PUBLIC DISCLOSURE COMMISSION
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Guidelines for School Districts in Election Campaigns
PUBLIC DISCLOSURE LAW RE: USE OF FACILITIES IN CAMPAIGNS RCW 42.17.130
Forbids use of public office or agency facilities in campaigns.

No elective official nor any employee of his office nor any person appointed to or employed by any public office or agency may use or authorize the use of any of the facilities of a public office or agency, directly or indirectly, for the purpose of assisting a campaign for election of any person to any office or for the promotion of or opposition to any ballot proposition. Facilities of public office or agency include, but are not limited to, use of stationery, postage, machines, and equipment, use of employees of the office or agency during working hours, vehicles, office space, publications of the office or agency, and clientele lists of persons served by the office or agency: PROVIDED, That the foregoing provisions of this section shall not apply to the following activities:

(1) Action taken at an open public meeting by members of an elected legislative body to express a collective decision, or to actually vote upon a motion, proposal, resolution, order, or ordinance, or to support or oppose a ballot proposition so long as (a) any required notice of the meeting includes the title and number of the ballot proposition, and (b) members of the legislative body or members of the public are afforded an approximately equal opportunity for the expression of an opposing view;

(2) A statement by an elected official in support of or in opposition to any ballot proposition at an open press conference or in response to a specific inquiry;

(3) Activities which are part of the normal and regular conduct of the office or agency.

RCW 28A.320.090
Preparing and distributing information on district's instructional program, operation and maintenance--Limitation.

The board of directors of any school district shall have authority to authorize the expenditure of funds for the purpose of preparing and distributing information to the general public to explain the instructional program, operation and maintenance of the schools of the district: PROVIDED, That nothing contained herein shall be construed to authorize preparation and distribution of information to the general public for the purpose of influencing the outcome of a school district election.

WAC 390-05-271
General applications of RCW 42.17.130.

(1) RCW 42.17.130 does not restrict the right of any individual to express his or her own personal views concerning, supporting, or opposing any candidate or ballot proposition, if such expression does not involve a use of the facilities of a public office or agency.

(2) RCW 42.17.130 does not prevent a public office or agency from (a) making facilities available on a nondiscriminatory, equal access basis for political uses or (b) making an objective and fair presentation of facts relevant to a ballot proposition, if such action is part of the normal and regular conduct of the office or agency.

WAC 390-05-273
Definition of normal and regular conduct.

Normal and regular conduct of a public office or agency, as that term is used in the proviso to RCW 42.17.130, means conduct which is (1) lawful, i.e., specifically authorized, either expressly or by necessary implication, in an appropriate enactment, and (2) usual, i.e., not effected or authorized in or by some extraordinary means or manner. No local office or agency may authorize a use of public facilities for the purpose of assisting a candidate's campaign or promoting or opposing a ballot proposition, in the absence of a constitutional, charter, or statutory provision separately authorizing such use.

Similar prohibitions on the use of public facilities by state employees and state officers are described in a memorandum from the Attorney General's Office regarding RCW 42.52 and available at www.wa.gov/ago/pubs.

BASIC PRINCIPLES

1. Public facilities may not be used to support or oppose a candidate or ballot proposition. RCW 42.17.130. Facilities include school district equipment, buildings, supplies, employee work time, and district publications. The statute includes an exception to the prohibition for "activities which are part of the normal and regular conduct of the office or agency."

2. School districts are authorized by statute to prepare and distribute information to the general public to explain the instructional program, operation and maintenance of the schools of the district. This includes informing the community of the needs the district faces and needs students have that the community may not realize exist. RCW 28A.320.090 which authorizes the board of directors of any school district to expend funds for this purpose provides that nothing in that statute is to be construed as authorizing preparation or distribution of information to the general public for the purpose of influencing the outcome of a school district election.

3. School districts are charged with education and instilling civic virtue.

4. School district employees do not forfeit their rights to engage in political activity because of their employment. Neither may district employees be subjected to coercion, pressure, or undue influence to participate in political activity or to take a particular position. Public officials and employees should make it clear that any participation is personal rather than officially sponsored.

5. Supervisory school personnel have a duty to know, apply, and communicate to their staffs the difference between acceptable information activities and inappropriate promotional activities in support district ballot measures.

6. School directors are free to support school district ballot issues and engage in other political activities as long as such activities do not make use of district facilities, time or resources and do not either pressure or condone employees' use of district facilities, time or resources to support school district ballot issues.

7. The PDC is charged with enforcing RCW 42.17.130. This requires consideration and analysis of activities, which may or may not be determined to be in violation of the statute. The PDC has, over the years, developed methods of considering and analyzing activities engaged in by school districts and public offices. Among the factors considered are the normal and regular conduct of the district and the timing, tone, and tenor of activities as compared with ballot measure elections.
As in any matter where intent is to be considered, hard and fast rules, which will be applicable to all situations, are difficult to establish.

The combination of a number of activities into a coordinated campaign involving close coordination between district activities and citizens' committee activities which closely resembles traditional election campaign activities and which is targeted at and/or occurs close in time to a school district ballot measure election is likely to draw close scrutiny and careful consideration by the PDC as to whether a violation has occurred.

8.a. Historically, the PDC has routinely advised and held that with respect to election- related publications, one district wide objective and fair presentation of the facts per ballot measure is appropriate.

In addition, if a district has also customarily distributed this information through means other than a district wide mailing (e.g. kid mail, regularly scheduled district or school newsletter, website, bilingual documents, or other format), that conduct has also been permitted under RCW 42.17.130 so long as the activity has been normal and regular for the district.

b. The PDC will presume that every school district may distribute district wide an objective and fair presentation of the facts for each ballot measure. If the district distributes more than this district wide single publication, the district must be able to demonstrate to the PDC that this conduct is normal and regular for that district. In other words, the district must be able to demonstrate that for other major policy issues facing the district, the district has customarily communicated with its residents in a manner similar to that undertaken for the ballot measure.

Districts are urged to read the definitions of "normal and regular" at WAC 390-05-271 and WAC 390-05-273. Districts need to be aware, however, that in no case will the PDC view a marketing or sales effort related to a campaign or election as normal and regular conduct.

USE OF THE GUIDELINES

This document is intended to assist school districts, employees, directors, and others in complying with the requirements of the Washington State statutes, regulations, and case law governing school districts and election campaigns. As noted in the principles, hard and fast rules are difficult to establish for every fact pattern that may appear in the course of election campaigns. The “General Considerations” column in the chart applies to the entire category and is not limited to the specific bullet point immediately to the left of the general consideration. Situations may arise which are not squarely addressed by the guidelines or which merit additional discussion. The PDC urges districts to review the guidelines in their entirety, and to consult with their own legal counsel and with the PDC. The PDC can be reached at 1-877-601-2828.

Public Disclosure Commission
Guidelines for School Districts in Election Campaigns

Persons	Permitted	Not Permitted	General Considerations
Principals or Building Administrators	• May inform staff during non-work hours[1] of opportunities to participate in campaign activities.[2] • Are encouraged to communicate to staff the difference between acceptable and unacceptable activities related to a ballot measure. • In the course of normal publications for the school, may distribute an objective and fair presentation of the facts[3] based on and expanded upon the information[4] prepared by the district in accordance with the normal and regular conduct of the school and the district.[5]	• Shall not pressure or coerce employees to participate in campaign activities. • Shall not use internal memoranda solely for the purpose of informing employees of meetings supporting or opposing ballot measures. • Shall not coordinate informational activities with campaign efforts, in a manner that makes the district appear to be supporting or opposing a ballot measure.	• Has there been communications with staff and with union representatives regarding the prohibition on the use of the school's internal mail or email system to support or oppose a ballot measure? • Is the distribution of this information consistent with the normal practices of the school (such as kid mail, newsletters, websites, or some other format)?

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[1] Districts may set the definition of work hours for their employees. For example, to the extent that a district defines the lunch hour as a non-work hour, activities to support or oppose a candidate or a ballot measure that do not use public resources and that are held away from district facilities are permitted during the lunch hour.

[2] RCW 42.17.680(2) provides that "[n]o employer or labor organization may discriminate against an officer or employee in the terms or conditions of employment for (a) the failure to contribute to, (b) the failure in any way to support or oppose, or (c) in any way supporting or opposing a candidate, ballot proposition, political party, or political committee."

[3] Throughout these guidelines, the clause "objective and fair presentation of the facts" means that in addition to presenting the facts, the materials should present accurately the costs and other anticipated impacts of a ballot measure.

[4] For the purposes of these guidelines, "information" refers to the documents prepared, printed, and mailed districtwide by the district's central administration solely for the purposes of informing residents regarding an upcoming ballot measure. The district and a school may continue to distribute information consistent with the customary practices of the district and a school, including but not limited to kid mail, newsletters, websites, and multi-lingual documents. These publications may
continue, but if they discuss the ballot measure, the information should be an objective and fair presentation of the facts.

[5] For the purpose of these guidelines, the term “normal and regular” is defined in WAC 390-05-273 and clarified further by WAC 390-05-271.

Persons	Permitted	Not Permitted	General Considerations
Principals or Building Administrators (continued)	• May speak at community forums and clubs to present factual and objective information on a ballot measure during regular work hours. • May encourage staff and members of the public to vote, as long as such encouragement routinely occurs for other elections. • May respond to questions regarding a ballot measure if such activity is consistent with his or her normal and regular duties. • May wear campaign buttons or similar items while on the job if the district's policy generally permits employees to wear political buttons. • May engage in campaign activities on their own time, during non-work hours and without using public resources.	• Shall not use public resources to operate a speakers' bureau in a manner that may be viewed as promoting a ballot measure.	• Is the information provided an objective and fair presentation of the facts? • Is the activity consistent with the school's normal and regular course of business? • Do the materials accurately present the costs and other anticipated impacts of a ballot measure?
PTSAs	• May use school facilities for meetings supporting or opposing a ballot measure to the extent that the facilities are made available on an equal access, nondiscrimina- tory basis, and it is part of the normal and regular activity of the district.	• Shall not use school facilities to produce materials that support or oppose a ballot measure, unless the district offers printing services on an equal access, nondiscriminatory basis to others.	

Persons	Permitted	Not Permitted	General Considerations
PTSAs (continued)	• May print and distribute a separate newsletter advocating support for the ballot measure so long as no district resources are used (such as kid mail, newsletters, websites, or some other format). • May remind voters of upcoming election dates in the PTSA newsletter or in their part of the school newsletter.	• Shall not print and distribute materials promoting the ballot measure in the school newsletter. • Shall not use a school or district-sponsored event to promote or oppose a candidate or a ballot measure.	
School Boards	• May collectively vote to support or oppose a ballot measure at a properly noticed public meeting, where opponents of the measure are given an equal opportunity to express views.[6]	• Shall not pressure or coerce the superintendent to participate in campaign activities. • Shall not explicitly include passage of a ballot measure in the district's annual goals.	
School Board Members	• May engage in political activities on his or her own time, if no public equipment, vehicle or facility is used. (An elected official may use his or her title, but should clarify that he/she is speaking on his/her own behalf, and not on behalf of the district. If the board has adopted a resolution, the board member can then speak on behalf of the district.)	• Shall not direct district staff to perform tasks to support or oppose campaign activities or ballot measures. • Shall not use public facilities or resources in engaging in political activities.	• Is the board member using staff time, a public vehicle, or other public resources? • Has the board adopted a resolution? If yes, the board member can speak on behalf of the district. If not, has the board member made it clear that he or she is not speaking on behalf of the district?

[6] RCW 42.17.130(1) provides that action may be "taken at an open public meeting by members of an elected legislative body to express a collective decision, or to actually vote upon a motion, proposal, resolution, order, or ordinance, or to support or oppose a ballot proposition so long as (a) any required notice of the meeting includes the title and number of the ballot proposition, and (b) members of the legislative body or members of the public are afforded an approximately equal opportunity for the expression of an opposing view."

Persons	Permitted	Not Permitted	General Considerations
Students	• Students may originate school projects for credit that promote or oppose candidates or ballot measures. • Students may use public resources to carry out school projects promoting or opposing ballot measures, to the extent that such resources are regularly and routinely made available for other student projects.	• Student school projects supporting or opposing ballot measures shall not use public resources that are not regularly and routinely made available for other student projects. • Teachers shall not assign school projects to students that require creating or distributing materials to influence an election's outcome. • District employees and officials shall not use student projects to influence an election's outcome.	• Is the school project student-initiated? • Is the district using the student project to influence the outcome of an election?
Superintendents or Their Designees	• May speak at community forums and clubs to present an objective and fair presentation of the facts on a ballot measure during regular work hours.[7] • May fully participate in campaign activities, including meeting with citizens' campaign committees to plan strategies, during non-work hours and without the use of public resources.	• Shall not use public resources to operate a speakers' bureau in a manner that may be viewed as promoting a ballot measure. • Shall not use public resources to promote or defeat a candidate or ballot measure.	• Is the superintendent using public resources in a manner that promotes or opposes a candidate or a ballot measure? • Does the presentation accurately present the costs and other anticipated impacts of a ballot measure?

[7] Districts may set the definition of work hours for their employees. For example, to the extent that a district defines the lunch hour as a non-work hour, activities to support or oppose a candidate or a ballot measure that do not use public resources and that are held away from district facilities are permitted during the lunch hour.

Persons	Permitted	Not Permitted	General Considerations
Superintendents or Their Designees (continued)	• May inform staff during non-work hours of opportunities to participate in campaign activities without using public resources. • May respond to questions regarding a ballot measure if such activity is consistent with his or her normal and regular duties. • May wear campaign buttons or similar items while on the job if the district's policy generally permits employees to wear political buttons. • May place window signs or bumper stickers on their privately-owned cars, even if those cars are parked on school property during working hours. • Are encouraged to communicate to staff the difference between acceptable and unacceptable activities related to a ballot measure. • May encourage staff and members of the public to vote, as long as such encouragement routinely occurs for other elections.	• Shall not pressure or coerce employees to participate in campaign activities. • Shall not use district resources to organize the distribution of campaign materials.	• Does the district have a policy permitting employees to wear political buttons?

Persons	Permitted	Not Permitted	General Considerations
Teachers or Other Employees	• May speak at community forums and clubs to present an objective and fair presentation of the facts on a ballot measure during regular work hours if such activity is consistent with his or her normal and regular duties. • May inform staff during non-work hours of opportunities to participate in campaign activities without using public resources. • May engage in campaign activities on their own time, during non-work hours and without using public resources. • May respond to questions regarding a ballot measure if such activity is consistent with his or her normal and regular duties. • May wear campaign buttons or similar items while on the job if the district's policy generally allows employees to wear political buttons. • May, during non-work hours, make available campaign materials to employees in lunchrooms and break rooms, which are used only by staff or other authorized individuals.	• Shall not use work hours or public resources to promote or oppose a candidate or ballot measure (such as gathering signatures, distributing campaign materials, arranging speaking engagements, coordinating phone banks, or fundraising). • Shall not pressure or coerce other employees to participate in campaign activities. • Shall not use district resources to organize the distribution of campaign materials.	• Do the presentations accurately present the costs and other anticipated impacts of a ballot measure? • Is the employee acting on his or her own time, during non- work hours? • Is the employee using public resources in a matter that promotes or defeats a candidate or a ballot measure? • Does the district have a policy permitting employees to wear political buttons?

Persons	Permitted	Not Permitted	General Considerations
Teachers or Other Employees (continued)	• May place window signs or bumper stickers on their cars, even if those cars are parked on school property during working hours. • May encourage staff and members of the public to vote, as long as such encouragement routinely occurs for other elections.		
Union Representatives	• May, during non-work hours, make available campaign materials to union members in lunchrooms and break rooms, which are used only by staff or other authorized individuals. • May distribute campaign materials at union-sponsored meetings. • May post campaign materials on a bulletin board, if such a board is in an area that is not accessible to the general public and if such activity is consistent with the district's policy and the collective bargaining agreements.	• Shall not use the school's internal mail or email system to communicate campaign-related information, including endorsements. • Shall not distribute promotional materials in classrooms or other public areas.	• Are campaign materials made available only in those areas used solely by staff or other authorized individuals? • Does such distribution occur during non-work hours?

Activities and Resources	Permitted	Not Permitted	General Considerations
Equipment and Supplies	• District employees, in the course of their employment, may use equipment (including but not limited to projectors and computers) to make an objective and fair presentation of the facts at community forums and clubs. • District employees, in the course of their employment, may produce information that is an objective and fair presentation of the facts using public resources.	• Public resources (including but not limited to internal mail systems, email systems, copiers, telephone) shall not be used to support or oppose a candidate or ballot measure, whether during or outside of work hours. • Citizens' campaign committees and other community groups shall not use district equipment (including but not limited to internal mail systems, projectors, computers, and copiers) to prepare materials for meetings regarding ballot measures.	• Do the presentations fairly and objectively present the costs and other anticipated impacts of a ballot measure?
Meeting Facilities	• District meeting facilities, including audio visual equipment, may be used by campaign committees for activities on the same terms and conditions available to other community groups, subject to the provisions of the district's policy.		• Can community groups typically use school facilities? • Are facilities made available to all groups on the same terms? • Has the district adopted a policy regarding the distribution of campaign materials on district property?

Activities and Resources	Permitted	Not Permitted	General Considerations
Lists	• Lists of names (such as district vendors or parents) that a district has obtained or created in the course of transacting its regular public business are subject to public disclosure requirements; thus, unless otherwise exempt, the lists must be released subject to public records requests. • Districts may charge a pre-established fee to cover the costs of providing copies of such lists on an equal access, nondiscriminatory basis.	• Districts shall not sell copies of such lists (though they may charge a pre-established fee to recover the costs of providing copies of the lists). • If a list is generally available as a public record, it cannot be denied to a person or group on the grounds that it might be used in a campaign.	• Is the list obtained or created in the course of the district transacting its public business? • Are the fees charged no greater than necessary to cover the costs of providing copies? • Has the district complied with laws governing access to public records, including those regarding student records, and district policy in
Voting Information	• District personnel may encourage staff and members of the public to vote, as long as such encouragement routinely occurs for other elections. • Public facilities may be used to register people to vote and to do periodic poll checking.	• Districts shall not pressure or coerce employees to vote. • Districts shall not organize an effort to encourage staff to wear campaign buttons or display	• Is the activity related to providing voting information for elections, as opposed to advocating for or against a particular candidate or ballot measure?

Activities and Resources	Permitted	Not Permitted	General Considerations
District Publications (Specific to Elections)	• Districts may develop an objective and fair presentation of the facts regarding district needs and the anticipated impact of a ballot measure, and may distribute it in the district's customary manner. This information[8] may be printed in various languages and communicated in other formats as required by the ADA. • In the course of regular publications for the district, the district may distribute an objective and fair presentation of the facts for each ballot measure in accordance with the normal and regular conduct of the district.	• Districts shall not distribute election-related information in a manner that targets specific subgroups. Targeting does not refer to mailing information to district constituencies such as parents, families within a service region, community leaders, or some other group, or to the district's regular distribution list to provide information in a manner that is consistent with the normal and regular conduct of the district. • Districts shall not publicize information supporting or opposing a candidate or ballot measure. • Districts shall not use electioneering or promotional expressions such as "the levy will cost the average family a pizza a week."	• Does the information provide an objective and fair presentation of the facts? • Is the format and style including tone and tenor, of the information presented in an objective and fair manner? • Is the timing and the distribution of the information normal and regular for the district? • Do the materials accurately present the costs and other anticipated impacts of a ballot

[8] For the purposes of these guidelines, "information" refers to the documents prepared, printed, and mailed districtwide by the district's central administration solely for the purposes of informing residents regarding an upcoming ballot measure. The district and a school may continue to distribute information consistent with the customary practices of the district and a school, including but not limited to kid mail, newsletters, websites, and multi-

lingual documents. These publications may continue, but if they discuss the ballot measure, the information should be an objective and fair presentation of the facts.

Activities and Resources	Permitted	Not Permitted	General Considerations
District Publications (Specific to Elections) (continued)			• Does the district typically distribute information by kid mail, newsletters, websites, or some other format?
District Publications (Regular)	• Districts may include all or part of the information regarding district needs and the anticipated impacts of a ballot measure in the district's regular publications, such as district and school newsletters. (For example, a school newsletter may specifically describe the projects and/or programs planned for that school.) • Districts may inform staff and/or parents of community meetings related to ballot measures if other such information is normally published in a newsletter or community calendar, and if both those supporting or opposing a ballot measure have the opportunity to appear on the calendar or in the newsletter.	• Districts shall not use internal memoranda or other district publications to encourage employees to participate in campaign activities. • Districts shall not publish materials supporting or opposing a candidate or ballot measure.	• Does the district routinely distribute such information? • Does the district normally inform staff and/or parents of community activities and meetings?

Activities and Resources	Permitted	Not Permitted	General Considerations
District Publications (Regular) (continued)	• Districts may factually report school board support for a ballot measure, so long as it is the normal and regular conduct for the district. (For example, a community newsletter that ordinarily reports on board actions may report that the board adopted a resolution supporting the district's ballot measure.) • Districts may thank citizens for their support after an election in district publications.		• Is the information presented in an objective and fair manner? • Is the district engaging in significantly different activities during the time period immediately prior to the ballot measure compared to all other times of the school year?
Reader Boards/Posters	• Information encouraging staff and members of the public to vote, or providing the dates of upcoming elections such as "vote on February _____", may be posted, as long as such encouragement is customarily posted for elections other than just a district ballot measure. • Districts may thank citizens on their reader boards for their support after an election.	• Districts shall not display a "vote schools" sign or other promotional messages on reader boards or posters. • Signs advocating for or against candidates or ballot measures shall not be posted on district property in any area accessible to the general public or in classrooms.	

Activities and Resources	Permitted	Not Permitted	General Considerations
Reader Boards/Poster (continued)	• Union representatives/employees may post campaign materials on a bulletin board, if such a board is in an area that is only accessible to staff or other authorized individuals and if such activity is consistent with the district's policy and collective bargaining agreements.	• Publicly owned vehicles shall not be used to carry or display political material.	
Surveys and Research	• Districts may conduct surveys and/or other community research, including demographic questions, to determine the community's priorities, public perception of district performance, and/or to inform the community about district programs and policies. • Districts may conduct community research (including but not limited to the use of questionnaires, surveys, workshops, focus groups, and forums) to determine the community's priorities for both programs and/or facilities and their associated total costs and projected dollars per thousand assessment.	• Districts shall not conduct surveys to determine what taxation level the public would support. • Districts shall not conduct surveys designed to shore up support or opposition for a ballot measure.	• Has the school board passed a resolution authorizing a measure to be placed on the ballot? (If so, actions may be more closely scrutinized.) • Does the election-related survey target specific subgroups?

Activities and Resources	Permitted	Not Permitted	General Considerations
Surveys and Research (continued)	• The surveys and/or other community research can be conducted before or after the school board has approved a resolution to place a ballot measure on the ballot. However, research conducted after the adoption of the resolution may be subject to greater scrutiny. • Districts may publish survey results if it is consistent with the normal and regular conduct of the district.	• Districts shall not target registered voters or other specific subgroups of district residents in conducting their election-related surveys. • Districts shall not use survey results in a manner designed to support or oppose a candidate or ballot measure.	• Is the survey or community research consistent with normal and regular activities of the district?
Technology (websites, emails, computerized calling systems)	• A district may develop an objective and fair presentation of the facts and post that information on its website, including information regarding district needs and the anticipated impacts of a ballot measure. This information may be reformatted so that it is consistent with the manner in which the district customarily presents information on its website. • District websites may permit viewers to make selections to learn about the anticipated impacts of a ballot measure for a specific school, or otherwise allow readers to explore issues in greater or lesser detail.	• District computers, email systems, telephones, and other information technology systems shall not be used to aid a campaign for or against a candidate or ballot measure or otherwise to support a candidate or ballot measure. • Electronic communication systems shall not be used to generate or forward information that supports or opposes a candidate or ballot measure.	• Are the materials developed an objective and fair presentation of the facts? • Is the district engaging in significantly different activities during the time period immediately prior to the ballot measure compared to all other times of the school year?

Technology (websites, emails, computerized calling systems) (continued)	• Districts may update the information on their websites in a manner that is customary for the district. • Staff may respond to inquiries regarding a ballot measure in an objective and fair manner, via email or by telephone if it is part of their normal and regular duties.	• District websites shall not be used for the purposes of supporting or opposing a candidate or ballot measure.	• Do the materials accurately present the costs and other anticipated impacts of a ballot measure? • Has there been communications with staff and with union representatives regarding the prohibition on the use of the school's technology to support or oppose a ballot measure?