

BOARD OF EDUCATION SCHOOL BOARD ELECTIONS

FREQUENTLY ASKED QUESTIONS

Distribution of Fliers

Board of Education Policy 9700

The distribution of fliers on school grounds is prohibited. However, the distribution of fliers on cars during an evening event (such as Back-to-School Night, a music concert, etc.) has not been restricted. Candidates should be mindful that parents attend these events in support of their children and their education. We ask that you be respectful of the reason for their attendance.

Furthermore, candidates should be aware that anyone attending a meeting that is designated for a specific purpose (e.g., Town Center Back-to-School Night) that such attendance at that event will be explicitly honored. Visitors are not allowed to attend such events. If you are a parent of a child in that building, you clearly have the right to attend. Campaigning during the event should not occur.

Events open to the public, such as ticketed events for performances and athletics, would provide the opportunity for any candidate's attendance. However, as such events it will be on school grounds and in the presence of students, the distribution of fliers will be explicitly prohibited on school grounds during these events. Under these examples, nothing would prohibit identifying oneself as a candidate, wearing a button or t-shirt, or placing fliers on cars parked off-site.

Distribution of Campaign Materials to Students

Strictly prohibited under *N.J.S.A. IBA:42-4* and Board of Education Policy 9700.

Placement of Campaign Signs on School Property

Placement of campaign signs on school property is not allowed. Any candidate that places signage on district property will have the signage taken down and reported to the West Windsor or Plainsboro Township clerk.

Fundraising on School Grounds

Under P.L.2011, CHAPTER 204, soliciting funds on school grounds is prohibited.

Participation as a Candidate at a PTA-PTSA meeting

A candidate's participation at a PTA-PTSA meeting will dependent upon the specific circumstances. The National PTA has guidance about candidates' appearances and participation at meetings. Election guides can be found at <https://www.pta.org/home/advocacy/advocacy-resources/Election-Guides>.

CANDIDATE INFORMATION

In accordance with Bylaw 0143, please be aware that the following documents may be found on our school district web site.

Policy Manual:

<https://www.straussesmay.com/seportal/Public/pubELANOnline.aspx?id=6c82966230db4424bbf2482b4f68ab49>

Curriculum Guides : http://www.west-windsor-plainsboro.k12.nj.us/departments/Curriculum/curriculum_documents

Contractual Agreements: http://www.west-windsor-plainsboro.k12.nj.us/departments/human_resources/contracts

Minutes of Board of Education Meetings: http://www.west-windsor-plainsboro.k12.nj.us/about_us/board_of_education

Audit Reports: http://www.west-windsor-plainsboro.k12.nj.us/about_us/budget_information/c_a_f_r

WW-P BOARD OF EDUCATION

Regulation 9150- School Visitors

Visitors are only allowed during the school day for specific purposes. Visitors may not participate in campaigning, distribute materials, or disturb the orderly operation of the school day. We ask your consideration to honor and respect our students and staff should you choose to serve in the capacity of a volunteer during the school day. Please remember that volunteers must be approved by the building principal and can be excluded by a member of the administration if it is determined that said volunteer engaged in the disruption of instructional programs.

Policy 9700 - Special Interest Groups

Under Policy 9700, the Board of Education makes it explicitly clear that there is to be no distribution of literature to or through pupils in the school district for any organization outside the school district. Further, "The Board prohibits the distribution of political literature to or through the pupils of this district in school buildings or on school grounds that promotes, favors, or opposes the candidacy of any candidate for election at any annual school election, or the adoption of any bond issue, proposal, or any public questions submitted at any general, municipal or school election."

NEW JERSEY SCHOOL BOARDS ASSOCIATION SCHOOL ELECTION FAQ

May a board of education involve pupils in the election process?

The involvement of pupils in school election matters, the budget, bond referendum, or candidate election is always a controversial one and should be looked at closely from a legal and public relations point of view. *N.J.S.A. 18A:42-4* prohibits the distribution in school buildings or on school grounds, of materials through children that promote, favor, or oppose any candidacy, bond

issue proposal, or public question. This involves not only the annual school election and special school elections such as bond referenda, but also general and municipal elections as well. Similarly, pupils may not be requested or directed by any official or employee of the public schools to engage in any activity that tends to promote, favor or oppose candidacy, bond issues, proposals, or public questions. Neutral literature, such as a reminder to vote without favoring any particular position, voter registration, or absentee ballot information may be carried home by pupils. Boards of education are required to have a policy to carry out the purposes of this statute.

Whether a private entity such as a PTO or local teachers union can involve pupils in the election process will depend on the private entity's own bylaws and policies. Under no circumstances can literature that favors or opposes any public question or candidate be distributed through children through the schools, even if the literature is prepared and paid for by the private entity.

May board candidates distribute campaign literature on school grounds during the school day?

Should a board of education adopt such a campaign literature distribution policy, there is a concern that promotional literature may be received by students. As stated above, the board must adopt policy to safeguard against the distribution of promotional campaign materials to students. Boards should consider adopting a policy that creates reasonable time, place, and manner restrictions to prevent the likelihood that students will receive promotional literature during the school day in school buildings, or on school grounds, parking lots, etc.

With regard to distribution of election materials to staff and other non-student visitors to the building, the board should consider a policy containing time, place, and manner restrictions for the distribution of any information by persons outside of the school. Most boards have policies that limit the dissemination of literature by visitors, to assure that the school is not inundated with flyers, that distribution is done in an orderly fashion and without disrupting the school environment, or impairing student safety, e.g. in busing areas, during student arrival or dismissal time, etc. Collective bargaining agreements or board policy also may regulate the use of teacher mailboxes to prevent disruption with the educational environment.

There is no solicitation on public premises. Also, P.L. 2011 c.204, which was signed into law on January 17, 2012, by Governor Christie, states that no candidate, or holder of elective public office or that candidate's agent or representative may solicit campaign contributions, directly or indirectly, on property owned or leased by the State, or by any county, municipality, board of education of a school district, fire district, authority, or any other instrumentality of the State or local entity. Note, however, that the solicitation prohibition shall not apply when the public property is made available, through rent, reservation or otherwise, for the exclusive use of any group for a non-governmental purpose as a meeting location.

May board candidates distribute campaign literature on school grounds after school hours?

Once again, board policy controls the answer to this question. Fewer restrictions may be placed on the distribution of election materials after school hours at public forums, e.g., board of education or PTA meetings, than during school hours, as the potential for disruption of the educational environment is diminished. Boards should consider that any policies containing reasonable time, place, and manner restrictions should be supported by the need to promote an orderly distribution and to prevent the disruption or interference with official proceedings. The need for such restrictions will depend on the location of the proposed distribution. For example,

while it may be argued that distribution of political materials in the board meeting room during the meeting could be disruptive, it would be more difficult to sustain that argument for limitations on distribution outside of the meeting room or after the meeting outside the building.

Of course, on the date of the election, the distribution of any promotional materials within 100 feet of the polling place is prohibited electioneering. *N.J.S.A. 19:34-15*.

Also, candidates should be aware that P.L. 2011 c.204, signed into law on January 17, 2012, prohibits the solicitation of campaign contributions on publicly owned property.

ISA:42-4. Distribution of literature as to candidacy, bond issues, or other public question to be submitted at election: prohibited

No literature which in any manner and in any part thereof promotes, favors, or opposes the candidacy of any candidate for election at any annual school election, or the adoption of any bond issue, proposal, or any public question submitted at any general, municipal or school election shall be given to any public school pupil in any public school building or on the grounds thereof for the purpose of having such pupil take the same to his home or distribute it to any person outside of said building or grounds, nor shall any pupil be requested or directed by any official or employee of the public schools to engage in any activity that tends to promote, favor, or oppose any such candidacy, bond issue, proposal, or public question. The board of education of each school district shall prescribe necessary rules to carry out the purposes of this section.

P.L.2011, CHAPTER 204, approved January 17, 2012

AN ACT concerning campaign contributions for candidates for elective public office, and amending P.L.2004, c.21.

BE IT ENACTED by the Senate and General Assembly of the State of New Jersey:

1. Section I of P.L.2004, c.21 (C.19:44A-19.I) is amended to read as follows:

1. a. For the purposes of this section, the terms "contribution", "candidate", "candidate committee", and "joint candidates committee", shall have the meanings prescribed for those terms by section 3 of P.L.1973, c.83 (C.19:44A-3); and the term "property" means buildings used for the discharge of official government functions, business, duties, or purposes.

b. (1) No candidate for [the office of Governor, the office of Lieutenant Governor or the office of member of the Legislature] any elective public office, or any holder of that elective public office, or [their] the candidate's agent or representative, while located on any property exclusively owned or leased by the State, or any agency of the State, or by any county, municipality, board of education of a school district, fire district, authority, or other State or local entity, district or instrumentality shall, directly or indirectly, solicit any contribution to or on behalf of any candidate for [the office of Governor, the office of Lieutenant Governor or any candidate for the office of member of the Senate or General Assembly] elective public office, [or any candidate for another elective public office held or sought by a candidate for or holder of the office of member of the Legislature,] or the candidate committee or joint candidates committee of any such candidate.

The provisions of this subsection shall not apply to any casual or inadvertent communication otherwise made in connection with, but without intent to solicit, such a contribution.

(2) No person, while located on any property exclusively owned or leased by the State, or any agency of the State, or by any county, municipality, board of education of a school district, fire district, authority, or other State or local entity, district or instrumentality shall, directly or indirectly, make any contribution to or on behalf of any candidate for [the office of Governor, the office of Lieutenant Governor or any candidate for the office of member of the Senate or General Assembly) elective public office, [or any candidate for another elective public office held or sought by a candidate for or holder of the office of member of the Legislature,) or the candidate committee or joint candidates committee of any such candidate.

c. Any candidate for [the office of Governor, the office of Lieutenant Governor or the office of member of the Legislature) elective public office, or any holder of that elective public office, or their agent or representative, or any person, who is determined by the Election Law Enforcement Commission to have violated this act shall be liable to a penalty of not less than \$5,000 for each violation. Any penalty imposed pursuant to this section may be recovered by a summary proceeding pursuant to the "Penalty Enforcement Law of 1999," P.L.1999, c.274 (C.2A:58-10 et seq.).

d. In the event property exclusively owned or leased by the State, or any agency of the State, or by any county, municipality, board of education of a school district, fire district, authority, or other State or local entity, district or instrumentality or part thereof, is made available, through rent, reservation or otherwise, for the exclusive use of any group for a non-governmental purpose as a meeting location, the prohibition in subsection b. of this section shall not apply and the solicitation or making of contributions or funds of any nature from any or among or by the members of the group during the time the group is using the property made available as a meeting location is permitted.

e. The Election Law Enforcement Commission shall have the jurisdiction to enforce the provisions of this section for violations thereof on property exclusively owned or leased by the State, or any agency of the State, or by any county, municipality, board of education of a school district, fire district, authority, or other State or local entity, district or instrumentality.

(cf: P.L.2009, c.66, s.14)

2. This act shall take effect immediately.

STATEMENT

This bill expands the prohibition in current law on the solicitation of campaign contributions on certain public properties by candidates and their agents for certain public offices to include all candidates for elective public office and any public property.

Under the bill, no candidate for any elective public office, or any holder of that elective public office, or the candidate's agent or representative, could directly or indirectly, solicit any contribution to or on behalf of such a candidate on any property exclusively owned or leased by the State, or any agency of the State, or by any county, municipality, board of education of a school district, fire district, authority, or other State or local entity, district or instrumentality. At

the same time, no person, while located on any property exclusively owned or leased by the State, or any agency of the State, or by any county, municipality, board of education of a school district, fire district, authority, or other State or local entity, district or instrumentality would be permitted, directly or indirectly, to make any contribution to or on behalf of any candidate for elective public office, or to the candidate committee or joint candidates committee of any such candidate.

The bill also confers jurisdiction upon the Election Law Enforcement Commission to enforce the provisions of the bill regarding the soliciting or making of contributions on property exclusively owned or leased by the State, or any agency of the State, or by any county, municipality, board of education of a school district, fire district, authority, or other State or local entity, district or instrumentality.

TITLE 19- ELECTIONS: Section 19:34-15 - Electioneering within or about polling place; disorderly persons offense (N.J.A.C. 19:34-15)

19:34-15 Electioneering within or about polling place; disorderly persons offense.

If a person shall distribute or display any circular or printed matter or offer any suggestion or solicit any support for any candidate, party or public question within the polling place or room or within a distance of 100 feet of the outside entrance to such polling place or room, he/she shall be guilty of a disorderly person's offense.