

PUBLIC RESOURCES AND POLITICAL CAMPAIGNS

BUSD Guidelines and FAQs

Public employees have a responsibility to ensure that public resources are not used for political campaign purposes. BUSD follows California state guidelines that prohibit the political campaign use of school district materials, equipment, facilities and communications channels such as email, newsletters or websites.

While employees as private citizens may engage in advocacy for ballot measures or candidates, such activities may not take place during work hours, including class time, parent-teacher conferences, open houses, etc.

Here is a brief overview of some of the guidelines. This list is not exhaustive; if you have any questions, please contact pio@berkeley.net and/or consult the Ed Code, CSBA and legal resources listed below.

Q: What political activities are prohibited?

A: "No school district funds, services, supplies or equipment shall be used for the purpose of urging the support or defeat of any ballot measure or candidate" (*Cal. Ed. Code §7054*).

- Employees may NOT use school supplies, equipment or facilities, including photocopying, making signs, buttons, bumper stickers, promotional material, or posting signs on school district property to advocate for a candidate or ballot position;
- Employees may NOT distribute campaign flyers on school sites to students, parents, or other non-employees. This includes placing flyers in a classroom or other public school district spaces;
- Employees may NOT use an employee email address (@berkeley.net) or the District email system to endorse particular candidates or urge passage or defeat of ballot measures.

Q: What political activities are permitted?

A: The basic rule of thumb is "on your own time, on your own dime!"

- Employees may engage in political campaign activity as private citizens, and encourage or recommend others how to vote, so long as the activity does NOT involve the use of public resources. When doing so, employees should always make it clear they are acting on their own behalf—NOT in their official capacity—and on their own time;
- Employees may discuss endorsements and ballot measures with each other during non-duty hours (before or after school, on break time), may wear union buttons and apparel at any time, and may wear political campaign buttons or apparel outside of instructional time.
- Employees may stress the importance of voting, and encourage people to study the issues without advocating about how to vote.
- Employees may provide information about a ballot measure if... "[t]he informational activities are otherwise authorized by the Constitution or laws of this state [and] [t]he information provided constitutes a fair and impartial presentation of relevant facts to aid the electorate in reaching an informed judgment regarding the bond issue or ballot measure." (*Cal. Ed Code § 7054*);
- Employee unions may use mailboxes, email and bulletin boards only as permitted under the Educational Employees Relations Act (EERA), so long as communications do not violate California Education Code restrictions on political campaign activities, such as urging the support or defeat of a ballot measure or candidate.

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Deleted: However, This activity may NOT disrupt education, and may NOT advocate for or against a political issue during the working school day (employee time constitutes a public agency resource, and Districts are prohibited from expending school resources on political matters).

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Comment [NB1]: Remove this paragraph from the FAQs for the Nov 2018 message to employees, since the BP/AR has not been adopted, and this is an area that may require additional discussion with our employee unions.

- A school district may host a public forum on candidates and/or ballot issues, as long as the forum is made available to all sides on an equitable basis. (*Cal. Ed Code § 7058*) Use of facilities by partisan organizations require a BUSD Facilities Use Agreement and must include a [clear](#) notice that the District does not sponsor or endorse the event.

Q: What are the special rules for Election Day?

A: School district sites may also function as polling places. California Elections Code §319.5 prohibits the visible display or audible dissemination of information that advocates for or against any candidate or measure on the ballot within 100 feet of a polling place. Prohibited electioneering information includes, but is not limited to:

- Wearing a garment, button, etc. indicating support for a candidate or ballot measure;
- Distributing, carrying, or posting political literature, posters, banners, buttons, etc.;
- Soliciting a vote or speaking to a voter on the subject of marking his or her ballot.

For further details, please see:

[California School Board Association Fact Sheet](#) , as well as [California Ed Code \(sections § 7050-7058. FAQ regarding School Districts and District Employees \(K-12\)\)](#) from School and College Legal Services of California

Comment [NB2]: Added this section; BUSD attorneys confirmed this language is okay. Am trying to keep this to one page, so would have the election day paragraph go out separately just before election day.

