

SPENDING PUBLIC FUNDS FOR ADVOCACY

Section 9-369b of the Connecticut General Statutes (CGS) prohibits the expenditure of municipal funds to remind parents and students about an upcoming referendum or to influence a vote on a pending referendum question except under very specific conditions. This prohibition includes the dissemination of printed materials, the distribution of information via electronic mail, text, telephone or other electronic or automated means, and the preparation of video and website presentations. The prohibition applies to in-kind expenditures as well as direct expenditures of money. Individuals violating this prohibition are personally liable and may be fined by the State of Connecticut.

The prohibition on expending public funds applies whenever a referendum is pending. A referendum question is pending when the necessary legal conditions have been satisfied to require the publication of the warning (notice) of the referendum.

For example, a referendum is deemed to be pending when the Ledyard Town Council has voted to set the specific date on which a referendum will be held even if the specific referendum question(s) has/have not been determined.

The prohibition on use of public funds also applies to the use of school facilities, supplies and equipment, and postal permits to advocate a position on a referendum. For example, parent teacher organizations and District administrators may not use school equipment to prepare or copy advocacy material even if the school is reimbursed for such use. This prohibition also extends to the use of a school's public address system to advocate a result of a referendum.

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.

Expenditure of Public Funds Allowed in Specific Situations

Public funds, including the use of school facilities and supplies, may be expended concerning a pending referendum when the following conditions are met:

1. A public official may expend public funds to prepare a written, printed or typed summary of his/her view on a referendum issue and distribute that summary to the news media at a bona fide press conference. Such summary may express support or opposition to the referendum question. The summary may be provided upon request to members of the public; however, public funds may not be used to provide for a general distribution of the summary.
2. The Superintendent or Board members may respond to a constituent's request for information concerning the referendum and may expend public funds to prepare a written, printed or typed summary in response to the constituent's request. Such response may include the personal views of the Superintendent or Board member.
3. Regularly published school or District newsletters or similar publications that are distributed via electronic means may contain a reminder about an upcoming referendum but shall not advocate for a specific position.

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Use of Students as Couriers

Children in school 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 children in school.

Use of School Facilities by Political Committees and Organizations

School facilities may not be used by political committees or 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. A charge can be made for the use of school facilities for this purpose, and all groups or committees must be charged the same fee. All such facility usage shall be subject to the restrictions of Board policy.

Personal Expenditures

Any citizen or public official may independently make expenditures of his/her own funds to advocate for a referendum result or may join with others for such purpose through the formation of a political action committee in conformance with CGS Chapter 150 and the regulations of the State Elections Enforcement Commission.

Legal References:

Connecticut General Statutes, Section 9-369b – Local questions and proposals. Explanatory text. Expenditure of state and municipal funds to influence vote prohibited. Preparation and printing of certain materials permitted. Exception. Civil penalty. Summaries of arguments for, against local questions. (as amended by Public Act 13-247)

“A Guide to Financing a Referendum Question” by the Connecticut State Elections Enforcement Commission

Policy adopted: November 2, 2005

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