

## UW-EXTENSION ADMINISTRATIVE POLICY

### Laws and Policies Surrounding Political Campaign Activities of University Employees

The following are frequently asked questions about the legality of engaging in political campaign activities at UW institutions by University employees. Uncertainty over which activities are appropriate has been found to discourage legitimate and desirable communications with elected representatives or those seeking public office. This document provides general guidelines on how to approach political questions common to many UW institutions. It is not intended to provide definitive legal advice in specific situations or as a comprehensive legal manual on campaign activities. You should consult further with legal counsel at your institution, if available, or with UW System's legal office as specific questions arise.

In addition to legal and ethical guidelines, consideration should also be given to the practical implications of political involvement, especially for University employees in highly visible positions or who serve in a liaison capacity with state legislators.

#### **I. Campaign Activities**

##### **1. Are there any restrictions placed on my political campaign activities as a University employee?**

As long as you engage in these activities on your own time and do not use state equipment or supplies, there are no legal restrictions on your involvement in political campaigns.

Because University employees are public employees paid with public funds, both state statute and Regent policy strictly prohibit campaign activities at work. You cannot, for example, compose a political communication on a state computer, print it on University stationery or distribute it via e-mail, campus mail or a University fax machine. Regent policy 89-8 states: *"No political campaigning activities shall be engaged in during hours when an employee is expected to be performing his or her regularly scheduled university duties. Further, ... no officer or employee may solicit or receive or be involved in soliciting or receiving any contribution or service for any political purpose from any officer or employee of this state while on state time or engaged in his or her official duties as an officer or employee."*

##### **2. Can a University employee run for office?**

Yes. If you are a candidate in a primary election, you must consult with the appropriate department chair and dean or director, to determine whether your campaign activity will impair or encroach on performance of your university duties. If it is determined that the activity will have an adverse affect, then a reduced-time appointment or leave of absence should be arranged for the period of the primary campaign. If you are a candidate in a

general election, upon consultation with the appropriate department chair and dean or director, you are expected to take a reduced-time appointment, under Regent policy.

Service as an elected official on off-hour demand activities (e.g., school boards, city councils, county boards or local, state or national commissions) would not normally require a reduced appointment or leave of absence.

### **3. Can my campus sponsor a political event?**

Institutions are encouraged to arrange campus tours for legislators and candidates, and sponsor candidate forums to promote discussion of higher education and other important issues. However, campus administrative officials should avoid sponsorship of, or official involvement in, political events which are designed to benefit one candidate over another and which may suggest an institutional endorsement. When in doubt, determine the primary purpose of the event. UW institutions can organize events whose primary purpose is to foster knowledge of higher education, but cannot support activities when the primary purpose is the electoral effort of an individual.

Political events, however, can be sponsored by organizations such as College Democrats or College Republicans that are recognized by a UW institution. For example, a Presidential candidate can speak in a campus auditorium as long as his or her campaign meets the requirements governing the use of campus facilities discussed below.

For more specific information on the use of University facilities by individuals or groups not affiliated with a UW institution, please consult chapter UWS 21 of the Wisconsin Administrative Code.

### **4. Can I contribute to a political campaign?**

Yes. All university employees, including legislative liaisons and other employees who attempt to influence legislation as part of their duties can contribute to political campaigns at any time during the election cycle. However, under state campaign finance laws (s. 11.36) campaign contributions cannot be solicited or collected on state time or in state office buildings. (See question #6 below for a discussion of identifying information that must be included with contributions.)

### **5. Can I host a political fundraiser or coffee at my home?**

Yes, as long as you honor the restrictions against engaging in political activity on state time and using state equipment or supplies for political purposes.

### **6. Can I let a campaign use my name publicly as a supporter in a campaign brochure or fundraiser invitation?**

Yes. However, University employees should be cautious about using their official title to promote one candidate over another. As a result, you should carefully consider and clarify whether you want a campaign to identify you as a University employee in campaign literature. While there is nothing in state statute or Regent policy to specifically prohibit this, it should be made clear that use of your job title is provided for information only and is not to be interpreted as an official University endorsement.

On a related topic, you must list your occupation and employer in addition to your name and address if you contribute \$100 or more to a political campaign. Providing this information is required by state law and is not in conflict with the above guidelines governing use of your name and title in campaign literature. However, if you wish your employment at the University to remain confidential as a contributor, you should be aware that candidates for state elective office are required to report employment information for individuals who contribute \$100 or more in campaign finance reports, which become a matter of public record.

Individuals can make anonymous contributions of up to \$50 to congressional candidates and up to \$10 per event and \$20 per year to state and local candidates. The State Elections Board, however, strongly encourages state and local candidates to list names and

addresses for all contributions. As a result, some campaigns may adopt this recommendation as their policy and request your name and address for contributions under the limits.

**7. Can I demonstrate my support for a candidate at my office or in my classroom through the display of stickers or window signs?**

UWS 18.06 (17) of the administrative codes governing the UW System states: *"No person may erect, post or attach any signs, posters, pictures or any item of a similar nature in or on any building or upon other university lands except on regularly established bulletin boards, or as authorized by the provisions of this code or by the chief administrative officer."*

For further guidance, a Department of Employment Relations bulletin on state employee political activity states that it is permissible for a state employee to *"(park) an automobile bearing partisan political signs and/or stickers in state parking areas while on duty at a state work station."* Also according to the bulletin, a state employee is prohibited from *"the wearing of a political identification while on duty where it could impair the effectiveness of the state agencies' operation."*

**II. Use of Campus Facilities and Lists**

**1. Are there restrictions on the use of campus facilities by candidates?**

The use of campus facilities by a candidate for a political event is governed by UWS 21.04 of the administrative code. Under this section, the use of University facilities by any person or organization not associated with a UW institution is permitted only if: 1. the person or organization is sponsored or invited by an entity associated with the institution; 2. the event does not detract from the mission of the institution; 3. appropriate facilities are available; and 4. the person or organization covers the cost of using the facility. In addition, the chancellor of each institution is responsible for setting fee schedules, procedures for securing permission and other limitations on availability and use of facilities.

Fundraisers for a candidate for political office cannot be sponsored by an institution or held at a University facility. State statutes [s. 11.36 (3) and (4)] strictly prohibit individuals from entering state-owned buildings for the purpose of making or receiving a contribution. The State Elections Board has ruled, however, that university-owned student residences, dormitories, dining halls and lounges are considered the residence of a student and are not subject to this restriction. A fundraiser sponsored by a student organization and held in a residence hall lounge, therefore, is permissible.

**2. Is it important to offer similar opportunities for campus appearances to all candidates for the same office?**

Yes. A balanced approach is essential with official, institution-sponsored events. If you invite a candidate to tour the campus or participate in a public event, you

should also provide similar opportunities to his or her opponents. You can work to benefit a particular candidate on your own time, but at your institution, you should generally treat all candidates for the same office equally.

The same guidelines do not necessarily apply to candidates who speak to a class at the invitation of an instructor. For example, a professor who invites a Republican legislator to speak to a class on the history of the Republican party is not obligated to invite the legislator's Democratic opponent. It is not advisable, however, to use a classroom as a political forum to influence the election of a particular candidate.

### **3. Can candidates distribute literature on campus? What about in residence halls?**

Campaigning is generally allowed in public areas at UW institutions. Chancellors, however, may establish regulations governing the time, place and manner of campaign activities. Similarly, political literature may be distributed and campaigning may be conducted in residence halls, but residence hall students, with the approval of the chancellor and the Board of Regents, may require prior permission and limit the hours of the day and the location in residence halls where campaigning is permitted. Check the regulations at your institution for further information.

### **4. What should I do if a candidate requests a mailing list of faculty, staff or students?**

The UW System's policy on requests for mailing lists seeks to strike a balance between the obligation to provide information that is a matter of public record and employees' and students' right to privacy. As a result, individuals and organizations can purchase lists or labels of University employees or students, but employees and students are annually given the option of withholding their names and home addresses from mailing lists provided to groups for purposes unrelated to official university business. The requesting organization must provide the full cost of processing the list at the time the request is made.

In addition, the chancellor at each UW institution must 1. develop written procedures for receipt, processing and cost of requests for mailing lists and 2. designate a specific person or office to handle these requests.

### **5. Are institutions required to charge legislators or candidates who attend campus receptions?**

It depends. The expectations are different for legislators or other state officials than they are for candidates who do not currently hold elective office. The general rule is that if the university sponsors a function, then it is presumed to benefit the state and not an individual legislator or state official. Under that

circumstance, a legislator or other state official does not need to pay to attend. For example, when a legislator or state official attends a campus function, such as a conference, that involves state business and is not purely a social event, the individual does not have to pay. As illustrations, legislators or candidates generally do not need to pay for receptions that are part of a campus tour, include a briefing with a chancellor, or contain some educational component.

Legislators and state officials are expected to pay, however, for events that are purely social, such as attending a football game or a holiday party. They should also cover the costs of attending receptions or other events that are purely social and are paid for by foundations or other non-state funds.

The above guidelines requiring legislators and state officials to pay for attending certain university sponsored events do not apply to candidates.

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