

Reminders for Levy Campaign Activities

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When preparing for upcoming levies, it is important to keep in mind which campaign activities are permissible and impermissible for Boards of Education.

The following activities are **not** permissible:

- Boards may not use public funds to support or oppose the passage of any school levy or bond issue.
- Boards may not compensate any school district employee for any activities intended to influence the outcome of an election for a school levy or a bond matter.

The following activities **are** permissible:

- Boards may prepare and distribute materials that further public awareness of the district's educational programs and operations, and costs associated with such materials may be paid from school district funds.
- Distributed materials can contain information related to the school district's financial picture, revenues, and expenditures.
- Boards may assign one or more employees the duty of preparing school publications as part or all of the employee's job responsibilities.
- Boards can also permit employees to attend public meetings during the employees' regular working hours for the purpose of presenting information about school finances and activities and board operations.

Although a Board cannot expend public funds or use public employees to support or oppose the passage of a school levy or bond issue, the law allows public employees to expend public funds, time, and resources for presenting information about school finances and other board actions, even if the purpose is to discuss or such information in connection with a school levy or bond issue. Additionally, school employees working on their own time, and without financial support of the board, may take part in pro levy campaigns.

Essentially any board policy or practice permitting or prohibiting the use of facilities and resources for political purposes must be content neutral. Therefore, the Board cannot regulate or prohibit the message provided by these political activities. When examining the nature and message of the information to be distributed, ensure that a reasonable and rational person would not perceive the material or information as patently advocating a position for or against the levy

issue.

Frequently Asked Questions (FAQs):

Q. *“Can we use a phone system to remind people the weekend before elections to go out and vote?”*

R. Yes, as long as the intent and purpose is to remind people to vote in the upcoming election. However, it would not be permissible to remind them to vote specifically for the levy, against the levy, or even to address the levy in the message.

Q. *“Can we put an informational piece about the levy in all children’s backpacks the week before the levy?”*

R. Yes, it is permissible to include information of a generic nature which clearly spells out the financial situation of the District and provides informational material to parents of students related to the levy, but information cannot support and/or oppose the levy if paid for by District funds. Districts should use extreme caution using this strategy because in the event the information would advocate for passage of the levy, then the Board would be required to permit opposition groups the same level of access to students’ backpacks.

Q. *“Can we use the Open Records Act to provide the email addresses of staff and parents to levy committees?”*

R. Maybe. Staff emails are normally considered public records, but parent emails are only allowable if the district designates the emails of parents as “directory information,” thereby allowing disclosure to the public. This release should be handled as any other public record release would be handled — based on a written request under the Public Records Act.

Q. *“Can we have a place in each building where people can put donations for the levy campaign?”*

R. Probably, but this is not recommended because anti-levy groups could also ask for campaign contributions. This also opens the district up to an allegation that this was administered using district funds.

Q. *“Can we use students either before or after school to work polls as long as it is totally voluntary?”*

R. This is permissible, but recruitment of these students cannot take place during school in any way. The solicitation and/or recruitment of these students must take place wholly apart from school by the levy campaign committee.

Q. *“Can we have voter registration tables at school functions - - but not say anything about the levy?”*

R. This is permissible, but districts should use caution. There should not be any information about the levy near the tables. The organizers and persons working the tables should not have buttons indicating passage of the levy. The workers of the tables must be instructed not to discuss and/or mention the levy in any manner with persons registering to vote.

Q. *“Can we have school signs urging people to vote on election day - - but not say vote for the levy?”*

R. It is permissible for the District to utilize the marquees in front of each school building in order to remind people to vote at the election. However, additional signs anywhere on school property is not recommended.