



Advocating for School Referendums

What school board members and school staff
can and can't do during referendum season

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If your district has a referendum on the ballot this fall, whether it is for a school building project or to exceed revenue limits, your district will be taking steps to educate your community about the referendum and the impact it could have on your district.

The district serves an important role in sharing neutral information with voters so they can make an informed

judgment when voting. However, school district staff and school board members need to make sure they are following election law as they communicate about the school district's upcoming referendum. Here is a look at what can and can't be done during referendum season for school staff and board members.

SCHOOL STAFF



YES

When district staff are off duty, they can advocate for school referendums. Staff members do not surrender their rights as citizens because they are employed by the district. However, at all times, staff will need to exercise careful judgment and should not hesitate to contact their district administrator with questions.

During work hours or other times in which they are paid by the district, employees can provide neutral, factual information and educate the public about the referendum. This includes describing school or department needs or lack thereof.



NO

School district administrators and staff can't work on referendum campaigns during work hours. Thus, no supervisor should assign employees the task of working on the generation or distribution of "advocacy" material.

No district funds or district resources can be expended for referendum advocacy (i.e. activities that expressly encourage a "yes" or "no" vote). School district employees can't use school district money or resources (e.g., copying machines, computers, networks, or email) to campaign or advocate for or against the referendum.

Referendum education materials created by the school district need to be neutral. Don't use words like "vote for," "elect," "support," "cast your ballot for," "vote against," "defeat," or "reject," in any official school communication related to the referendum.

The use of school buildings by any advocacy group for any purpose should be coordinated through the standard building permit/facility use process. Neither a "vote yes" group nor a "vote no" group should be given preferential access to school buildings.

Got Questions? Call WASB associate executive director and staff counsel Barry Forbes at 608-512-1707. You can also find more information on referendums on the WASB website – WASB.org. Select "School Law Information" and then "Referendum Resource Center" (*log-in required*).

SCHOOL BOARD MEMBERS



Individual board members can speak for (or against) referendums. Board members do not lose their First Amendment rights by being board members.

Board members can participate on committees that advocate for or against a referendum; however, they need to be aware of open meeting law implications if they participate in a group with other board members.

The school board may make reasonable expenditures for the purpose of giving voters relevant facts to aid them in reaching an informed judgment when voting on the referendum. (Appropriate expenditures may include the costs of brochures, newspaper advertisements, newsletters, and even videos that share neutral, factual information about the referendum).



A school board may not expend public funds for the purpose of advocating a particular position on a referendum.

Do not advocate as a representative of the school board. When advocating for or against a referendum, it is important for board members to state that they are acting as an individual and do not represent the school board. When writing letters to the editor, advocating on social media, or electioneering, it is strongly encouraged that board members preface any advocacy remarks with the statement that the board member is acting in his or her individual capacity rather than in his or her role as a board member.

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