



The Do's and Don'ts for Charter Schools: Political Elections

The Do's (Permissible Activities)

Charter School Boards:

- Pass a resolution advocating for or against a particular issue on the ballot.
- Publicize the passage of that resolution through the normal channels the board uses to pass on information about its activities.
- Distribute a factual summary on any issue that will appear on the ballot (the summary must include arguments for and against the proposals and may not state "vote for" or "vote against"). To distribute the summary using public funds, adopt a resolution expressing that the issue is of "official concern" and specifically authorizing expenditure of public funds to dispense the summary.

Charter School Board Members or Administrators:

- Express your personal opinion on any matter before the electorate through such mechanisms as an administrator newsletter or board corner provided it is expressly clear that you are presenting your personal opinion and not that of the organization.
- Spend personal money or time advocating for or against issues that you believe in.
- Spend up to \$50 of public money in the form of letters, telephone calls, or other activities incidental to making yourself available to the press or public for the purpose of responding to questions about the ballot issue or expressing an opinion on the subject ("expressing personal opinion").

Charter School Employees:

- Spend personal money, time or resources advocating for or against an issue.
- Respond to unsolicited questions from the public about candidates or state and local ballot issues.
- Allow members of the public to distribute campaign literature on the public sidewalks bordering school campuses during the instructional day, so long as the distribution complies with board policy.
- School facilities may be used by any group to urge people to vote for or against a candidate or issue only if the school's current facility use policy is applied in a nonbiased fashion to both sides of the issue.
- School employees are allowed to distribute voter registration information in school newsletters.

The Don'ts (Prohibited Activities)

Charter School Boards:

- Spend any public money to contribute to any campaign for a ballot issue or candidate.
- Send out mailings or newsletters on behalf of the board urging electors to vote a particular way on a ballot issue or candidate.
- Send out a “factual summary” that only gives a positive spin or a negative spin on a ballot issue (even if it doesn't specifically urge a particular vote).
- Offer school facilities, supplies or equipment to a campaign committee for that committee to use to promote a particular position on a ballot issue. Exception: Facilities may be offered if the school's current facility use policy is applied in a nonbiased fashion to both sides of the issue.

Charter School Board Members or Administrators:

- Spend more than \$50 of public money in the form of letters, telephone calls, or other activities incidental to responding to questions or expressing an opinion on a ballot issue.
- Make a direct contribution of public funds to a campaign.

Charter School Employees:

- Work on a campaign during working hours or when you are acting in your capacity as an employee of the school.
- Use school facilities, equipment, or supplies for or on behalf of any candidate or ballot issue campaign.
- Use school mail, delivery service, email, or equipment to develop or disseminate campaign materials relative to specific candidates or ballot issue campaigns. Exceptions: Doesn't apply to disseminating board resolutions or opinions of leadership.
- Promote or oppose any candidate or ballot issue with students or others during your working hours.
- Distribute any campaign materials to students or others on school property.

The above provisions of the Fair Campaign Practices Act (FCPA) do not apply to foundations, parent-teacher organization members or parent volunteers because they are not employees of the school. Non-employees may use the school facilities to promote or oppose an issue if the school's current facility use policy is applied in a nonbiased fashion to both sides of the issue. However, foundations and parent-teacher organizations should limit to 5% their annual time and resources spent on election activities.

Note on Lobbying/Legislative Activity: The rules on lobbying/legislative activity by 501(c)(3) organizations are less restrictive than those pertaining to participation in political elections. Lobbying activity includes attempts to influence legislation by contacting members of a legislative body directly or by urging the public to contact members of a legislative body for the purpose of proposing, supporting, or opposing legislation. The IRS states that lobbying activities cannot be a "substantial part" of an exempt organization's activities. While neither the Internal Revenue Code nor the Treasury Regulations define what is a "substantial part" of an exempt organization's activities, the general rule of thumb extracted from previous cases is that an organization may safely devote 5% of its activities, time, and financial resources to lobbying.