

SPS Legal Counsel Authorizes Voter Registration Education

Seattle Public Schools authorizes legality of schools and, thus, students, on “how to register to vote.” See page 3, where the following quote can be found.

Q: May schools or PTSA groups inform students and parents on how to register to vote?

A: Yes, so long as information on registering to vote takes place not only for school levies, but also for all elections.

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MEMORANDUM

To: All Staff

**From: Kevin O’Neill, Senior Assistant General Counsel
John Cerqui, Deputy General Counsel**

Date: August 31, 2012

**Re: Election, Initiative, Referendum, and Levy Related Activities - Guidelines
for School District Personnel**

The purpose for this email is to remind all Seattle School District ("District") employees that under Washington State law employees may not use or authorize the use of District facilities to support or oppose a candidate or a ballot measure. District facilities include, but are not limited to use of stationery, postage, equipment, use of employee time, vehicles, office space, publications, and client lists. These rules apply to all upcoming elections.

Basic Principles

The general rule is that school district employees cannot use public funds or resources to support or oppose a statewide referendum, a statewide or local ballot proposition, or a candidate for public office. This includes a school levy. As such, the District cannot allow employees or outside individuals or organizations to use District equipment (e.g., copy machines, fax machines, or computers), supplies, employee work time, school buildings or office space, or District communications to support or oppose a statewide referendum, a statewide or local ballot proposition, or a candidate for public office.

Staff can spend their own personal time and resources helping a campaign on their own time and with their own resources. District employees should be clear that any participation in campaign activities is personal.

For additional information on Public Disclosure Commission ("PDC") election campaign rules, please go to the PDC website and review PDC Interpretation No. 01-03, Guidelines for School Districts in Election Campaigns (Revised September 28, 2006). See <http://www.pdc.wa.gov/archive/pdf/01-03Revised092806.pdf>

If you have any questions about this memorandum or ballot measure/election campaign activities please contact us by email at jcerqui@seattleschools.org or kfoneill@seattleschools.org.

Common Questions

Q: May school newsletters remind voters of upcoming elections in their school newsletter?

A: Yes, if schools regularly announce election dates in the school newsletter. The announcement cannot, however, tell voters how to vote.

Q: May schools provide factual information to staff and families about levies.

A: Yes. An objective and fair presentation of the facts is permitted. The District's Communications Department will prepare a factual document for distribution. This document may be distributed through normal distribution channels for your school, e.g., kid mail, regularly scheduled newsletters, websites, bilingual documents, or other formats that are regularly used to communicate to families at your school.

Q: Can staff use internal mail systems (employee mail boxes and e-mail) to promote a ballot measure or a candidate?

A. No. The PDC in a Memorandum Dated May 18, 2004 (see attachment to this e-mail) states that internal mail systems (mail boxes and e-mail) cannot be used by "administrative staff, teachers and other district personnel to distribute information that supports or opposes a statewide referendum, a statewide or local ballot proposition, or a candidate for public office." Furthermore, the District's Network Use Agreement, which all employees were required to accept to obtain network access provides that "supporting or opposing a political candidate, an election campaign, or a ballot proposition, including a school levy," is prohibited. If you receive a political e-mail, please promptly delete the e-mail and do not forward it on. Receiving an unsolicited political e-mail is not a rule violation.

Q: May unions that represent District employees have a union meeting where a levy or a candidate is promoted?

A: Yes, if the collective bargaining agreement provides for meeting space at school. For example, the District's collective bargaining agreement with the Seattle Education Association ("SEA") authorizes SEA to have meetings on school property without paying a fee. These meetings are not public meetings; they are private meetings for SEA represented employees. The subjects for discussion at these meetings are exclusively SEA's. An SEA meeting to discuss or promote a candidate or ballot measure must take place during non-work time.

Q: May staff display campaign literature at school that promotes a ballot measure or candidate (e.g., posters and flyers)?

A: No. The District cannot display or distribute campaign material on school property that promotes a ballot measure or candidate. For example, a school cannot post in the front office a pro-levy sign or allow a teacher to post a "Vote for President A" sign in his or her classroom window. An exception to this rule is that if a class is discussing an educational topic e.g., political campaigns. If yes, political information may be shared and posted if it is done in a balanced manner.

Q: May staff hand out campaign materials to other staff in their classroom, the hallway, or the break room?

A: Yes. Staff may hand out campaign material to other staff during non-work times. The PDC recommends that this take place in a staff break room. That said, the District acknowledges that staff have a First Amendment right to discuss political issues with other staff, which includes the sharing of printed material.

Q: May principals/staff wear political buttons or display vehicle window signs or bumper stickers on a personal vehicle?

A: Yes. However, principals or supervisors cannot direct or encourage their staff to wear buttons or place bumper stickers on their vehicles. For clarification, a sign in a personal vehicle is permitted, but a sign in a school window is prohibited.

Q: May a staff member assist a campaign or support a ballot measure?

A: Yes. You may participate in any campaign activities as long as you are not representing your school or the District in your official capacity and provided no District facilities are used unless properly rented or used by staff for an approved union meeting.

Q: May schools or PTSA groups inform students and parents on how to register to vote?

A: Yes, so long as information on registering to vote takes place not only for school levies, but also for all elections.

Q: What are the basic rules on using "kid mail" to send campaign information home?

A: "Kid mail" is considered a District resource. Thus, school or PTSA publications or newsletters sent home with students cannot contain any material promoting or opposing a ballot measure or initiative. However, a factual description of the ballot measure or initiative, with no editorial opinion, may be included. School and PTSA newsletters sent home with kids cannot ask for volunteers to promote a ballot measure. For example, kid mail newsletters cannot say: "If you want to support the Families and Education Levy or volunteer on a phone bank, please contact person A."

Also, if a PTSA has endorsed a levy and PTSA endorsements are regularly included in their newsletters, the fact of that endorsement and the ballot title may be reported in the PTSA newsletter, even if it is delivered via kid mail.

Q: May a PTSA discuss levy or other ballot measures at a regularly scheduled PTSA meeting?

A: Yes. A factual discussion or participant comments concerning a levy or a ballot measure may take place at a PTSA meeting. The purpose for this discussion should be for the PTSA to decide whether to endorse or oppose a ballot proposition.

Q: May a PTSA use school facilities for meetings where information supporting or opposing a levy or ballot measure is presented, even if presented by an advocacy group?

A: Yes, if the presentation is done in a forum open to the public where equal access is provided to both groups. Equal access means both sides of a levy or ballot measure are given an equal opportunity to speak and make a presentation.

Q: May the PTSA use school facilities to campaign for the passage of a levy or ballot measure?

A: No. If the PTSA or any other group wants to campaign for a levy or ballot measure, the school facility would need to be rented for a fee. Please contact Eleanor Lockett at (206) 252-0640 to learn about property rental options and rates.

Q: May PTSA print and distribute a separate newsletter advocating support for a levy?

A: Yes, so long as no District resources are used (such as kid mail, school newsletters, or District websites). If PTSA's want to produce a pro-levy statement or advocate for the passing of a levy, such a statement or newsletter would need to be mailed or delivered off school property to families at PTSA expense.

