

<p><i>Subject:</i></p> <p><i>Prohibited Electioneering by Public Employees</i></p> <p><i>Date issued: September 23, 2024</i></p>	<p><i>Legal Reference – RSA 659:44-a</i></p>
---	---

This Technical Advisory provides guidance to schools on what actions constitute electioneering by Public Employees, which is prohibited by RSA 659:44-a.

With election season approaching in the fall, the Department of Education takes this opportunity to remind school districts and school employees that electioneering by a public employee is a violation of state law—RSA 659:44-a.

Overview of RSA 659:44-a, Prohibiting Electioneering by Public Employees—

RSA 659:44-a prohibits public employees from electioneering in two circumstances. RSA 659:44-a, I, provides that “[n]o public employee, as defined in RSA 273-A:1, IX, shall electioneer while in the performance of his or her official duties.” RSA 659:44-a, II, provides that “[n]o public employee shall use government property or equipment, including, but not limited to, telephones, facsimile machines, vehicles, and computers, for electioneering.”

The term “electioneer” for purposes of these requirements means “to act in any way specifically designed to influence the vote of a voter on any question or office.” Furthermore, school districts are public employers. (See RSA 273-A:1, IX, defining public employees). Therefore, under the plain reading of the law, school district employees are prohibited from engaging in any action which would constitute electioneering while in the performance of their official duties or using any government property or equipment, including but not limited to their school district devices, e-mail or other accounts.

Regarding the use of the school district e-mail accounts, school district employees are prohibited from sending any communications from their work devices or email addresses which expressly advocate for the success or defeat of any person or warrant article in an election. Even if the email itself is blank, if it is being used as a vehicle to share attachments which expressly advocate for the success or defeat of an individual, then such actions are similarly prohibited. Additionally, even if the CBA authorizes union members to use the school equipment, with permission, for union activities, such use cannot be done in such a way as to violate State law prohibiting the use of government property for electioneering.

Students asking which candidate(s) or party to vote for should be directed to publicly available non-partisan resources and/or encouraged to seek information from individuals the student knows and trusts who are not a public employee in the performance of their official duties.

RSA 659:44-a, can be accessed in its entirety [here](#).

For questions related to this Technical Advisory, please contact:

Diana E. Fenton
Chief, Governance Unit
Office of the Deputy Commissioner
Tel. 603-271-3189
Email: diana.e.fenton@doe.nh.gov