

ELECTION STANDARDS: GUIDELINES AND TIPS

With the election approaching, it is important for members of the campus community to understand the rules and regulations involving public employees and political activities. As a public university, we have a role to play in educating the voting community on electoral topics, such as ballot measures or candidates; however, any such presentation must be grounded in fair, balanced, and factual information.

Below is an overview of the rules and regulations that govern California state employees' political activities, adapted from the [CSU Chancellor's Handbook on Election Issues \(pdf\)](#).

The Law:

The law prohibits the use of public funds for political campaign activity in favor of a candidate or ballot measure. (*Vargas v. City of Salinas, 46 Cal.4th 1, 2009*)

A public agency may not expend public funds to promote a partisan position in an election campaign. It is unlawful for any elected state officer, appointee, employee, or consultant to use or permit others to use state resources for a campaign activity. State resources are implicated whenever any state property or asset (such as a campus facility, office equipment or supplies, university-issued email, or employee's time while working) is used in an election campaign.

This rule of campaign neutrality is consistent with other laws that have established the foundational principle that the CSU must remain "entirely independent of all political and sectarian influence."

Requiring state agencies to be politically neutral in election campaigns also promotes basic equity and fairness in the democratic process.

All information must be fairly and factually presented. Factual information about consequences that will result from the passage or failure of a political measure, even including some value judgments and opinions, may be acceptable if moderate in tone.

Debates/Forums:

It is a critical function of an educational institution to provide the campus and the public with a forum to discuss and debate important policy issues. Therefore, a debate in which both sides have an opportunity to present their points of views and opinions

on elections and ballot measures is unquestionably an appropriate expenditure of public funds. Speakers should not be solicited to contribute to a campaign.

Where University officials are participating in debate and advocate a particular point of view, they should make clear at the outset that they are presenting their own personal opinion and not the institutional position.

Speakers:

Every university campus is considered "a marketplace of ideas." (*Healy v James, 408 U.S. 169, 180; 1972*). Therefore, broad latitude must be provided for speakers from every point on the political spectrum to address groups on campus, both in formal and informal settings, subject only to reasonable campus place and manner restrictions. Balance in viewpoints need not be achieved at every speaker event. However, campuses should ensure that various points of view have been presented over time. The closer an event comes to the date of an election, the more compelling the need for balance.

Use of E-Mail:

Campuses provide email for employees to conduct official University business. Therefore, it is not appropriate for individual employees to conduct campaign advocacy or solicit campaign funds by using their University email accounts.

On the other hand, to the extent that a certain degree of personal communication is tolerated or allowed under applicable campus policy, personal communication which includes expression of political views must also be tolerated.

It is appropriate for a campus to expend efforts to promote and encourage voter registration and voter engagement through email announcements, onsite tabling on campus grounds, and information on the university website. Such efforts must not intimidate or require voters to support a particular candidate or issue, however.

Student email and webpages are generally accepted as being made available for personal use. Therefore, a campus could become vulnerable to charges of violating the First Amendment if it attempts to interfere with student communications containing political content.

Students or groups can be required to include a disclaimer when making political endorsements, indicating that their opinions are not those of the CSU. A campus policy which limits the use of email accounts and webpages for non-university purposes would also limit the use of student email or webpages for political campaign purposes.

Signing/Endorsing Advocacy Letters:

First Amendment rights to free expression are not sacrificed upon assuming public employment. Faculty and staff may sign their name to letters or other written documents that advocate personal political positions. Where the campus employee's name is accompanied by his or her campus title, however, there is some risk of confusion that the name listed in support of a political issue represents an official position of the institution. The higher the person's rank or office, the more likely that this confusion may exist, and/or that the signature is being solicited, in part, because of an implication of institutional endorsement.

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If a campus title and/or affiliation are clearly identified “for identification purposes only,” it may be possible for an endorsement to be considered personal, but very careful judgment should be exercised in each instance before lending a university employee’s name to a political candidate or position.

Use of Facilities:

During on-campus business operations, campaigns that wish to book campus venues for one-time events can be distinguished from other users of campus facilities, because they inform the public and bring discussion and debate on important public issues, which is part of the University’s mission.

Like other users of campus facilities, campaigns must be treated equally. For example, if the campus charges one campaign for the use of its facilities, it must charge all campaigns.

When a campaign takes place on a campus, it is always wise to include a disclaimer in any printed materials advertising the event and at the beginning of the event, that the CSU does not support or oppose any candidate or position, and that the opinions expressed at the event are not those of the CSU.

CSU Auxiliary:

CSU auxiliary funds are not “public,” even though they exist to support the University’s public purpose. Auxiliary funds may, therefore, be used for purposes of campaign advocacy, but only if the position taken is consistent with a formal position taken by the Board of Trustees, and the maintenance of the auxiliary’s tax exempt status. General guidance for 501(c)(3) entities and political campaigns is found in *IRS Revenue Ruling 2007-41*.

Time Off to Vote:

If a voter does not have sufficient time outside of working hours to vote at a statewide election, the voter may, without loss of pay, take off enough working time (not to exceed two hours) that, when added to the voting time available outside of working hours, the voter will be able to vote. The time must be taken at the beginning or ending of the employee’s work period, unless otherwise mutually agreed. The employer is required to post notice of this opportunity ten (10) days before every statewide election. (*Cal. Elec. Code § 14000*)

Key Takeaways as a Public State University Employee:

Do’s. We are allowed to:

- Work on a campaign during off-duty time
- Make voluntary contributions to a campaign or candidate with personal funds
- Clarify to the public when advocating for a candidate or ballot measure that it is being done in a personal capacity

NOTE: Sharing information and educating about a candidate or ballot measure (factual information) is allowed while working in the classroom, on campus forums, as speakers, during university programs, or in campus publications. This is not the same as advocating in support or opposition of a position, which is not allowed.

Don’ts. We are NOT allowed to:

- Utilize university resources at any time (including when off-duty) for campaign work
- Place campaign materials supporting or opposing specific candidates (such as election signs or posters) on university property
- Add any links from a university website to a campaign website
- Use university equipment to exchange campaign-related emails or calls in support or opposition of a candidate or position
- Advocate on behalf of a candidate or measure during work hours
- Ask subordinates or other staff to advocate for a candidate or ballot measure involuntarily as a university representative
- Conduct fundraising activities during work hours

NOTE: Decisions about appropriate behavior in the context of election issues almost always depend on the peculiar facts of each situation.

If you have questions regarding election issues, please contact the Office of Government and Community Relations at (310) 243-3819 or at ogcr@csudh.edu. You can also contact David Gamboa, Associate Vice President of External Relations, at dgamboa@csudh.edu.

For additional information and guidelines, please refer to the [Handbook on Election Issues](#).