

BULLETIN BOARD

Election Year Considerations

As the Nov. 6 election draws closer, candidates and special interest groups will be ramping up their campaigns by increasing phone calls, commercials and mailings to deliver their political messages. During this time, school districts will have to remain vigilant to ensure their funds and resources are not being used to support such political messages, which would be contrary to Michigan's Campaign Finance Act.

Most school boards have adopted policies to regulate political activities on school district property to avoid violations of the Campaign Finance Act. So, now is the time for school administrators to reacquaint themselves with the policies that cover issues relating to campaigning on school property or political activities by employees.

The community relations section of a school board's policy manual is likely to include several policies covering activities relating to political campaigns. For example, a school board's policy that addresses relations with special interest groups might indicate the following: "All materials or activities proposed by outside political sources for student or staff use or participation shall be reviewed by the Superintendent on the basis of their educational contribution to part or all of the school program and benefit to students, and no such approval shall have the primary purpose of advancing the name, product or special interest of the proposing group." (NEOLA Policy 9700)

In regard to facility or equipment use, the same policy would likely emphasize that: "[s]chool facilities or equipment may not be used as a means of producing or disseminating to the community any materials that advertise or promote a political party, a political cause or the candidacy of an individual for public office. Students and employees of the Board shall not be used to distribute campaign literature within the schools or on school grounds." (NEOLA Policy 9700)

Likewise, a school district's policy on advertising and commercial activities would support the above policy by including the following prohibition: "No advertisement shall promote any specific religion or religious, ethnic or racial group, political candidate or ballot issue and shall be nonproselytizing." (NEOLA Policy 9700.01)

The Political Activities by Public Employees Act sets the legal parameters for public employees in regard to participation in political activities. Section three of the act confirms that school employees may "[e]ngage in... political activities on behalf of a candidate or issue in connection with partisan or nonpartisan elections" (MCL 15.403). However, section four clarifies that such activities shall not occur "during those hours when [a public employee] is being compensated for the performance of that person's duties as a public employee." (MCL 15.404) Thus, a school board's policy addressing outside activities of staff should prohibit staff members from "campaign[ing] on school



property during duty hours on behalf of any political issue or candidate for local, state or national office.” (NEOLA Policy 3231)

And, a staff ethics policy should direct staff members to refrain from using their positions or public property, or permitting another person to use their positions or public property: “for political...purposes.” (NEOLA Policy 3210)

Lastly, school districts may adopt policies and administrative guidelines that prohibit employees from using the school district electronic network for campaign or political reasons. Thus, a school district’s staff network and internet acceptable use and safety guideline could simply state: “Any use of the internet for commercial purposes, advertising or political lobbying is prohibited.” (NEOLA Administrative Guideline 7540.04)

If a school district confronts a situation involving political campaigning that doesn’t appear to apply to a specific policy, the administration shouldn’t hesitate to contact MASB Legal Counsel Brad Banasik at bbanasik@masb.org or 517.327.5929, or their NEOLA associate for assistance.



MASB
MICHIGAN ASSOCIATION
OF SCHOOL BOARDS