



# LAUSD ELECTION TIP SHEET

## DO's AND DON'Ts FOR LAUSD ELECTED OFFICIALS & EMPLOYEES

### Summary of Legal Requirements

#### KEY TAKEAWAYS:

- Public funds (e.g. time, resources, equipment, vehicles and/or facilities) may not be used to support or to advocate for any candidate
- However, an individual may donate their personal funds & time to support a candidate during their off-duty hours



**W**hile it's every individual's right to participate in the democratic process, as public officials we must be mindful that public resources are not used in support of our personal views. The law and our Board Rules are explicit in this area. Following is a brief synopsis of the key laws and cases:

#### Ed Code Section 7054

"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."

#### Stanson v. Mott

"A fundamental precept of this nation's democratic electoral process is that the government may not 'take sides' in election contests or bestow an unfair advantage."

#### Penal Code Section 424

"Each officer of this state, or of any county, city, town, or district of this state, and every other person charged with the receipt, safekeeping, transfer, or disbursement of public moneys, who... uses the same for any purpose not authorized by law is punishable by imprisonment in the state prison for 2-4 years, and is disqualified from holding any office in this state."

#### People v. Battin

In Battin, a county supervisor was convicted of Penal Code Section 424 for using his staff for improper political activities (e.g. making copies of campaign materials, stuffing envelopes, placing fundraising calls and writing donor thank-you's).

#### Board Rule 1267

"District employees shall not use District personnel, equipment, stationery, stamps, public funds, or other resources to distribute materials which advocate a particular position relating to a ballot measure or candidate."

**Note:** A violation of Ed Code Section 7054 or Board Rule 1267 may result in a criminal conviction as well as fines and/or imprisonment.

### Frequently Asked Questions

#### Can any LAUSD funds or resources be used in support of a candidate's campaign?

No, the courts have said that government cannot use funds to "take sides" in a campaign.

#### What counts as LAUSD resources?

District resources include: funding, computers, email accounts, distribution/vendor lists, servers, websites; telephones, cell phones and other communication devices; copiers, printers, fax machines; facilities, bulletin boards, mail boxes; vehicles and of course staff time.

#### Are any of the rules different for LAUSD's elected officials?

The prohibition against the use of public funds or resources applies to everyone, but there is an important exception where Board Members are concerned: during a District

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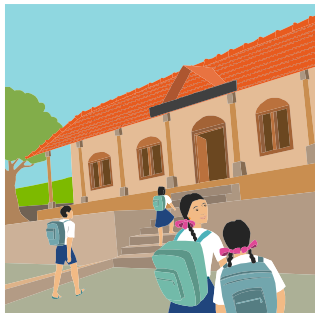
#### DO's. We are allowed to:

- ☺ Work on a candidate's campaign when it's kept on off-duty time
- ☺ Make contributions to a candidate with *personal* funds
- ☺ Clarify for the public when we are advocating that we are doing so in our *personal* capacity
- ☺ Contact the Ethics Office or the OGC with any questions regarding political advocacy



#### DON'Ts. We may not:

- ☹ Utilize district resources at *any* time (including off-duty) for campaign work
- ☹ Place campaign materials on bulletin boards, web pages, or other LAUSD premises
- ☹ Add any links from LAUSD's website(s) to a campaign website
- ☹ Exchange campaign-related emails or calls on LAUSD equipment
- ☹ Advocate on behalf of a candidate during duty hours
- ☹ Ask subordinates or other LAUSD staff to work on campaign materials
- ☹ Conduct fundraising activities during duty hours
- ☹ Drive a district vehicle to a campaign event



“The Los Angeles  
City Clerk's  
Election Division  
conducts LAUSD  
Board of Education  
elections.”

## Frequently Asked Questions

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open meeting, a Board Member may engage in political advocacy.

### **Does LAUSD run Board Member elections and monitor a candidate's campaign finances?**

No, LAUSD does not oversee Board Member elections or monitor their campaign finances. The Los Angeles City Clerk's Election Division conducts LAUSD Board of Education elections. Also, candidate disclosure and finance materials are filed with the Los Angeles City Ethics Commission.

### **Can staff make monetary contributions to a Board of Education candidate's campaign? Is there a donation limit?**

Yes, staff can donate their *personal* funds in support of a candidate. As stipulated in Section 803 of the Charter of the City of Los Angeles, the maximum donation a candidate can receive a single source in an election is \$1,300. A primary and a general election are considered separate elections. A candidate is required to disclose the source of any donation of \$100 or more on their campaign disclosure statement.

### **Can an LAUSD employee elected to the Board of Education keep their**

### **LAUSD employment?**

No, Section 35107 of the Ed Code states that a District employee elected to the Board of Education must resign from District employment before taking office. An individual may seek similar employment with another school District and would be prudent in alerting any future employer of the scheduling demands placed on them as an LAUSD Board Member.

### **Can staff support or oppose a candidate?**

Yes, staff can support or oppose a candidate in their *private capacity* as long as they are not on-duty and do not make use of any LAUSD resources (or position titles) when they are engaged in advocacy. Senior staff who may not have fixed work hours should take care to clearly communicate that any campaigning is done on their own time and not on behalf of LAUSD.

### **Can a campaign banner be hung or a link added from our website to a candidate's campaign website?**

No, neither is appropriate. This also includes official LAUSD social media accounts used to communicate with staff, students, parents and stakeholders.

### **Can staff wear paraphernalia in support of a candidate (buttons, caps, t-shirts, etc.) during LAUSD working hours?**

Two court cases, *CA Teachers Association v. Governing Board and East Whittier Ed. Assoc. v. East Whittier School District* resulted in decisions that political paraphernalia should not be worn by staff during instructional time. If wearing political paraphernalia at work, whether it's on or off a school-site (during non-instructional time), staff should remember to keep attire work place appropriate.

### **What are the penalties for misusing public resources?**

Improper use of public resources can be a criminal offense with serious consequences. In addition, there can be civil consequences (fines and repayments) as well.

### **What is the bottom line?**

The bottom line is that while we can be passionate advocates for a candidate, this passion must be saved for when we are acting in a private, off-duty capacity. Since public funds cannot be used, a candidate's campaign, local or otherwise, should have negligible impact on our LAUSD work.



***You should always consult LAUSD's General Counsel or Ethics Office, if there are any questions at all about a given course of conduct.***

**OGC: 213-241-7600**

**Ethics Office: AskEthics@lausd.net**