

Living with The Public Disclosure  
Commission:  
Guidelines for School Districts in Election  
Campaigns

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## Living with the PDC



## Legal Status of the Guidelines



### **PUBLIC DISCLOSURE COMMISSION** Guidelines for School Districts in election campaigns



## Pop Quiz:

- Can superintendents make lunchtime presentations to service clubs regarding bond issues?
- Can districts conduct surveys?
- Can districts post notice on reader boards saying “vote schools”?
- Can districts send out targeted mailings to specific subgroups regarding bond issues?

## What does the law say?

**No public official nor employee “may use or authorize the use of any 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...” RCW 42.17.130**

## Where did the 2000 PDC guidelines come from?

- Joint effort of a transit agency and the PDC
- Guidelines governed local agencies, including school districts



## Why are districts concerned with the 2000 guidelines?

- Not developed with school districts in mind
- Confusion
  - Single fact sheet
  - Surveys



## What is the working group's approach?

- Addresses needs of school districts
- Describes activities that are permitted and not permitted
- Identifies important considerations



## PDC guidelines for school districts

Persons	Permitted	Not Permitted	General Considerations
<p><b>Superintendents or their designees</b></p>	<p>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.</p>	<p>Shall not use public resources to operate a speakers' bureau in a manner that may be viewed as promoting a ballot measure.</p>	<p>Is the superintendent using public resources in a manner that promotes or opposes a candidate or a ballot measure?</p>
	<p>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.</p>	<p>Shall not use public resources to promote or defeat a candidate or ballot measure.</p>	<p>Does the presentation accurately present the costs and other anticipated impacts of a ballot measure?</p>

## PDC guidelines for school districts

Activities and Resources	Permitted	Not Permitted	General Considerations
<p><b>Surveys and Research</b></p>	<p>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.</p>	<p>Shall not conduct surveys to determine what taxation level the public would support.</p>	<p>Has the school board passed a resolution authorizing a measure to be placed on the ballot? (If so, actions may be more closely scrutinized.)</p>
	<p>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.</p>	<p>Shall not conduct surveys designed to shore up support or opposition for a ballot measure.</p>	<p>Does the election-related survey target specific subgroups?</p>

## King County Superior Court, May 2002

### Washington Education Association v. Public Disclosure Commission

- **Three provisions of the guidelines found in violation of free speech rights:**
  - Employees and union representatives 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
  - Union representatives shall not distribute promotional materials in classrooms or other public areas
  - Union representatives shall not use the school's internet mail or e-mail system to communicate campaign-related information, including endorsements.



## Success is a balancing act



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## The Objective

