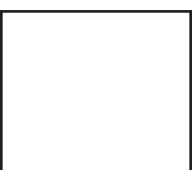


SCHOOL BOARDS & REFERENDA



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In Minnesota, voters have a strong voice in the direction of their school districts. School boards need voter approval for building projects and to increase local property taxes when state funding is not meeting local programming needs. Bond referenda support new construction, renovation and other capital expenses. Operating levy referenda provide additional local property tax dollars to maintain or enhance school operations. This guide is intended to help school board members understand their role in referenda campaigns and what they—and school staff—can and cannot do during the campaign.

Think of the campaign in terms of two components: the district informational campaign and the citizen promotional campaign.

DISTRICT INFORMATIONAL CAMPAIGN

- The goal is an informed citizenry.
- The district must provide information about the campaign in a neutral manner.
- District funds must not be used to promote the election's outcome.
- Districts may use funds for a neutral informational campaign.

CITIZEN PROMOTIONAL CAMPAIGN (THE VOTE-YES GROUP)

- The promotional campaign operates independently of the district.
- The goal is to pass the referendum.
- The individuals who work on the promotional campaign have a great deal of latitude in their promotional work.
- The promotional campaign raises and spends private funds.

KEY ATTORNEY GENERAL'S OPINIONS

Op. Atty. Gen. 159B-11 (Sept. 17, 1957), Op. Atty. Gen. 159A-3 (May 25, 1962): The Attorney General has ruled that school boards are permitted to expend a reasonable amount of money to inform voters of the facts concerning a particular bond issue.

Op. Atty. Gen. 159B-11 (Sept. 17, 1957): The board determines what is a reasonable amount to be expended.

Op. Atty. Gen. 159A-3 (May 24, 1966): While school boards may expend reasonable amounts of school district funds to impartially place pertinent facts before the voters, school district funds cannot be used to promote an affirmative vote on the proposal.



GUIDELINES FOR YOUR DISTRICT'S REFERENDUM

COMMUNICATIONS

THE NEWSPAPER

Board members and staff can write letters to the editor advocating passage or defeat of the referendum. Letters should be written during personal time using personal resources.

District leaders can challenge or correct inaccurate information presented in the media.

Paid advertisements can be placed in the media as long as district funds are not used.

SCHOOL NEWSLETTERS

School newsletters can be used to provide factual information about the referendum. They cannot be used to advocate passage or defeat.

EMAIL

Email sent from the district office should contain only factual information about the referendum. District email messages cannot advocate passage or defeat. Board members and staff can send promotional emails from their personal computers on their own time.

PRESENTATIONS

Board members and staff can give informational presentations to parent and community groups. If the presentations are promotional, then staff members must use their own time and resources, and board members must not collect per diems or reimbursement for expenses.

CABLE PUBLIC ACCESS

Board members and staff can use public access to promote referenda, just as any private citizen can. They must do it on their own time, and they may not use district equipment. They cannot be reimbursed by the district for any related expenses.

STAFF

MAILBOXES

District mailboxes provide for internal communication between employers and employees. They can be used to provide factual information, but they should not be used to distribute promotional materials. School districts should have policies that identify appropriate use of school mailboxes.

WHATEVER ACCESS IS PROVIDED TO VOTE-YES GROUPS MUST ALSO BE PROVIDED TO VOTE-NO GROUPS.

STUDENTS

Do not send promotional materials home with students. There is no statutory prohibition against sending informational materials home with students. However, district officials should carefully weigh the perception of this practice.

Students can wear vote-yes buttons, t-shirts, etc. to school if such items do not interfere with the normal operations of the school. If this is allowed, however, students must also be allowed to wear vote-no buttons and t-shirts.

Do not allow staff to advocate for a referendum's passage or defeat to students. If teachers want to discuss the referendum in a relevant class (civics, government, etc.), these discussions must be neutral.

Former students—those attending college, for example—can vote on the referendum via absentee ballots as long as they are not registered in their new locations.

UNIONS

Employee unions are independent entities. These organizations may campaign for or against any ballot issue presented by the district.

Staff cannot engage in campaign activities during work hours, and they cannot use district resources to advocate the passage or defeat of a ballot question.

PERSONAL EXPRESSION

Board members and staff can serve on vote-yes or vote-no committees during their personal time.

Board members and staff can put vote-yes or vote-no stickers on the vehicles they drive to school. This is an exercise of free speech.

Staff cannot advocate for a referendum's passage or defeat while they are being paid by the school. Whether staff can wear vote-yes or vote-no buttons while working is an unsettled issue. MSBA believes the district has the authority to prohibit such buttons in school.

Although staff may claim the right to free speech, the district has an obligation to control behavior that would cause disruption in the school.

THERE IS A BIG DIFFERENCE BETWEEN WHAT SCHOOL LEADERS CAN DO AND WHAT THEY SHOULD DO. THE KEY IS TO KNOW YOUR COMMUNITY.

Board members and staff can display referendum-related lawn signs in their yards. Check local ordinances for regulations regarding lawn signs.

Board members and staff can donate their own money to support or oppose any district ballot question.

Board members and staff can participate in promotional phone-calling campaigns on their own time using their own resources. They cannot use district phones.

Staff and board members can serve as election judges with the exception of board members who are running for election. However, voters may not perceive staff and board members as impartial judges.

DISTRICT BUILDINGS

If your school building is being used as a voting site, remember that materials advocating defeat or passage of a ballot question cannot be worn or distributed within 100 feet of the polling site.

People serving on vote-yes or vote-no committees may ask to use district meeting space. Your district should have a policy regarding use of district buildings by non-school groups. Follow the policy and treat all groups equitably.

Do not use district telephones, copiers, computers or other equipment for promotional work.

Do not display promotional materials on district property.

The district can restrict the distribution of campaign literature at school events. The district should have a policy regarding this practice, and everyone should be treated consistently.

ELECTION DAY ACTIVITIES

Vote-yes and vote-no committee members can distribute stickers with political messages on Election Day. They must be handed out at least 100 feet or more from a polling site.

Election Day advertising is allowed. That means vote-yes and vote-no groups can continue promotional work through the election.

This guide was developed by MSBA in August 2005.

Check with your local attorney for changes in the law and recent court cases.

