

By: Representative Moore

To: Education

HOUSE BILL NO. 49

1 AN ACT TO PROHIBIT SCHOOL DISTRICT PERSONNEL FROM ENGAGING IN
 2 POLITICAL ACTIVITY WHILE IN PERFORMANCE OF OFFICIAL DUTIES AND
 3 RESPONSIBILITIES; TO PROHIBIT THE USE OF DISTRICT TIME, PROPERTY,
 4 EQUIPMENT, SUPPLIES OR PERSONNEL TO PRODUCE, DISTRIBUTE,
 5 DISSEMINATE, CIRCULATE OR COMMUNICATE ANY MATERIAL OR INFORMATION
 6 IN SUPPORT OR OPPOSITION OF POLITICAL ACTIVITY; TO PROHIBIT
 7 SOLICITING OR ATTEMPTS TO SOLICIT FUNDS FROM SCHOOL DISTRICT
 8 PERSONNEL ON BEHALF OF A POLITICAL ACTIVITY; TO PROHIBIT POLITICAL
 9 ACTIVITY ON SCHOOL PROPERTY; TO PROVIDE THAT ANY LIMITATION
 10 IMPOSED ON DISTRICT PERSONNEL ENGAGING IN POLITICAL ACTIVITY SHALL
 11 NOT BE APPLICABLE TO SUCH PERSON ON THEIR PERSONAL TIME; TO
 12 REQUIRE SCHOOL SUPERINTENDENTS AND SCHOOL BOARD MEMBERS TO REMAIN
 13 NEUTRAL BY NOT ENGAGING IN POLITICAL ACTIVITIES ON SCHOOL PROPERTY
 14 AND BY NOT PUBLICLY SUPPORTING OR OPPOSING ANY POLITICAL PARTY; TO
 15 PRESCRIBE PENALTIES FOR VIOLATIONS OF THIS ACT; AND FOR RELATED
 16 PURPOSES.

17 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

18 **SECTION 1.** As used in this act, the following terms shall
 19 have their meanings ascribed in this section, unless the context
 20 clearly requires otherwise:

21 (a) "Political activity" includes any and all efforts
 22 of individuals, individually or in concert with others, which are
 23 done for the purpose of supporting or opposing any political
 24 party, philosophy or issue in an election or done to affect the



25 outcome thereof, campaigning on behalf of a specific candidate or
26 issue or lobbying the Legislature for policy change.

27 (b) "School facilities" means any buildings and
28 grounds, owned, operated, controlled or maintained by the school
29 board, including, but not limited to, schools, ancillary
30 facilities, athletic facilities and office complexes.

31 (c) "Political events" include any and all meetings,
32 fund raisers, gatherings, or other such events organized or
33 conducted for the purpose of supporting or opposing any candidate
34 for public office, any issue which is or may be scheduled to
35 appear on an election ballot, or any political party or
36 organization.

37 **SECTION 2.** (1) Each school board member, superintendent,
38 administrator, officer or employee retains all rights and
39 obligations of citizenship provided in the Constitution and Laws
40 of the State of Mississippi and the Constitution of the United
41 States. However, no school board member, superintendent,
42 administrator, officer or employee shall:

43 (a) Use school district time, property, equipment,
44 supplies or personnel to produce, distribute, disseminate,
45 circulate or communicate any material or information in support or
46 opposition of any political party, philosophy or issue in an
47 election or done to affect the outcome thereof, campaigning on
48 behalf of a specific candidate or issue or lobbying the
49 Legislature for policy change. For purpose of this paragraph,



50 "time" means the regularly scheduled hours of operation designated
51 by the school board for the performance of official duties and
52 responsibilities associated with the position for which an
53 individual is employed;

54 (b) Use his or her official position in any way to
55 influence or attempt to influence, district personnel to support
56 or oppose any political party, philosophy or issue in an election
57 or done to affect the outcome thereof, campaigning on behalf of a
58 specific candidate or issue or lobbying the Legislature for policy
59 change. Such prohibition shall include, but not be limited to,
60 any form of advocacy or opposition in a classroom or school
61 setting or other school related employment relationship;

62 (c) Participate in any political activity while in the
63 performance of his or her official duty;

64 (d) Attempt, either directly or indirectly, to coerce
65 political activity or political support from any other school
66 district personnel; or

67 (e) Solicit or attempt to solicit funds from school
68 district personnel on behalf of a candidate, party or issue, or
69 any campaign or lobbying effort. Nothing contained in this
70 section shall be interpreted to prohibit an employee from
71 suggesting to another employee, outside of normal work hours in a
72 noncoercive manner, that he or she may voluntarily contribute to a
73 fund which is administered by a party, committee, organization



74 agency, person, labor union or other employee organization for
75 political purposes.

76 (2) The following forms of political activity shall be
77 prohibited at all times on school property:

78 (a) Distribution of campaign material, including cards,
79 brochures, and other items defined by law as political
80 advertising, to students or employees;

81 (b) Political signs, whether placed on or in the
82 building, or elsewhere on school property. "Political signs" as
83 used in this section shall not include advertising on items of
84 clothing, bumper stickers, sunshades or other signs permanently
85 affixed to a vehicle and which are legal for roadway traffic; and

86 (c) Solicitation, in any manner, of students or
87 employees to become engaged in political activity.

88 **SECTION 3.** (1) Each employee of a public school district
89 shall have the right to actively participate in political
90 activities on behalf of any candidate, party, or issue during the
91 time he or she is not scheduled to be on duty. That time shall
92 include authorized personal or vacation leave. However, the
93 employee may not, at any time:

94 (a) Solicit or attempt to solicit funds as prohibited
95 by Section 2(1)(e);

96 (b) Attempt to coerce other employees as prohibited by
97 Section 2(1)(d); or



98 (c) Misuse school district time, property, equipment,
99 supplies or personnel to produce, distribute, disseminate,
100 circulate or communicate any material or information, or misuse
101 his or her official position, as prohibited by Section 2(1)(a) and
102 (b).

103 (2) The school superintendent and school board members
104 holding office shall remain neutral by not engaging in political
105 activities on school property and by not publicly supporting or
106 opposing any political party, philosophy or issue in an election
107 or done to affect the outcome thereof, campaigning on behalf of a
108 specific candidate or issue, or lobbying the Legislature for
109 policy change, other than his or her own campaign.

110 **SECTION 4.** (1) Any person who violates this act, shall be
111 guilty of a misdemeanor, and upon conviction, shall be fined up to
112 Ten Thousand Dollars (\$10,000.00).

113 (2) Upon a second or subsequent conviction of any person for
114 a violation of any provision of this act, the offense being
115 committed within a period of two (2) years, such person shall be
116 guilty of a misdemeanor, and upon conviction, shall be fined up to
117 Ten Thousand Dollars (\$10,000.00) and revocation of professional
118 license and certification by the State Board of Education.

119 **SECTION 5.** This act shall take effect and be in force from
120 and after July 1, 2016.

