

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.

