

Featured Article

Political Activity on Campus

By Sarah Duniway and Greg Larson

Although civic engagement is a common theme in higher education—especially in an election year—many colleges and universities feel uncertain about hosting candidates and organizing or allowing political events on campus because of federal and state laws prohibiting them from engaging in certain political activities. In addition to campaign finance laws, most colleges are tax-exempt entities under Section 501(c)(3) of the Internal Revenue Code, and therefore prohibited from directly or indirectly intervening in political campaigns. This means colleges must not support (or oppose) any candidate at the federal, state or local level. Violation of this prohibition can result in revocation of a college’s tax-exempt status and imposition of excise taxes.

Required Services

While colleges should be cautious about the scope of their participation in political activities on campus, there are plenty of ways to support civic engagement without threatening tax exemption. In fact, there are a number of election-related services that Minnesota colleges and universities are required to provide, including:

- (1) Voter Registration. Any institution that receives state or federal financial aid must provide voter registration forms to students.
- (2) Residence Hall Access. Subject to reasonable time, place and manner restrictions, candidates must be allowed access to student residence halls for campaigning.
- (3) Facilities Use. Public colleges and universities must make facilities available for caucuses, conventions and elections at the lowest rate charged to any public or private group.

College-Sponsored Activities

Colleges and universities may organize nonpartisan events and activities. The events must be open to everyone regardless of party preference or affiliation. Examples of permissible activities include:

- (1) Voter Registration. Colleges may organize “get-out-the-vote” drives and provide information on how to vote.
- (2) Voter Education. Colleges may provide students with educational materials about candidates and their positions if the information is presented in a nonpartisan and balanced manner and cover a broad range of issues.
- (3) Candidate Forums. A college may organize a candidate forum if all candidates seeking the same office are invited to participate and the forum is structured in a nonpartisan manner with a neutral moderator.
- (4) Candidate Appearances. A college may invite a candidate to campus if it provides all candidates seeking the same office a comparable opportunity.
- (5) Public Official Appearances. A college may invite a public official to speak on campus (even an official that is also running for office) if the official is chosen solely for reasons other than his or her candidacy and neither the college nor the candidate mentions the campaign in association with the event.

In all activities, a college or university must not endorse a candidate or demonstrate a preference for a particular viewpoint. Individual members of the faculty and administration may endorse or financially support candidates, but only in their personal capacity and without the use of college resources.

Colleges and universities should also be careful not to directly or indirectly contribute to a campaign. This means that a candidate must be charged the same as any other member of the public for facilities, food and services on campus. If a candidate seeks access to a college’s student or faculty e-mail lists, these lists should only be provided to the same extent provided to a member of the general public.

Student-Organized Activities

Colleges and universities have a different set of obligations when student groups organize political events. Although student groups may engage in partisan activities, the college must: (1) stay neutral; (2) treat all partisan student organizations evenhandedly; and (3) ensure the college does not subsidize the activity. A college may allow a student organization to hold a partisan event in a campus facility without threatening its tax exemption, as long as the organization pays the “customary charge” for use of the facility.

Colleges should be cautious, however, if a student organization asks for permission to hold a campaign fundraiser in a campus facility. In the context of a fundraiser, the college may *not* provide space free of charge, even if the space is customarily provided for free, because such space is considered something of value under campaign finance laws, and constitutes a “contribution” if given to a campaign. Thus, any campus facility or service used for a fundraiser must be paid for, either by the student group (if registered as a state or federal PAC) or by the campaign.

In sum, although colleges and universities should be aware of federal and state laws limiting their political involvement, there are still many ways to accommodate—and even encourage— political activism and civic engagement on campus.

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