

‘Electioneering’: Or, What You Can and Can’t Do on Campus

It’s an election year, and many faculty will once again be puzzled about what they can and can’t do in regard to politics. Some will, under the false belief that the 1st Amendment covers anything they say, violate MCCCDCD policy and Arizona law, putting their career at risk. Others, knowing there are restrictions, but not really sure what they are, will strike an overly cautious posture and avoid anything that could possibly be construed as political.

Just because you are a citizen of the United States of America doesn’t give you the right to say anything you want, anywhere you want, under any circumstances. However, being a government employee doesn’t mean you give up your rights as a citizen, either. So, where’s the line? What can I do, and what can’t I do?

Under Arizona law, college and school employees are forbidden to engage in electioneering. ‘Electioneering’ is defined as using your position or the college’s/district’s resources to advocate for, or deliberately affect the outcome of, an election. In simpler terms, you cannot tell someone how to vote, or deliberately try to influence how they vote. This is true whether it involves candidates, initiatives, or referenda.

You are already familiar with the concept in another area of your professional life: stewardship of public resources. You cannot use the office supplies, equipment, or facilities that are provided for you in the course of your employment for personal business. As an employee the work you do is for the public, and the resources you do it with belong to the public. Using the copier at the office to make flyers for your garage sale is against the law. When you are at work you use those resources on behalf of the public, not on behalf of yourself.

Electioneering follows a very similar line of thought. When you are at work, *you are the government*. And, the **government has no business telling its citizens how to vote**. If your college president, or vice president, or dean came to your office and told you that unless you voted for candidate so-and-so, or against proposition such-and-such, they’d fire you, **you know that would be wrong**. It’s none of their business if and how you vote.

The same is true for you. **You are the government** when you are at work. You cannot tell others *how* to vote, or how they *ought* to vote, or why they *should* vote for candidate *X* or issue *Y*, nor can you *use* government resources to support a preferred candidate or proposition nor to oppose a candidate or proposition.

Here are some concrete examples:

- You *cannot* put political campaign material on your office door (that’s public property). You *can* have a bumper sticker or campaign sign on or in your car (that’s your private property).
- You *cannot* tell your students to vote for or against a particular candidate or ballot issue (that’s undue government influence in an election); you *can* discuss candidates and issues *if it is relevant to the curriculum* of the course you teach.

- You *cannot* use work email to distribute campaign material or encourage others to vote for or against a candidate or ballot initiative; you *can* discuss candidates and issues with colleagues while on a break or at lunch (that's personal time). If someone sends electioneering materials to your work email, that's not your fault. But don't forward that material along using your work email.
- You *cannot* use your work website to post electioneering material for or against a candidate or ballot initiative (nor could you provide links to campaign websites with the intent of influencing how others vote on a particular candidate or issue); you *can* post links to campaign websites for students to use if it is directly relevant to the approved curriculum of your course, e.g.,
 - a Political Science course might analyze how contemporary campaigns function,
 - a Business or Communications course might examine how political advertising works,
 - a Philosophy/Logic class might use campaign material as examples of fallacious argument, etc.

The thing to keep in mind in all of this is, what hat are you wearing, and why are you wearing it? If it is reasonable for an ordinary person to believe you are on the clock and therefore acting as a government agent, it is inappropriate (i.e., illegal) to engage in electioneering (i.e., actively seeking to influence the outcome of an election). If you are off the clock and acting as a private citizen, you are free to engage in any political activity you want.