



Political Activity Guidance for School Leaders

With midterm elections approaching, many political campaigns, individual candidates, and politically-motivated organizations are making their final efforts to secure votes. Because education continues to be an important, bipartisan issue for most voters, some political campaigns or their affiliates may reach out to principals or superintendents in an attempt to utilize school facilities for political purposes. While North Carolina election law permits certain interactions between political candidates and LEAs and their affiliates, it is important to understand the legal parameters of such interactions.

NCASA has prepared the following brief overview of political protocol for school districts:

Political Advertising

- **Can schools put up signs about upcoming elections?**
 - Yes. Schools may erect signs or posters about upcoming elections for *informational* purposes, such as making students and staff aware of voting registration deadlines, school bond referendums, etc. Schools may not erect signs or posters for *promotional* purposes. See [Dollar v. Town of Cary](#), 153 N.C.APP. 509, 569 S.E.2D 731 (2006).
 - In determining whether advertising is *informational* or *promotional*, courts consider: (1) the style of the publication; (2) tenor of the publication; and (3) timing of the publication.
- **Can outside groups or persons, such as parents, distribute non-school materials at school?**
 - Yes. Schools may allow outside groups to distribute non-school materials, such as flyers, on school property. Schools may enact “time, place, and manner” restrictions on such materials, such as limiting the amount of time a flyer is displayed, or displaying all outside materials in a certain area, such as a community bulletin board.
 - **NOTE:** Schools may not place stricter restrictions on different types of materials due to the content of the material. Ex. Cannot allow flyer for one school board candidate to be displayed, but not another.
 - School administrators should refer to their local school board policy for guidance on applicable time, place, and manner restrictions.

EXAMPLE: [Wake County Public School System Policy](#) includes a section entitled, “PROCEDURES FOR REQUESTING DISTRIBUTION OR DISPLAY OF NON-SCHOOL MATERIALS.” Section 1 states:

“Any individual or organization wishing to distribute or display non-school-sponsored publications or materials must first submit for approval a copy of the publication or material to the principal at least five school days in advance of the distribution or display time, along with the following information: (a) the name and phone number of the individual submitting the request; (b) the date(s) and time(s) of day of intended distribution or display; (c) the desired location for distribution or display of material;

and (d) if the distribution or display is intended for students, the grade(s) of students for whom the distribution or display is intended.”

Principals should review their local board policies before allowing outside persons to advertise in their schools.

Local Boards of Education

- **May the Board of Education take an official position in an election?**
 - Yes; however, public funds may not be used to directly or indirectly endorse or oppose a referendum, election, or particular candidate. [N.C. Gen. Stat. §115C-46.1](#).
- **May individual Board members endorse and/or campaign for individual candidates?**
 - Yes, as long as the member uses his or her own time and money. Board members do not lose their rights to free speech by assuming office and individual Board members do not act for the Board.

Use of School Facilities

- **Can outside groups or persons use schools and public buildings for political meetings or events?**
 - Maybe. It depends on board policy and prior practice. If the board policy allows school facilities to be rented, it is very important that the policy is viewpoint neutral and consistently applied.
 - **EXAMPLE:** Wake County Public Schools has created a [Community Services Department](#), which specifically focuses on “providing services to the community that are normally outside of the standard mission of public education.” The department manages the “public use of school facilities during non-school hours.”
 - Use of school buildings by political parties/ candidates is not permitted at times when school is in session, or when such use would interfere with normal school activities or functions. [N.C. Gen. Stat. §115C-527](#).
 - **NOTE:** State law directs boards of education to permit the use of school buildings without charge, except custodial and utility fees, by political parties for the express purpose of annual or biennial precinct meetings and county and district conventions. [N.C. Gen. Stat. §115C-527](#).
- **Can public officials or political candidates visit school facilities during school hours?**
 - Yes. Public officials and political candidates can visit school facilities, and even hold events during the school day, if permitted by local board policy.
 - **NOTE:** If local board policy permits politically-affiliated persons to visit school facilities, visits must be granted on an equal basis and not based on political viewpoint. Schools should avoid perceptions of specific endorsements.
 - **Practical Tip:** Whenever a guest speaker plans to visit during school hours, school authorities may wish to provide prior notice to parents, and allow an alternative option for students and teachers.

- **What are the requirements for public schools relating to voter registration?**
 - Public schools are not required to register students to vote, but high school employees may *volunteer* to aid in the registration process for eligible students, if allowed by the local board of education.
 - State law also **mandates** that every public high school *shall* make voter registration forms available to its students and others who are eligible to vote, and *shall* keep a sufficient supply of the forms so that they are always available. [N.C. Gen. Stat § 163A-888](#).
 - **NOTE:** State law does not prevent, and in fact encourages, the State Board of Education to include in its high school civic and citizenship education standard course of study “*instruction on the importance of voting and otherwise participating in the democratic process, including instruction on voter registration.*” [N.C. Gen. Stat. § 115C-81.45 \(c\)\(1\)\(b\)](#).

Political Speech

While the United States Constitution affords protections for the “freedom of speech,” courts have broadly interpreted “speech” to include non-verbal expressive conduct, such as marches or strikes, clothing bearing meaningful language or symbols, and body language.

- **May a school employee advocate for a specific candidate while on duty?**
 - Probably not. State law provides no *city or county employee* may use his or her official capacity to influence/affect an election or political office, nor be involved in contributions for political or partisan purposes, while on duty.
 - While there is no comparable statute for school employees, the best practice is for school employees to follow the same rules.
- **May school employees advocate for a specific political issue while on duty?**
 - Maybe, depending on the issue and the status of the employee. While the First Amendment provides certain protections for employees as individuals, school employees cannot act in a way that can be attributed to the school or perceived as approved by the school, without prior approval.

EXAMPLE: [Johnston County Public School Board Policy 5170: “Staff Participation in Political Activities”](#) states, “*No person employed by the Johnston County Board of Education shall engage in partisan political activity during the employee's working hours or at any time the employee is performing his or her job duties for the school system. No employee may use school equipment at any time for a partisan political activity.*”

- Further, while not specific to school employees, state law provides that **no state employee shall:**
 - (1) *Take any active part in managing a campaign, or campaign for political office or **otherwise engage in political activity while on duty** or within any period of time during which he is expected to perform services for which he receives compensation from the State;*

(2) *Otherwise use the authority of his position, or utilize State funds, supplies or vehicles to secure support for or oppose any candidate, party, or issue in an election involving candidates for office or party nominations, or affect the results thereof.*

[N.C. Gen. Stat. § 126-13.](#)

- **NOTE:** Educators are not prohibited from *discussing* current political issues during instruction. State law does not prohibit, and in fact encourages, discussion of current events in a wide range of classes, especially in social studies and language arts classes. [N.C. Gen. Stat. § 115C-81.55.](#)
- **May students wear political apparel to school?**
 - Yes, unless the clothing is disruptive, lewd or vulgar, or promoting illegal actions.
 - **NOTE:** A school may also ban political apparel if it has implemented a dress code which prohibits clothing with any messages (but cannot single out political clothing specifically).
- **May a school discipline a student for off-campus political activities?**
 - Perhaps, but it is unlikely. A school may discipline a student for off-campus activities if a school can show that the student's actions have a *direct and immediate effect* on school discipline, or the general safety and welfare of students and staff. [N.C. Gen. Stat. §115C-390.2\(c\).](#)
- **May educators, administrators, or local board use their school emails to discuss political matters and opinions?**
 - Yes, if allowable under local board policy, however such emails may be considered public records, which are subject to access by the public.
 - NC law defines public records broadly, including any transmission “made or received pursuant to law or ordinance *in connection with the transaction of public business* by any agency of North Carolina government or its subdivisions.” See [N.C. Gen. Stat. § 132-1](#). Strictly personal emails are not subject to the public records statute, even if sent through a work email account.

EXAMPLE: A principal sends an email from her school email to the assistant principal, noting she has the same “Make America Great Again” t-shirt as a parent at the school. **PERSONAL**

EXAMPLE: A principal sends an email to her local superintendent, noting a candidate for the local school board has vocally opposed an issue important to her school. **NOT PERSONAL**

- **NOTE:** This statute applies to local board members as well.

SUMMARY LIST OF APPLICABLE STATUTES

- [N.C. Gen. Stat. § 95-98.1](#). Strikes by public employees prohibited.
- [N.C. Gen Stat. § 115C, Art. 5](#). Local Boards of Education.
- [N.C. Gen. Stat. § 115C-43](#). Defense of board of education members and employees.
- [N.C. Gen. Stat. §115C-46.1](#). Limitation on the use of public funds.
- [N.C. Gen. Stat. § 115C-47](#). Local Boards of Education—Powers and duties generally.
- [N.C. Gen. Stat. § 115C-81.5](#). Standard course of study.
- [N.C. Gen. Stat. § 115C-390.2](#). Discipline policies.
- [N.C. Gen. Stat. § 115C-527](#). Use of schools and other public buildings for political meetings.
- [N.C. Gen. Stat. § 126-13](#). Appropriate political activity of State employees defined.
- [N.C. Gen. Stat. § 132-1](#). “Public records” defined.
- [N.C. Gen. Stat. § 163A-888](#). Voter registration at public high schools

Disclaimer: This guide provides only a brief overview of political activity guidance for LEAs. School authorities should seek legal advice from their local board of education attorney regarding specific legal issues. For questions or comments,

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