

Proposition 123

Dos and Don'ts for Influencing Elections

It is imperative that efforts on behalf propositions or other ballot measures by school employees stay within the bounds of the law. [A.R.S. § 15-511](#) prohibits school employees from using school resources to influence the outcome of an election. The following information does not apply to general contact with your legislators or inviting them to visit your school.

Below are a few tips for charter school leaders and teachers on influencing Prop 123. The Attorney General's Office has published guidelines to give school officials practical advice on adhering to the law's requirements. View the guidelines at <https://www.azag.gov/document/school-use-guidelines-school-district-or-charter-school-resources>. This is not legal advice.

	Do!	Don't!
School Hours	Individual board members or school employees may exercise their free speech rights and get involved in campaigns, as long as <u>you are not on school time</u> .	Avoid advocating any position for (pro or con) during contracted school hours.
School Property	Outside groups, including parent groups 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.	Don't use school property including equipment, paper copiers, buildings, computers, etc. to influence an election.
Email	If you receive a political email to your work account, you may forward it to your personal account and respond from there.	Do not forward or respond to political emails using your school account or school resources.
Talking to Parents	During school hours, you may provide neutral, factual information about elections if asked by parents, students, community members, etc.	During school hours, you may not give an opinion or attempt to sway votes with parents, students, community members.
Students	Avoid providing any materials to students related to an election – even a “just the facts” flyer.	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.
Events	You may attend any political event as long as <u>you are not on duty</u> .	
Facebook and Social Media	You may participate in political discussion or “like” specific candidates or ballot measures as long as <u>you are not on duty</u> .	Avoid advocating any position for (pro or con) during contracted school hours.

Frequently Asked Questions*

Q. Can a person use their title to support Prop 123— say signing a letter to the Editor, signed by the Superintendent?

Yes, though best practice is to state that the letter is not being written on behalf of the school. The letter should not be written while you are working and no school resources should be used — computers, paper, etc. — in its production.

Q. Can you post election information on school marquees?

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.

Q. Can school employees receive election-related material in school mailboxes or on school computers or in school-provided email accounts?

Yes, the law allows for the receipt of such material so long as the school 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 message on school printers or school papers. A good practice for any messages going to school 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 computer or using a school provided email 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.”

Q. Can a parent employee have a pro-Prop 123 bumper sticker on a car in a school parking lot?

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

Q. Can teachers wear t-shirts or buttons to school in support Prop 123? Can board members wear t-shirts or buttons in support of Prop 123 to a board meeting?

No and no.

Q. Can community members, parents or school employees pass out material in support of Prop 123 at school or at school-sponsored events?

If it’s 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 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.

Q. Can the school distribute factual information about the impact of Prop 123 to the public?

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. (Don't forget: do not send any information home with students.)

Q. Can we send home factual information on Prop 123 with students for their parents to read?

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. For this reason, best practice is to avoid providing any materials to students related to an election – even a “just the facts” flyer.

Q. Can teachers, school staff and administrators discuss their support for Prop 123 during the course of the school day or at official events?

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. If discussing a ballot initiative or candidate before community groups, school employees should take time off from work if the discussion is anything but a factual manner. All school employees can take part in election related activities if off duty and school resources are not utilized.

Q. Can school buildings be used by outside groups for campaign-related events?

Yes, as long as the facility is rented at the going rate under the school's community use of facilities policy. This includes parent teacher organizations that formally get free use for their meeting if the meeting is to discuss and pro- or anti- election campaign, rental fees must apply for that meeting.

Q. Can the school have a campaign forum on Prop 123 where all sides are represented?

Yes, as if such a forum is held, no rental charges would apply.

Q. Can the band and cheerleaders perform at a pro-Prop 123 rally?

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

Q. Can teachers take parent emails and send a pro-Prop 123 message to them from their own computers at home, when not on school duty?

Yes, if such email addresses are obtained under a public records request.

Q: Can a school board adopt a resolution in favor of Prop 123?

No.

Q: Can civics educators discuss Prop 123 as part of a Kids Voting program or other type of program to teach students about the political process?

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

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

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

Q: 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 123 group?

No. If a 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.

Q: Can pro-Prop 123 signs be placed on school campuses on Election Day, if the campus is being used as a polling place?

Yes. The First Amendment would apply and signs could be placed on school grounds by campaigns as long as they are outside of the prescribed 75-foot limit.

Q: Can students attend a Prop 123 rally held on school campuses?

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.)

Q: Can schools have a forum where only facts and local impact of Prop 123 will be discussed?

Yes, but extra care should be taken to ensure that it is purely a “just the facts” presentation and discussion; neutral facts that favor both a pro- and con- side should be brought out in such a discussion. The safest thing to do is to have an issues forum and have the other side represented – then those involved (not school employees on school time) need not worry if a discussion of the facts leads to an advocacy message.

**Source: Chris Thomas, ASBA Director of Legal Services*