

## **Business/Non-Instructional Operations**

### **Spending Public Funds for Advocacy**

The Board of Education recognizes that the District may not expend public funds to influence any person to vote for or against a referendum. The administration is directed to avoid violating this prohibition which applies to in-kind expenditures as well as direct expenditures of money.

Prohibited activities may include but are not limited to the dissemination of printed materials, the preparation of video and website presentations, or the use of school facilities, supplies, equipment, or postal permits to advocate for a position on a referendum. Parent teacher organizations and administrators may not use school equipment to prepare or copy advocacy material even if the school district is reimbursed for such use. Individuals violating this prohibition may be held personally liable in accordance with law.

Notwithstanding this prohibition, the Board further recognizes that school officials and Board members retain their First Amendment rights to express their position on the proposed school budget or other referendum questions. The prohibition contained in this policy only pertains to the expenditure of public funds. It is further recognized that individuals, individually or collectively, can spend private funds to advocate for a referendum result, as they see fit, as permitted by law.

### **Spending Public Funds to Inform Citizens Regarding Referenda**

A referendum is pending under the law when the necessary legal conditions have been satisfied to require the publication of the warning (notice) of the referendum.

Section 9-369b of the Connecticut General Statutes is the exclusive method by which a municipality may expend public funds for printing and distribution of information concerning a referendum question. It sets forth, among other things, the following conditions for such expenditure:

- a. A vote of the municipality's legislative body is needed to authorize the "explanatory text;"
- b. The preparation of the text must be made by the municipal clerk and approved by the municipal attorney;
- c. The text shall specify the intent and purpose of each referendum or question; and
- d. Such text shall not advocate either the approval or the disapproval of the referendum proposal or question.

Materials in addition to the explanatory text may be prepared and printed with public funds as long as they (1) do not advocate either approval or disapproval of the referendum; (2) are authorized by a vote of the local legislative body; and (3) are approved by the municipal attorney.

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The school district may not expend public funds to influence any person to vote for or against the referendum. One exception to this rule is that a school official may express his/her views on the referendum at a bona fide news conference and may use public funds to prepare a press release to be disseminated at the conference.

Students may not be used as couriers of information that advocates a position on a referendum. A notice limited to the time, place and question to be voted upon may be sent home to parents via student in school.

No person may use or authorize the use of 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.

School facilities may not be used by political committees or other groups for the purpose of advocating a position on a referendum unless such facilities are accessible to all such committees or groups on a non-discriminatory basis. Any charges assessed for the use of school facilities must be assessed evenly to all political committees or groups seeking the use of a school facility.

Legal Reference: Connecticut General Statutes

9-369b. Explanatory text related to lead question. Expenditures of state and municipal funds to influence vote prohibited. Exception. Civil penalty.

Connecticut State Elections Enforcement Commission

May 2008 Guidance Regarding Prohibition on Expenditure of Public Funds Relating to Referenda

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NEW MILFORD PUBLIC SCHOOLS  
New Milford, Connecticut