



Rock the Vote! Legally.

By: Jill K. Osborne, Esq.

With election season in full swing, charter schools and charter employees are responsible for knowing how Arizona law determines what they can and cannot do when campaigning or supporting candidates or legislation.

A.R.S. §15-511 states that a charter school employee, acting on behalf of the school, may not influence the outcome of an election. Additionally, employees acting as agents of the school or working in an official capacity may not give pupils written materials that will influence the outcome of an election or advocate support for either side of pending or proposed legislation. Furthermore, employees may not use their position to influence other employees to vote in a certain way or influence their political activities.

The use of charter school materials for advocacy purposes during an election is one of the areas most restricted by Arizona law. School equipment such as copiers, computers, printers, telephones, and mailboxes should not be used for advocacy. The same law applies to the use of the school's communication networks, which include e-mail, school newsletters, and student newspapers. Charter schools are also prohibited from using school funds to promote an election. In addition, students and support staff may not prepare or organize promotional events. All charter schools should avoid the appearance of advocacy for a certain election position or outcome.

With all of the restrictions listed above, you may be wondering: what are our employees allowed to do? Board members, administrators, teachers, staff, and school volunteers are allowed to exercise their civil and political liberties that are guaranteed by the United States and Arizona Constitutions. Employees are allowed to advocate as **private citizens**. Employees may circulate petitions, distribute election literature, wear buttons, place bumper stickers on their cars, wear clothing with political messages, contribute to political campaigns, put up or display signs, and make speeches, as long as they are not using charter school resources, or acting on behalf of the charter school or during working hours. Employees are also able to provide factual information about all issues and candidates. Employees who choose to participate in the election process should make it clear that they are speaking, writing, or acting as private citizens and not as representatives for the charter school.

While charter schools are not allowed to use school resources for advocacy, the schools are allowed to rent or lease its buildings and facilities for election purposes, on the same basis and conditions as for other groups. Moreover, private vehicles that belong to charter school

employees or parents that have bumper stickers or other signs and materials relating to an election may be parked on charter school property, provided the car does not remain on school property permanently.

Equally as important as knowing the law, charter schools and charter school employees should be aware of the consequences of non-compliance. A charter school employee who violates an election law could be subjected to civil penalties, up to five hundred dollars. Additionally, if employees misuse any charter school funds, they will be responsible for replacing these funds. The collected amount will then be returned to the charter school.

The information provided in this article is meant to educate charter schools regarding what can and cannot be done in terms of elections. If you or your school has any questions regarding election laws, please contact your legal counsel.

Jill K Osborne, Esq., is a partner with the law firm of Udall Shumway PLC. Jill's practice is primarily focused in school law and employment law. She can be contacted at (480) 461-5300 or jko@udallshumway.com.