

School Budget Referenda Notifications

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October 1, 2026 | 2026-R-0160

Issue

When and how can a school notify parents of an upcoming school budget referendum?

The Office of Legislative Research is not authorized to give legal opinions and this should not be considered one.

Prohibition

State law ([CGS § 9-369b](#)) generally prohibits the use of state or municipal funds to influence any person to (1) vote for the approval or disapproval of a proposal or question or (2) influence any such referendum's success or defeat while it is pending (according to the State Elections Enforcement Commission (SEEC), a referendum is considered "pending" when the necessary legal conditions have been met to require the publication of the notice of the referendum). This prohibition includes the use of school facilities, supplies, equipment, and the school's public address system. It does not prohibit a school official or employee from advocating regarding the referendum in his or her personal capacity.

Additionally, municipal funds may not be used to send unsolicited electronic communications regarding an upcoming referendum. School officials should also check if any local education board policies or town ethics rules may apply.

Exceptions

State law makes several exceptions of when and how school budget referenda may be communicated.

First, a notice may be sent or published through a community notification system maintained by the municipality to all residents who have opted in the system if approved by the appropriate officials. The notice may only contain (1) the referendum's time and location, (2) a statement of the question as it is to appear on the ballot, and (3) any approved explanatory text or other material (such as pro-con statements developed and approved as allowed by state law). It may not advocate for or against the proposal or question or attempt to influence or aid a referendum's success or defeat.

The law also allows the notice information to be posted on the town's and regional school district's websites, as applicable, and the law does not prohibit publishing a reminder to vote in the referendum in a regularly published newspaper or similar publication. [SEEC has also held](#) that this information could be displayed by the school district on a municipally operated electronic sign.

Additionally, officials can express their views in their professional capacity on a pending referendum through any bona fide news mediums. They may also use public funds, facilities, and supplies to (1) prepare a press release for distribution or (2) respond to a constituent's request for information (unless they respond knowing it will be given to others in the community).

Recently, the legislature also amended [CGS § 9-369b](#) to explicitly authorize school superintendents to give written notice through the schools within the district to inform parents or legal guardians that a referendum about the school district is coming up. The notice is subject to the same content requirements and advocacy restrictions described above ([PA 26-68](#), § 252, as amended by [PA 26-76](#), § 107). SEEC had previously published guidance stating a notice limited to the time, place, and question to be voted upon could be sent home to parents via children in school.

A violation of these restrictions may result in a civil penalty issued by SEEC. For more information on this issue, [see SEEC's guidance on the expenditure of public funds relating to referenda](#) (however, it has not been updated to reflect the recent change to state law).

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