



Minnesota STATE COLLEGES & UNIVERSITIES

OFFICE OF GENERAL COUNSEL

ELECTION ACTIVITIES ON CAMPUS

With the approach of each fall election season, colleges and universities can expect to see an increase in election-related activities on their campuses. The following are key statutes, policies and procedures governing Minnesota State Colleges and Universities, addressing commonly asked questions related to political activity on campus.

One of the State of Minnesota's objectives for public higher education is to "promote democratic values and enhance Minnesota's quality of life by developing understanding and appreciation of a free and diverse society[.]" Minnesota Statutes section 135A.011 (2007). Colleges and universities play an important part in promoting democratic values through educating the college or university and the broader community about the election process, voter registration, civil discourse, and so forth. In order to effectively carry out the mission of public higher education, colleges and universities must remain nonpartisan. College and university resources may not be used to advance the interests of any political party or candidate, except in accordance with policies applicable to other users (such as facility rental).

The brief summaries provided below are for general guidance only and do not constitute legal advice or the policy of Minnesota State Colleges and Universities; the actual text of governing provisions are provided through written reference or hyperlinks. Authorized college and university administrators should direct questions about specific activities or issues to the Office of General Counsel.

I. CLASSES/PUBLIC MEETINGS ON CAUCUS/ELECTION DAYS.

A. Caucus Day Restrictions.

No event, including classes, may be scheduled after 6:00 p.m. on the day of a major political party precinct caucus, unless advance permission is received from the Board of Trustees.

For more information, see:

- Minnesota Statutes section 202A.19, subd. 3 (2006)
- <http://www.ogc.mnscu.edu/otherlegaltopics/electiondayvoting.html>

B. General Election and Primary Day Restrictions.

On general election and primary days and election days within the political subdivision in which is college or university is located, no events may be scheduled between 6:00 p.m. and 8:00 p.m., other than regularly scheduled classes. Classes regularly scheduled during those hours may be held as usual.

For more information, see:

- Minnesota Statutes section 204C.03, subd. 2 (2006)
- <http://www.ogc.mnscu.edu/otherlegaltopics/electiondayvoting.html>

II. COMPUTERS/TECHNOLOGY USE.

A. Web-site Links To Political Candidates Are Prohibited.

College, university or Office of the Chancellor Web sites may not include links to a Weblog or Web site maintained by a political candidate, party, or committee.

For more information, see:

- Minnesota Statutes section 10.60, subd. 3(b) (2006)

B. Contact With Elected Officials.

Employees may use system computers to communicate with elected officials “provided this use, including the value of the time spent, results in no incremental cost to the state or results in an incremental cost that is so small as to make accounting for it unreasonable or administratively impracticable.” Minnesota Statutes section 43A.38, subd. 4 (2006).

C. Political Activities.

System employees may not use System information technology for political activities prohibited by law.

For more information, see:

- System Procedure 5.22.1, Part 5, subp.C,
<http://www.mnscu.edu/board/procedure/522p1.html>

III. DORM ACCESS BY POLITICAL CANDIDATES.

Political candidates and campaign workers accompanying the candidate must be allowed access, solely for the purpose of campaigning, to college and university dormitories or other multiple use housing facilities. Colleges and universities may place reasonable restrictions on access by a political candidate and campaign workers accompanying the candidate, including:

- denying admission to a particular room or apartment;
- requiring reasonable and proper identification prior to admission;
- limiting visits by a candidate or candidate accompanied by campaign workers to a reasonable number of persons or reasonable hours;
- requiring a prior appointment to make the visits.

Admission may be denied for good cause.

For more information, see:

- Minnesota Statutes section 211B.20 (2006)

IV. EMPLOYEES.

A. Employees as Political Candidates or Public Officials.

State law addresses under what circumstances employees are required to or allowed to take a leave of absence to become a candidate for public office, as well as other issues involving employees as candidates or public officials.

For more information, see:

- Minnesota Statutes section 43A.32 (2006)
- Minnesota Statutes section 211B.10 (2006)
- Department of Employee Relations Administrative Procedure 32, <http://www.doer.state.mn.us/pdf/procedures/32.pdf>

B. Solicitation of Funds.

System employees are prohibited from soliciting or receiving funds for political purposes, directly or indirectly, during hours of employment.

For more information, see:

- Minnesota Statutes section 43A.32 (2004)
- Department of Employee Relations Administrative Procedure 32, <http://www.doer.state.mn.us/pdf/procedures/32.pdf>

C. Use of Position to Influence Others.

System employees may not use their official authority or influence to compel another person to apply for membership in or become a member of a political organization, or to make or promise to make political contributions, or to engage in any political activity. Employees also may not use their position to gain advantages for an organization with which they are associated that are different from those available to the general public.

For more information, see:

- Minnesota Statutes sections 43A.32, 43A.38, 211B.09 (2006)
- Department of Employee Relations Administrative Procedure 32, <http://www.doer.state.mn.us/pdf/procedures/32.pdf>
- Department of Employee Relations State Election Issues Guidance, <http://www.doer.state.mn.us/pdf/persl/1401.pdf>

D. Absence From Work.

Employees may arrange for absence from work for certain political or election activities. Consult the language of the pertinent statute for information about each activity.

1. Time off for participation in state central committee, executive committee of a major political party, conventions, or convention committees; requires 10 day notice to the employer. Minnesota Statutes section 202A.135 (2006).
2. Time off for participation in a major political party caucus; requires 10 day notice to the employer. Minnesota Statutes section 202A.19 (2006).
3. Time off to vote during the morning of the day of a scheduled state primary or general election, election to fill office of United States or state senator or representative. System employees must make advance arrangements with their employer.

For more information, see:

- Minnesota Statutes section 204C.04 (2006)
 - Department of Employee Relations PERSL #1400 Time Off to Vote, <http://www.doer.state.mn.us/pdf/persl/1400.pdf>.
4. Time off from regular employment for public office meetings is permitted, with pay, without pay, or made up with other hours, as agreed between the employer and employee. Minnesota Statutes section 211B.10, Subd. 2.

V. FACILITIES USE.

A. Use of Colleges and Universities for Precinct Caucuses and Elections.

Colleges and universities must make their facilities available for holding precinct caucuses, legislative or district conventions of major political parties, and local or state elections. The college or university may charge for the facility use, not to exceed the lowest amount charged to any public or private group. Minnesota Statutes sections 202A.192 and 204B.16.

B. Campus Policies.

Each college and university may adopt facilities use policies and procedures establishing rental rates and other use conditions for outside groups, and may place reasonable time, place and manner restrictions on use of campus facilities, postings, etc.

C. Candidate Forums.

Colleges and universities may host public forums in which legally qualified candidates for a particular office who meet neutral, objective criteria are invited to participate. Participating candidates should be given equal opportunity to speak or answer questions.

VI. STUDENT RIGHTS AND RESPONSIBILITIES.

Student rights and responsibilities are addressed in Board Policy 3.1. These include the freedom to learn, freedom of expression, freedom of association, the right to hold student-sponsored forums, and for student publications to be free from censorship or

advance approval of copy. These rights may be subject to reasonable time, place, and manner restrictions.

For more information, see:

- Board Policy 3.1, <http://www.mnscu.edu/board/policy/301.html>

VII. VOTER REGISTRATION.

Colleges and universities must provide voter registration forms to each student as early as possible in the fall semester and are required to consult with campus student government in determining the most effective way to distribute voter registration forms and facilitate Election Day registration of students. Forms are to be sent to the secretary of state or the county auditor of the county in which the student maintains residence as soon as possible. All completed forms must be forwarded no later than 21 days before the general election.

For more information, see:

- Minnesota Statutes section 201.1611 (2006)