

Business and Non-Instructional Operations

Spending Public Funds for Advocacy

The Board of Education recognizes that C.G.S. 9-369b prohibits the expenditure of municipal funds to influence a vote on a pending referendum question. This includes the dissemination of printed materials and the preparation of video and website presentations. The Superintendent is directed to avoid violating this prohibition which applies to in-kind expenditures as well as direct expenditures of money. Individuals violating this prohibition are personally liable.

The Board recognizes that public funds may be expended concerning a referendum when the following conditions are met:

1. ~~By vote of the legislative body, the town/city may authorize the preparation, printing and dissemination of concise explanatory texts or other printed material concerning referenda proposals. The Town Clerk is responsible for preparing the text which shall specify the intent and purpose of each proposal or question. Such explanatory text shall not advocate either the approval or disapproval of the proposal or question. The town's/city's legislative body may also authorize the preparation and printing of materials concerning any referendum proposal or question in addition to the explanatory text. Such materials are also subject to the approval of the town/city counsel and must be neutral, advocating neither approval nor disapproval of the proposal or referendum question.~~

Note: ~~*In a municipality that has a town meeting as its legislative body, the board of selectmen shall, be deemed to be the legislative body of such municipality.*~~

Alternative language for a regional school district:

~~For any referendum called for by the Regional School District, the Regional School Board of Education shall authorize the preparation, printing and dissemination of concise explanatory texts or other printed material with respect to proposals or questions approved for submission to the electors of the municipalities included in the regional school district at a referendum. For any such referendum, only the Regional School Board of Education shall make any such authorization. Each such explanatory text shall be prepared by the Regional School Board of Education and shall specify the intent of each referendum proposal or question. Such explanatory text shall not advocate the approval or disapproval of the referendum proposal or question. Each such explanatory text is subject to the approval of the Regional School Board's attorney. The Regional Board's Secretary shall also undertake any other duty of a municipal clerk as described in this statute.~~

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Spending Public Funds for Advocacy (continued)

~~Any such other printed material shall be prepared by the person or persons so authorized by the Regional Board of Education. Such material shall not advocate either the approval or disapproval of the referendum proposal or question and is also subject to the approval of the attorney of the Regional Board of Education.~~

2. 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. Public funds may not be used to provide for a general distribution of the summary.
3. The Superintendent or Board members may respond to a constituent request for information concerning the referendum, including personal views.
4. ~~The town/city via public ordinance may provide for the preparation and printing of concise summaries of arguments in favor of, and arguments opposed to, local proposals or questions approved for submission to the electors of the town/city at a referendum. The ordinance must provide for a committee to prepare such summaries, with members representing the various viewpoints. The committee shall provide an opportunity for public comment on such summaries to the extent practicable. Such summaries must be approved by vote of the town's/city's legislative body or any other municipal body designated by the ordinance, and posted and distributed by the Town Clerk. Each summary shall contain language clearly stating that the printing of the summary does not constitute an endorsement by or represent the official position of the municipality.~~
5. The school District will not use its automated calling system, electronic mail, text, telephone or other electronic or automated means for the purpose of reminding or encouraging parents/guardians and students about the time, date and place concerning referenda and encouraging them to vote. This prohibition shall not apply to a regularly published newsletter or similar publication.
6. ~~The community notification system, maintained by the town/city/municipality, at the direction of the chief elected official of such town/city/municipality, or with respect to a referendum called by a regional school district, the request of the chairperson of the regional board of education having jurisdiction over such city/town/municipality involved in the regional school district, may be used to send or publish a notice informing all residents enrolled in the notification system of the time and location of the referenda, a statement of the question as it appears on the ballot or referendum and any other approved material. Such notice shall not advocate approval or disapproval of the proposal or attempt to influence the outcome of the referendum.~~
7. The website maintained by the town/city or the Regional School District is not a community notification system. Such website may contain notice pertaining to the *date, time, and location of the* referendum. ~~as described above in item #6.~~
8. Third party comments posted on social media or on websites maintained by the state, town/city or the Regional School District do not constitute an expenditure of state or municipal funds to influence the outcome of a referendum.

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~~*Note: Only a community notification system may be used for the limited purpose of reminding voters of the time and location of upcoming referenda, the ballot question itself, and any other previously authorized explanatory text describing the subject matter of the question. Any such notice shall not advocate the approval or disapproval of the proposal or question or attempt to influence or aid the success or defeat of the referendum.*~~

~~*Note: "Community notification systems" are defined as systems maintained by a municipality that are available to all residents of the municipality and permit any resident to opt to receive notifications of community events or news. Only the chief elected official of the municipality can authorize the use of such a system for this purpose. With respect to a referendum called by a regional school district, the chairperson of the regional school board may request the chief elected official of the municipality in which the regional school district resides to use such system.*~~

The Board 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 the regulations of the State Elections Enforcement Commission.

The Board further recognizes the statutory right of any community member to bring a complaint if such individual claims to have been aggrieved in connection with a referendum by (1) an election official's ruling, (2) a mistake in the vote count, or (3) a violation of prohibited acts concerning absentee voting. A person may file a complaint with any judge of the Superior Court.

Legal Reference: Connecticut General Statutes
 9-355 Official neglect or fraud
 9-357 Fraudulent registration
 9-358 False swearing before registrar, moderator or board
 9-359 Absentee ballots
 9-359a False statement in absentee balloting. Class D felony
 9-360 Fraudulent voting
 9-361 Primary or enrollment violations
 9-369b Local questions and proposals. Explanatory text. Use of community notification systems. Expenditures of state and municipal funds to influence vote prohibited. Preparation and printing of certain materials permitted. Civil penalty. Summaries of arguments for, against local questions (as amended by PA 00-92, PA 04-117, PA 13-247 and PA 15-173)

Adopt New Policy from CABE:

BROOKFIELD PUBLIC SCHOOLS
 Brookfield, Connecticut