

Political Activities and Schools

Campaign Season

Campaign season can be an exciting time for school districts and employees. California law provides rules and guidelines intended to help even the playing field for candidates and ensure that instruction continues with minimal disruption. Below we provide a planning guide to help ensure school districts, and their employees, avoid issues this campaign season.

What School Districts May Do:

- > Allow employees to distribute campaign materials outside of work, or on their own time, using their own materials.
- > Provide a public forum, such as a public bulletin board or table, available for all people to use.
- > Make District property available to any interested group as a public forum under the Civic Center Act and consistent with District policies and regulations.
- > Provide fair and impartial informational letters with relevant facts to aid voters regarding a bond issue or ballot measure.
- > Prohibit political buttons during instructional time. However, employees may wear union buttons at any time unless the union button causes a disruption of instruction or other operations, and may wear political buttons during non-instructional time, such as lunch breaks, back-to-school night, and board meetings.
- > Conduct research on the need for a ballot measure.
- > Hire consultants to help prepare a fair and unbiased presentation of facts related to a matter on the ballot.
- > Adopt a resolution supporting or opposing a ballot measure at a public meeting.

What School Districts Cannot Do:

- > Use or allow the use of District funds, services, supplies, or equipment to support/oppose a candidate or ballot measure.
- > Distribute campaign material through District e-mail or mailboxes, or on District/county office/school property.
- > Use student or employee contact information for campaign mailings or other campaign purposes.
- > Hire consultants for individual campaigning efforts.

Rules for Individual Employees:

Employees **shall not**:

- > Use District funds, services, supplies, or equipment to urge the support or defeat of a ballot measure or candidate, including the reproduction of political campaign materials, even if the District is reimbursed.
- > Use work time to urge the support or defeat of a ballot measure or candidate.
- > Solicit or receive political funds or contributions to promote the support or defeat of a ballot measure or candidate during working hours on District property.
- > Post or distribute political campaign materials on District property, except for the use of any forum made

available by the District to the public for political activity.

- > Distribute political campaign materials through the District's mail service, e-mail or staff mailboxes.
- > Use students to write, address, or distribute political campaign materials during instructional time.
- > Wear buttons or articles of clothing that express political opinions on ballot measures or candidates during instructional time.
- > Display large political signs on their cars in the school parking lot.

Employees **may**:

- > Exercise their constitutional right to engage in political activities and free speech using their own resources during their own time.
- > Encourage people to register to vote for an election.

There are many other situations involving political activities by Districts and their employees that may not be covered above. Please do not hesitate to contact our office if you are unsure about how to tackle a situation.

DISCLAIMER: As the information contained herein is necessarily general, its application to a particular set of facts and circumstances may vary. For this reason, this document does not constitute legal advice. We recommend that you consult with your counsel prior to acting on the information contained herein.

Copyright © 2022 Lozano Smith - All rights reserved. No portion of this work may be copied, or sold or used for any commercial advantage or private gain, nor any derivative work prepared there from, without the express prior written permission of Lozano Smith through its Managing Partner. The Managing Partner of Lozano Smith hereby grants permission to any client of Lozano Smith to whom Lozano Smith provides a copy to use such copy intact and solely for the internal purposes of such client. - Last Rev. August 16, 2022