

Policy

POLITICAL ACTIVITIES

Code GAHB Issued 12/15/21

South Carolina Ethics Act

The South Carolina Ethics Act includes the following provisions relevant to staff participation in activities concerning elections and ballot measures:

SECTION 8-13-765. Use of government personnel or facilities for campaign purposes; government personnel permitted to work on campaigns on own time.

- A. No person may use government personnel, equipment, materials, or an office building in an election campaign. The provisions of this subsection do not apply to a public official's use of an official resident.
- B. A government, however, may rent or provide public facilities for political meetings and other campaign-related purposes if they are available on similar terms to all candidates and committees, as defined in Section 8-13- 1300(6).
- C. This section does not prohibit government personnel, where not otherwise prohibited, from participating in election campaigns on their own time and on nongovernment premises.

SECTION 8-13-1346. Use of public funds, property, or time to influence election prohibited; exceptions.

- A. A person may not use or authorize the use of public funds, property, or time to influence the outcome of an election.
- B. This section does not prohibit the incidental use of time and materials for preparation of a newsletter reporting activities of the body of which a public official is a member.
- C. This section does not prohibit the expenditure of public resources by a governmental entity to prepare informational materials, conduct public meetings, or respond to news media or citizens' inquiries concerning a ballot measure.

SECTION 8-13-1300 (31) states "influence the outcome of an elective office" means:

- A. Expressly advocating the election or defeat of a clearly identified candidate using words including or substantially similar to "vote for", "elect", "cast your ballot for", "Smith for Governor", "vote against", "defeat", or "reject";
- B. Communicating campaign slogans or individual words that, taken in context, have no other reasonable meaning other than to urge the election or defeat of a clearly identified candidate including or substantially similar to slogans or words such as "Smith's the One", "Jones 2000", "Smith/Jones", "Jones!", or "Smith-A man for the People"; or

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- C. Any communication made, not more than forty-five days before an election, which promotes or supports a candidate or attacks or opposes a candidate, regardless of whether the communication expressly advocates a vote for or against a candidate. For purposes of this paragraph, “communication” means (i) any paid advertisement or purchased program time broadcast over television or radio; (ii) any paid message conveyed through telephone banks, direct mail, or electronic mail; or (iii) any paid advertisement that costs more than five thousand dollars that is conveyed through a communication medium other than those set forth in subsections (i) or (ii) of this paragraph. “Communication” does not include news, commentary, or editorial programming or article, or communication to an organization's own members.

Employee Candidacy

The Board recognizes that employees of the district have the same fundamental civic responsibilities and privileges as other citizens. Among these are campaigning for an elective public office or holding an elective or appointive public office to the extent that neither activity conflicts with the employee’s duties in the district.

At the earliest possible time, an employee who wishes to offer for a public, elective, or appointed office will verify in writing to the superintendent or his/her designee that such position will not conflict with state or federal law and/or regulations concerning the employee’s right to serve (dual office holding, conflict of interest, etc.). The employee will also notify his/her immediate supervisor of the position sought, the employee’s intention as to the possibility of continued employment, and the conditions of that employment prior to offering for the position.

In connection with campaigning and/or holding public office an employee must not do the following:

- use district facilities, equipment, technology, or supplies
- discuss his/her campaign with district personnel, students, parents/legal guardians, or citizens during work hours
- use any time during the work day for campaigning purposes

Election and Ballot Measure Activities Prohibited in Schools

The Board prohibits those political activities which violate state law or are disruptive to the educational processes and programs of the school.

During the school day, on district property, or at a school sponsored event, no employee will influence or attempt to influence any student, teacher, parent/legal guardian, or other person to vote for or against any candidate, political party, or ballot measure.

During the school day, on district property, or at a school sponsored event, no employee will contact any student, teacher, parent/legal guardian, or other person for the purpose of espousing any candidate, political party, or ballot measure or use any district property for the purpose of espousing any candidate, political party, or ballot measure.

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No employee may at any time use the district or schools' communications systems, including telephones, computers, e-mail, or voice mail, in an election campaign or to influence the outcome of an election or ballot measure.

No employee may at any time use or authorize the use of public funds, property, or time to influence the outcome of an election or ballot measure.

No school sponsored publication (or organization working on behalf of a school, such as booster club) or district facility will advertise or accept the advertisement of any material promoting any political party, candidate for public office, or ballot measure. This prohibition includes materials referencing the candidate's name that also references the candidate's elected office title.

District Participation in Educational Activities Involving Elections and Ballot Measures

The Board firmly believes in the democratic process and its principles which are a part of the heritage of our nation. School officials may include mock elections, debates, or other simulated political activities as part of an age-appropriate school instructional activity that is part of the curriculum where the activity is primarily intended as an educational experience, provided the teacher does not advocate on behalf of or against one candidate, party, or ballot measure.

The district may expend public resources to prepare informational materials, conduct public meetings, or respond to the news media or citizens' inquiries concerning a ballot measure affecting the district. However, the district may not use public funds, property, or time in attempt to influence the outcome of ballot measure.

Adopted 1/30/90; Revised 12/14/21

Legal references:

- A. South Carolina Code, 1976, as amended:
 - 1. Section 2-1-120 – A South Carolina teacher elected to the General Assembly is exempted from requirements of recertification and retains his/her teaching certificate while serving in the legislature.
 - 2. Section 8-13-100, *et seq.* – South Carolina Ethics, Government Accountability, and Campaign Reform Act.
 - 3. Section 59-15-10 – No staff member may serve on the county board of education.
 - 4. Section 59-19-300 – A board may not receive pay as a teacher in same district where he/she serves on the board.