the vote by voting machine on any such appropriation, ordinance or resolution hereinabove mentioned is held on the same day as a municipal or state election, voting hours on the aforesaid appropriation, ordinance or resolution shall be the same as the concurrent or state election voting hours. A ballot box will be maintained at each polling place, and property owners who are not electors of the Town of Farmington but who are eligible to vote on said appropriation, ordinance or resolution pursuant to C.G.S. § 7-6, as amended, shall vote by ballot, to be provided by the Town Clerk, and deposit the same in said ballot box. Any such appropriation, ordinance or resolution mentioned in the immediately preceding subsection shall become effective if approved by a majority of those voting thereon.
- E. Any other item or items, with the exception of the annual budget, on the call of any Town Meeting may, if the Council deems it advisable, be submitted to a vote on the voting machines in the same manner as aforesaid and, if approved by a majority of those voting thereon, shall become effective. Any items to be submitted to a vote on the voting machines shall have such fact set forth in the call of the Town Meeting and in any legal notice pertaining to such Meeting.

§ C10-4 Petition for overrule of action of Council.

[Amended 5-5-1997]

All other ordinances, resolutions or votes of the council, except those recommending the annual budget or setting the date of the Annual Town Meeting, any subsequent Town Meeting considering the annual budget or any referendum thereon, making appointments or removals or regulating exclusively the internal procedure of the Council, shall be subject to overrule by a Special Town Meeting as follows: If within 20 days after the publication of any such ordinance, resolution or vote, a petition signed by no less than 10% of the electors of the Town, as determined from the latest official list of the registrars of voters, is filed with the Town Clerk requesting its reference to a Special Town Meeting, the effective date of such ordinance, resolution or vote shall be suspended and the Council shall fix the item and place of such meeting, which shall be within 20 days after the filing of the petition, and notice thereof shall be given in the manner provided by law for the calling of a Special Town Meeting. An ordinance, resolution or vote so referred shall take effect upon the conclusion of such Meeting unless at least 100 electors, constituting a majority of those voting thereon, shall have voted in the negative.

§ C10-5 Petition for enactment of ordinances.

- A. Subject to the provisions of § C10-4, not less than 10% of the electors of the Town, as determined from the latest official lists of the registrars of voters, may at any time petition under their personal signatures for the enactment of any proposed lawful ordinance by filing such petition, including the complete text of such ordinance, with the Town Clerk. The Council shall call a Special Town Meeting, to be held within 30 days from the date of such filing, unless prior to such Meeting such ordinance shall be enacted by the Council. The call for such Meeting shall state the proposed ordinance in full and shall provide for a yes or no vote as its enactment. If a majority of the persons entitled to vote voting at such meeting shall vote yes, then such ordinance shall take effect on the 10th day thereafter without further action of the Council.
- B. Any such proposed ordinance shall be examined by the Corporation Counsel before being submitted to the Special Town Meeting. The Corporation Counsel is authorized to correct the form of such ordinance for the purpose of avoiding repetitions, illegalities and unconstitutional provisions and to assure accuracy in its text and reference and clearness and preciseness in its phraseology but not materially changing its meaning and effect.