



## FLORIDA A&M UNIVERSITY OFFICE OF THE GENERAL COUNSEL ADVISORY

OGC ADVISORY NO. 17-01	INITIAL ISSUANCE DATE: March 3, 2017
ATTACHMENT(S): n/a	REVISION DATE(S): July 30, 2021
Applicability	University Administrators, Faculty, Staff, and Students
Subject:	Political Activity

### Purpose and Policy Statement:

During political election season University faculty, staff, and/or students may be asked by political candidates or campaigns to distribute campaign literature or to post campaign signs on campus for a candidate, to join the candidate on campus for campaigning, or to help organize a campaign event. Indeed, you might become a candidate for elective office yourself. These guidelines are intended to assist you in exercising your right to be involved in every level of the political process while at the same time protecting the University's status as a tax-exempt entity under the Internal Revenue Code.

This Political Activity Advisory provides guiding principles for candidate/campaign visits to campus, University employee and/or student candidates for elective or public office, and campaigning for elective or public office on campus.

### Legal Authority:

- **Candidate Visits to Campus**
  - **Section 501 (c)(3) of the Internal Revenue Code**
- **Candidacy for Elective Office**
  - **University Regulation 10.123, Political Activity**
  - **Sections 104.31 and 110.233 Florida Statutes**
- **Campaigning for Elective Office on Campus**
  - **University Regulation 10.123, Political Activity**
  - **Sections 104.31 and 110.233 Florida Statutes**

### Candidate/Campaign Visits to Campus:

Section 501(c)(3) of the Internal Revenue Code prohibits the University, as a tax-exempt entity, from participating or intervening in political campaign activities in support of or opposition to candidates for elective public office.

A “candidate” is any individual who offers himself or is proposed by others as a contestant for elective public office. It includes persons who have declared an intent to run for office, incumbents whose intent to run is presumed and persons whose candidacy is the subject of intense public speculation.

“Public Office” means an elective office on a local, state or national level. It also includes elective offices within political parties, such as local party chairs or committees.

### **Permissible Political Activity**

1. Candidate forums or debates at which all qualified candidates for the office are invited.
2. Use of University facilities upon the same terms and conditions (including financial) required of other users of University facilities.
3. If any candidate is invited, then all candidates must be invited (though not to the same event, place or time) for similar events and times. Documentation of these invitations must be preserved.
4. Persons invited in an individual capacity and not in the capacity of a candidate: For example, a person who may be a candidate but is invited to speak on a subject that does not involve and does not mention the campaign.
5. Political advertisements in or on campus media under the same terms (including financial) as other campus media advertisements from outside groups.
6. Student newspaper editorials or candidate endorsements having a disclaimer to the effect that the opinion is solely that of the author and should not be interpreted as the opinion or endorsement of the University or its Board of Trustees which remains neutral on such matters.
8. Voter registration/education events not involving a campaign or political party.

### **Prohibited Political Activity**

1. Posting campaign signs on University property.
2. Distributing campaign literature on University time.
3. Other campaigning for or with candidates while on University time.
4. Any campaign activity which directly or indirectly gives the impression that the University or the Florida A&M University Board of Trustees supports any particular candidate for elective office.
5. Promises of any particularized benefit to any student or employee or threats of any particularized action against any student or employee in exchange for or as a consequence of that student’s or employee’s voting for any particular candidate for elective office.
6. Promises of any particularized benefit or threats against any particular campaign or candidate for elective public office.
7. Introduction of any candidate, as a candidate, to the University community without a disclaimer that the University does not endorse any candidate for elective public office.
8. Collecting campaign donations/contributions on campus.

### **Candidacy for Elective Office:**

University employees who intend to run for elective office must notify the University president pursuant to University Regulation 10.123. The president or the president’s designee will determine whether such candidacy will interfere with the employee’s responsibilities as an employee. The

employee may be required to take a leave of absence to run for elective office. Please also see Section 104.31, and Section 110.233, Florida Statutes.

No such notice is required for students who seek elective office. However, such a student should be mindful of his/her academic progress at the University.

**Campaigning for Elective Office on Campus:**

The University is a tax-exempt entity and is prohibited under the Internal Revenue Code from engaging in such political activity. Also, Florida Statutes 104.31 and 110.233(4) prohibit political campaign activity while state employees are on state time. While the University encourages political awareness and involvement please engage in this activity only as a private citizen and not in your capacity as an employee of the University.

Please refrain from the following political activity on campus:

1. Posting campaign signs.
2. Distributing campaign literature.
3. Other campaigning for or with candidates while on University time
4. Any campaign activity which directly or indirectly gives the impression that the University or the Florida A&M University Board of Trustees supports any particular candidate for elective office.
5. Promises of any particularized benefit to any student or employee or threatens of any particularized action against any student or employee in exchange for or as a consequence of that student's or employee's voting for any particular candidate for elective office.
6. Collecting campaign donations/contributions on campus.
7. Unauthorized use of University facilities, property or equipment for any campaign.

If you have any questions, please contact the Office of the General Counsel at (850) 599- 3591.