

Campaigning & Advocacy Do's and Don'ts for Public School Leaders

Presented by Chris Thomas, Director of Legal Services, Arizona School Boards Association

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It is imperative that campaigning and advocacy efforts on behalf of Prop. 100, bonds, overrides or other ballot measures by school board members and public school employees stay within the bounds of the law. Arizona Revised Statutes section 15-511 (A.R.S. 15-511) prohibits school districts from using school resources to influence the outcome of an election.

This is what A.R.S. 15-511 prohibits:

- It prohibits school boards (collectively, as a board) from making statements or submitting arguments in favor or in opposition to a ballot measure.
- It prohibits school employees, when on school time, from activities that would influence an election.
- It prohibits the use of school property including equipment, paper, copiers, buildings, computers, etc. from being used to influence an election.
- It prohibits students being given campaign material intended to influence an election or material intended to influence the outcome of legislation. Because this is an area of the law with special emphasis, the best practice is to avoid children taking home any material that might be deemed political.

A.R.S. 15-511 does not tie the hands of school board members or public school employees, however. This is what the law DOES NOT prohibit:

- Individual board members or school employees not on school time MAY exercise their free speech rights and get involved in campaigns.
- School district employees MAY receive campaign information in school district e-mail accounts and mailboxes from an outside (non-school) sender; however, in the case of school e-mail accounts, such information cannot be passed on to others – including outside recipients.
- Outside groups, including PTO's, MAY organize and use school buildings to have meetings in support of a campaign providing those groups lease the facilities in the manner any other group would be allowed to lease.
- Individuals MAY exercise their free speech rights (politicking, including flyer distribution) at an event in which the public at-large is welcome, providing that such activity is welcome among all groups and is consistent with district policy for such activity.
- School districts MAY remind their patrons that election day is May 18 and ask them to vote – so long there is no attempt to say HOW to vote.
- Board members and school employees on school time MAY answer questions from a factual perspective on impact to the school district depending on election's outcome. (However, be careful here! If facts can be viewed as being overly speculative, skewed or selectively used to further a particular viewpoint, the law may be triggered.)

Frequently Asked Questions about A.R.S. 15-511 and the Use of School Resources to Influence an Election

Q1: Can a person use their title in support of an issue – say signing a Letter to the Editor, signed by the Superintendent?

A1: Yes, though best practice is to state that the letter is not being written on behalf of the district. The letter should obviously not be written during duty time and no school resources should be used – computers, paper, etc. – in its production.

Q2: Can you post election info on school marquees?

A2: Yes, you can put the election date and ask people to vote on a school marquee. You cannot tell them or suggest to them HOW to vote.

Q3: Can school employees receive election-related material in school mailboxes or on school computers or in school-provided e-mail accounts?

A3: Yes, the law allows for the receipt of such material so long as the district has a policy allowing for receipt of outside, non-school related messages. However, school employees cannot forward such messages to anyone or print out such messages on district printers or district paper. A good practice for any messages going to school district accounts is to contain a tag that informs the receiver of the message of the law. Here is some suggested language: “Please note: If you are receiving this message on a school district computer or using a school district provided e-mail account you may not forward this message from your computer to another’s computer or copy the flyer and distribute under A.R.S. 15-511, which prohibits the use of school resources in influencing the outcome of an election.”

Q4: Can a parent or employee have a bumper sticker on a car in a school parking lot?

A4: Yes, this is specifically allowed under the Attorney General guidelines.

Q5: Can teachers wear t-shirts or buttons to school in support of Prop. 100? Can board members wear t-shirts or buttons in support of Prop. 100 to a board meeting?

A5: No and No.

Q6: Can community members, parents or school employees pass out material in support of Proposition 100 at school or at school-sponsored events?

A6: If it is an event where the public is not generally invited – like during the school day – parents or community members would have to stay off school premises to hand things out. (School employees could also participate if they were off duty.) If it is an extracurricular event where the public is invited, then the parents (and school employees that are off duty and do not have supervisory responsibilities) can come on campus and pass things out – so long as all sides are treated fairly.

Q7: Can the district distribute factual information about the impact of Proposition 100 to the public?

A7: Yes, but facts should be presented fairly, completely and without bias. If at all possible, such materials should stick to the financial numbers closely and avoid editorial comment.

Q8: Can we send home factual information with students for their parents to read?

A8: The law is very clear that students should never be used in an attempt to influence the outcome of an election. The law also prohibits students from bringing home material that attempts to influence legislation (no lobbying, the only place in the law where lobbying is invoked.) For this reason, best practice is not to give any material to students related to the election – even a “just the facts” flyer.

Q9: Can teachers, school staff and administrators discuss their support for Prop. 100 during the course of the school day or at official events?

A9: Teachers and other school employees do have the right of free speech but these rights are fewer in a work environment. During non-duty time, school employees should feel free to express their point of view and to gather with other like-minded school employees who are also off-duty. School employees should always refrain from expressing their views about the election to students during the school day. If discussing Prop. 100 before community groups, superintendents and principals should take time off from work if discussing Prop. 100 in anything but a factual manner. All school employees can take part in election related activities if off duty and school resources are not utilized.

Q10: Can school buildings be used by outside groups for campaign-related events?

A10: Yes, as long as the facility is rented at the going rate under the district’s community use of facilities policy. This includes parent teacher organizations that normally get free use for their meetings; if the meeting is to discuss pro-Prop. 100 campaigns (or anti-Prop. 100 as well), rental fees must apply for that meeting.

Q11: Can the district/school have a campaign forum on Prop. 100 where all sides are represented?

A11: Yes, and if such a forum is held no rental charges would apply.

Q12: Can the band and cheerleaders perform at a pro-Prop. 100 rally?

A12: Yes, but such a performance must be truly voluntary on behalf of the students and no district provided uniforms or instruments should be used.

Q13: Can teachers take parent e-mails and send a pro Prop. 100 message to them from their own computers at home, when not on school duty?

A13: Yes, if such e-mail addresses are obtained under a public records request.

Q14: Can a school board adopt a resolution in favor of Prop. 100?

A14: No.

Q15: Can civics educators discuss Prop. 100 as part of a Kids Voting program or other type program to teach students about the political process?

A15: Yes, so long as the instructor follows a curriculum that is neutral in its approach. While students are free to voice their positions about Prop. 100 during such a program, school employees should refrain from doing so.

Q16: Can voter registration material be given out by schools?

A16: Yes, but only if such material is available all the time and not just part of an advocacy effort.

Q17: If a school gives out space to an outside group for free – under the community use policy where the activity supports the school’s educational mission – can that outside group allow campaigning by a pro-Prop. 100 group?

A17: No. If the school facility is being used without compensation being paid – because the activity is deemed to further the school’s educational mission – no campaign activity can occur since that is, by law, NOT part of the school’s educational mission.

Q18: Do the 15-511 restrictions apply to charter schools?

A18: Yes. Although charters are exempt from most of the laws pertaining to school districts, they must follow 15-511 and all of the answers here would equally apply to charters.

Q19: Can pro-Prop. 100 signs be placed on school campuses on election day, if the campus is being used as a polling place?

A19: Yes. There the First Amendment would apply and signs could be placed on school grounds by proponents of Prop. 100, as long as they are outside of the prescribed 75-foot limit.

Q.20: Can students attend pro-Prop. 100 rallies held on school campuses?

A20: Yes, but only voluntarily and information about the rally cannot be distributed during the school day or using school resources. (Also, don’t forget that the facility for the rally must be rented under the school’s community use policy.)

Attorney General's Guidelines on 15-511

The Attorney General's Office has published guidelines to give school officials practical advice on adhering to the law's requirements. They are worth reading and getting acquainted with. View the guidelines at: www.azag.gov/SchoolGuidelines/2004%20School%20Guidelines%20re%20elections.pdf

Questions regarding A.R.S. 15-511?

Contact Chris Thomas, ASBA's General Counsel: cthomas@azsba.org.