

Freedom of Information Commission  
of the State of Connecticut

In the Matter of a Complaint by )  
Donald N. Mazeau, Complainant ) Report of Hearing Officer  
against ) Docket #FIC 75-28  
Town of Clinton and Town of ) January 9, 1976  
Clinton Planning and Zoning )  
Commission, Respondents )

The above captioned matter was heard as a contested case on January 5, 1976, at which time the complainant and the respondents appeared and presented testimony, exhibits and argument on the complaint.

After consideration of the entire record the following facts are found:

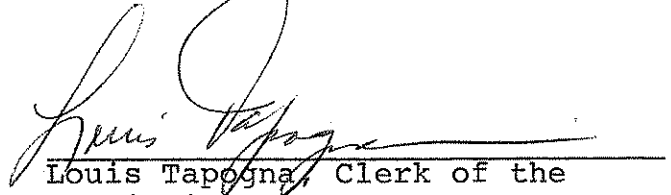
1. The respondents are public agencies as they are the Town of Clinton and its Planning and Zoning Commission.
2. Pursuant to prior practice, at the December 8, 1975 public meeting of the respondent commission, the commission officers were elected by secret ballot with the total votes for each office being read into the minutes.
3. Neither state or local law nor the by-laws of the respondent commission prescribe the method of conducting the election of the respondent commission's officers.
4. The ballots of members of the respondent commission in choosing their officers are not identical with a vote on an issue before such commission and consequently such ballots need not be reduced to writing and made available for public inspection according to section 6 of P.A. 75-342.

The following order by the Commission is hereby recommended on the basis of the record concerning the above captioned complaint:

1. The complaint of the complainant is hereby dismissed.
2. While dismissing such complaint for the reasons above-stated, this Commission notes, as it did in its Advisory Opinion #3, that the choosing of commission officers is not a complicated or sensitive matter that warrants such secrecy as would be achieved in either an unrecorded vote or a secret ballot. For this reason, this Commission suggests that the respondent commission provide in its by-laws for the election of its officers by open ballot, which ballots may then be recorded in the minutes of that public agency.

Judith A. Lahey  
Commissioner Judith A. Lahey,  
as Hearing Officer

Approved by order of the Freedom of Information Commission on  
January 14, 1976.

  
Louis Tapogna, Clerk of the  
Commission