2011 Election Law Guide for University Faculty and Staff
Provided by Wendy Bohlke, Senior Counsel, WWU

In light of the upcoming election season, we provide the following helpful reminders about the laws governing the political behavior of University faculty and staff.

Legally permissible activities for faculty and staff:

- **Wearing campaign buttons** to work or placing such material in personal, assigned space
  - but balancing that free speech right against the obligation to **not use visible public facilities to post such material**, which might leave the impression that the campaign is favored by the institution, its leadership or staff

- **Allowing de minimis use of public facilities**
  - by statewide elected officials, legislators, and candidates
    - to communicate views on ballot measures and political campaigns in public forums (but do no fundraising using public facilities or resources)
    - by means to keep peace and fairly allocate space among competing users
    - at times and locations to allow for public reception without disrupting classes or worksites

- **Participating in campaigns on personal time**, so long as participation is not tied to assessment of job performance. Personal time is:
  - time outside the individual’s normal work day, or
  - vacation or other approved leave status

Impermissible activities for faculty and staff:

- Use work time to solicit support, opposition, signatures or money for ballot measures
- Use work time to campaign for or against a candidate for public office
- Use public property to campaign for or against a candidate or measure; **except that** ‘neutral forum’ public property otherwise open to public use can be used for campaigning
- Use public facilities or supplies for campaigns or measures, which includes office space, email, word processing, paper, and other publicly owned property, for campaigns, whether during or after work hours
- Display or distribute political material in or on publicly owned vehicles or facilities
- Use publicly owned facilities to instruct or urge public employees to campaign for candidates or measures, or implying that job performance might be judged according to willingness to use their own time on a campaign, and
- Use public time or facilities to draft or pass a resolution by an appointed committee or board, taking an official position regarding a pending ballot measure or endorsement of a particular candidate. See RCW 42.52.180 on Limitations to Use of Public Facilities in Campaigns.

Please call Wendy Bohlke, Senior Counsel, WWU Office of the Attorney General if you have any questions (360) 650-2040.