Elmbrook Schools
become what's next

Referendum Advocacy

Do's and Don'ts for Board Members and Employees

Wisconsin law prohibits using public funds or resources to advocate for or against school district referenda, but does allow for neutral, factual information to be presented to the community.

The Legal Framework

THE RULE

Wisconsin school districts, public officials, and employees are PROHIBITED from using public funds or resources to **advocate for or against a referendum**.

This includes advocacy by employees while working — since the district is paying them.

THE EXCEPTION

The use of public funds and resources to provide NEUTRAL, FACTUAL information about a referendum is permitted as a "public purpose."

Accuracy and neutrality are the keys to compliance.

⚠️ Words of Advocacy (Wisconsin AG Opinion, 68 Op. Att'y Gen. 167, 1979)

Phrases such as "vote for," "support," "cast your ballot for," “vote against,” “defeat,” “reject,” and similar statements constitute prohibited advocacy and must be avoided in official communications.

What IS Permitted

Provide Neutral Factual Information

Share accurate information about the referendum with the public. Ensure all information provided is truthful and verifiable.

Attend Informational Sessions

Board members and employees may attend district-hosted informational sessions about the referendum.

Encourage Attendance at Info Sessions

You may invite and encourage community members to attend district-hosted informational sessions.

Treat Advocacy Groups Equally

Allow both pro- and anti-referendum groups equal access to district facilities — do not favor one side.

Remind People to Vote

A simple, neutral reminder to vote is permitted. This is not advocacy — it encourages civic participation without directing a position.

What Is NOT Permitted

Advocacy While Working

Do not engage in referendum advocacy during work hours. If you cannot avoid a conversation, clearly state you are speaking as a private citizen — not as a district employee.

Directing Other Employees to Advocate

Supervisors and administrators must not direct or pressure employees to engage in referendum advocacy while they are on the clock.

Using District Equipment for Advocacy

Do not use school copiers, phones, computers, or other district equipment to create, reproduce, or distribute materials that advocate for or against the referendum.

Using District Data, Social Media, or IT Resources

District-managed data lists, email systems, social media accounts, and IT infrastructure may not be used for advocacy efforts — on either side.

Interfering with Employees' Non-Working Advocacy Rights

Employees have the right to advocate for or against the referendum on their own personal time, using their own resources. Management must not interfere with or retaliate against that protected activity.

Discriminating Against Advocacy Groups

Do not deny or limit access to school facilities for groups based on their position on the referendum. Both pro- and anti-referendum groups must be treated equally.

Using Hyperbole or Aggrandizement

Avoid inflated, exaggerated, or emotionally charged language when describing the referendum — even if technically truthful. Hyperbole can trigger complaints and shift focus away from substance.

✕ Elmbrook Parent Groups (PTO, Booster, EEF, etc)

- Most Elmbrook parent groups have their own charter and are independent of the school district
- Parent groups cannot use District resources (copier, website, District/school news posts) to advocate for a position.
- Presentations to the parent group by District staff providing neutral, factual information is allowed
- If the parent group decides to take an advocacy position towards the referendum, referendum committee rules **may** apply. However, most established Elmbrook Parent Groups will not meet the organizational purpose and fundraising expenditure thresholds. See this article for details.

Quick Reference Summary

✓ PERMITTED

- ✓ Provide neutral, factual information
- ✓ Ensure all information is accurate
- ✓ Attend district informational sessions
- ✓ Encourage attendance at info sessions
- ✓ Treat all advocacy groups equally
- ✓ Remind people to vote

✕ NOT PERMITTED

- ✕ Advocate while on work time
- ✕ Direct employees to advocate while working
- ✕ Use district equipment for advocacy
- ✕ Use district data lists, IT, or social media
- ✕ Interfere with employee non-work advocacy
- ✕ Discriminate against advocacy groups
- ✕ Use hyperbole or exaggeration

When in Doubt,

Ask Before You Act.

Questions about what's appropriate should be directed to Chris Thompson (thompsoc@elmbrookschools.org) before communicating with the public.