

Political Activities

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Policy Purpose

Internal Revenue Service regulations restrict the political activities of Associated Students, Incorporated and all other organizations exempt from federal income tax under section 501(c)(3) of the Internal Revenue Code. The actions of students and staff with regard to political activities can affect the ASI's tax exempt status, which could result in loss of this status and cause ASI to be subject to an excise tax on all monies spent. The following regulations provide guidance as to acceptable political activity by tax-exempt institutions such as Associated Students, Incorporated.

Policy Statement

It is the policy of the Associated Students, Incorporated that funds and money collected by or on behalf of the student body shall not be used to support or oppose any candidate for public office, whether partisan or not. Furthermore, funds shall not be used to support or oppose any issue before the voters of California or any subdivision thereof, or any city, municipality, or local

governmental entity of any kind except as permitted by Section 89300 of the California Education Code.

This prohibition shall not apply to expressions published in the student press, or to support of a position taken by the CSU Board of Trustees on any issue that will significantly affect the CSU or any campus thereof as determined by the Board.

Notwithstanding the above, the Associated Students, Incorporated affirms its right to engage in lobbying activities within guidelines established by the Internal Revenue Service. Specifically, funds collected by ASI may be used to provide for the support of governmental affairs representatives attending upon the California Legislature or upon office and agencies in the executive branch of the state government.

Who Should Know This Policy

- | | | |
|----------------------------------------------------------------|----------------------------------------------------------------|-------------------------------------------|
| <input checked="" type="checkbox"/> Budget Area Administrators | <input checked="" type="checkbox"/> Elected/Appointed Officers | <input type="checkbox"/> Grant Recipients |
| <input checked="" type="checkbox"/> Management Personnel | <input checked="" type="checkbox"/> Program Advisors | <input type="checkbox"/> Staff |
| <input type="checkbox"/> Supervisors | <input checked="" type="checkbox"/> Volunteers | |

Definitions

For purposes of this policy, the following definitions are provided:

Term	Definition
ASI premises	All real property leased to or owned by Associated Students, Incorporated. This currently includes the University Student Union, Soroptimist House, Isabel Patterson Child Development Center, and the Recycling Center.
Direct Lobbying	Communications with legislators (or communications with ASI members to encourage them to communicate with legislators) for the purpose of influencing the outcome of legislation at the local, state, or federal level.
Grassroots Lobbying	An attempt to influence legislation through appeals to the public. To be considered grassroots lobbying, the communication must meet a three-part test: <ul style="list-style-type: none"> • It must refer to specific legislation; and • Reflect a view on that legislation (e.g., oppose or support the bill); and • Contain a “call to action” with respect to that legislation (e.g., “contact your legislator”).
Influencing legislation	Any attempt to influence any legislation through an attempt to affect the opinions of the general public or any segment thereof, and any attempt to influence any legislation through communication with any member or employee of a legislative body, or with any government official or employee who may participate in the formulation of the legislation.
Lobbying	Activities associated with attempts to influence legislation are considered lobbying under tax law and IRS definitions. <ul style="list-style-type: none"> • The following communications are excluded from the tax law definition of “lobbying”: • Nonpartisan analyses, which need not be neutral or objective, but which present facts fully and fairly, is widely available, and does not include a direct call to action (such as requesting that the reader contact his or her legislator) • Responses to written requests for information and/or technical assistance from legislators • Discussion with government officials concerning legislation impacting ASI’s existence, its powers, duties, tax-exempt status, or right to receive tax-deductible contributions • Discussion of broad policy matters with the general public and government officials, even if legislation is pending

Term	Definition
Workspace	A desk, cubicle, table, or similar stationary location at which an ASI representative routinely conducts official business on behalf of ASI
Representative	Any employee, director, officer or agent of the Associated Students, Incorporated

Regulations

1.0 Lobbying

Lobbying by nonprofit organizations is legal and is supported by IRS regulations. As a 501(c)(3) organization, ASI can choose between two sets of guidelines for measuring lobbying: a measure based purely on expenditures and a general "insubstantial" test. Because it is generally more favorable to nonprofit advocacy, ASI shall utilize the expenditure test.

1.1 Expenditure Test

Under the expenditure test, lobbying only occurs when there is an expenditure of money. ASI can spend up to 20% of its budget, up to \$1 million, on legislative lobbying. Only 25% of this total lobbying allocation can be spent on grassroots, or indirect, lobbying. To enable use of this test, ASI shall file an IRS Form 5768 notifying the IRS that ASI has elected to use the expenditure test.

1.2 Use of State and Federal Funds

No portion of state or federal funds received by ASI shall be used to lobby. The federal government will not reimburse direct lobbying expenses. Additionally, federal regulations require that no share of the overhead cost pool (used to calculate indirect cost rate) can be spent on lobbying activities. This includes advocating on behalf of a specific awarding and/or renewal of a federal grant.

The definitions of lobbying under Circular A-122 differ slightly from IRS lobbying restrictions. Circular A-122 prohibits lobbying for or against legislation at the federal and state levels. Circular A-122 does not restrict lobbying at the local level, but such activities will only be permitted if they are consistent with the purposes of the grant.

1.3 Public Policy Positions

The ASI Board of Directors shall have sole authority for determining ASI's position on specific public issues. No other employee, officer, or representative of the ASI shall communicate or claim to represent ASI's position on public policy issue without the prior approval of the Board.

All positions taken by ASI on a public policy issue shall be recorded and officially communicated through the use of Board Resolutions. In the preparation and adoption of Resolutions, ASI shall ensure that the information contained therein is factually accurate and provides sufficient context.

2.0 Political Activities

ASI encourages its employees, directors, officers, and agents (hereinafter known collectively as “representatives”) to participate fully in the democratic political process as private citizens, both on- and off-campus. However, as a non-profit 501(c) (3) tax-exempt organization and recipient of state and federal funds, ASI must follow certain rules concerning political activity.

2.1 Individual Activities While Off-Duty

ASI representatives may engage in the following activities as private citizens, provided they are conducted during non-ASI work hours, off ASI premises, and without direct or indirect ASI financial support or identification.

- 1) Hold membership and office in, attend meetings of, vote in, and otherwise participate in, political parties, clubs, organizations, and conventions;
- 2) Participate in and manage partisan, nonpartisan, and/or student government political campaigns, including volunteering, writing and making speeches, writing letters, and soliciting voters to support or oppose a candidate;
- 3) Be a candidate in a nonpartisan election for public or student government office;
- 4) Contribute to partisan, nonpartisan, or student government political campaigns or political parties and request contributions from others, provided they are not employees whom they supervise;
- 5) Participate in voter registration drives; and
- 6) Assist in providing transportation to the polls.

2.2 Individual Activities Prohibited While On-Duty

While on-duty at ASI, on ASI premises, or using ASI resources, ASI representatives may not engage in any of the activities listed in 2.1.1, above, with the exception of voter registration drives conducted by student government.

2.3 Individual Activities Prohibited at All Times

In general, ASI representatives may not engage in the following activities at any time or place, including during off-duty hours, during leave of any type (including unpaid leave), and off ASI premises:

- 1) Use official authority or influence to interfere with or affect the results of an election or a nomination for office.
- 2) Directly or indirectly coerce, attempt to coerce, command, or advise any employee of ASI to make political contributions, or request such contribution from ASI employees or volunteers whom they supervise.
- 3) Be a candidate for public office in a partisan election (including primaries).

An employee may be exempted from the restrictions stated above if

- The ASI employee either spends less than half of his or her working time employed by ASI or receives less than half of his or her working income from ASI; or
- The ASI employee receives a salary that is not funded in any part by any state or federal grant or does not perform any work in connection with activities funded by such grants.

In order to be exempted, the employee must receive written authorization from the ASI Executive Director.

2.4 Activities by ASI

ASI may not participate or intervene in a political campaign on behalf or in opposition to any candidate for public or student government office. ASI representatives should scrupulously avoid identification of ASI with, or use of its funds or resources for, such activity.

ASI funds may not be used to make contributions to political campaigns, political parties, or political action committees.

ASI may under certain conditions conduct limited activities designed to educate, but not influence, voters, such as neutral candidate forums or voter guides, voter registration drives, and transportation to polls, but only if they are carried out by ASI programs or employees not funded by state or federal grants and receive the prior approval of the ASI Executive Director.

2.5 Restrictions on the Use of ASI Resources and Premises for Political Activities

The following constitutes ASI regulations governing the use of resources and facilities for political purposes or activities, including campaigns for student government office. Nothing in these regulations shall be construed to permit interference with a candidate's right to campaign within guidelines established in the A.S. Elections Code.

2.5.1 Use of ASI Name

The name, insignia, seal, or address of ASI or any of its offices or units shall not be used for or in connection with any partisan political purpose or activity except as consistent with ASI regulations. This includes campaigns for student government office.

2.5.2 Use of Titles

In correspondence, statements, or other material relating to political activities or issues, the title of an ASI representative shall be used only for identification. If such identification might reasonably be construed as implying the support, endorsement, or opposition of the ASI to any political activity or issue, the identification shall be accompanied by an explicit statement that the individual is speaking for himself or herself and not as a representative of the ASI or any of its offices or units.

2.5.3 Use of Equipment, Supplies and Services

ASI equipment, supplies, and services—photocopying machines, telephones, mail and messenger services, vehicles, computers, stationery, and other equipment, supplies, or services—shall not be used for or in connection with political purposes or activities, including campaigns for student government office.

2.5.4 Use of ASI Premises

Political activities, including campaigns for student government office, shall not occur on ASI premises except as permitted by the A.S. Elections Code. This includes the wearing of t-shirts, buttons, hats, and similar items expressing support or opposition of any candidate for political or student government office. This prohibition shall not apply to the personal display or storage of campaign materials in the personal workspace of an ASI representative, provided such materials are maintained in such a manner as to keep them from public view.

2.6 Support or Opposition to Ballot Measures by ASI

ASI representatives shall not use public resources (including time on the job) to advocate a particular position on a ballot measure. Specifically, no ASI representative on official business or using ASI resources should urge anyone to vote one way or another on a measure. ASI employees may separate their private from their official activities by taking vacation or other leave.

ASI representatives may use normal working hours to speak about the Board of Trustees' position on a ballot measure. Under these circumstances, it is not necessary to state the facts and arguments on the other side of the ballot measure. However, it is necessary to avoid urging a particular vote.

An ASI representative who improperly uses ASI resources to campaign on a ballot measure may have to reimburse ASI for the value of the resources used. In addition, the individual may face criminal sanctions for theft, misuse of ASI funds and fraud.

3.0 Campus Referenda

Members of the Associated Students, including board members, may advocate a position on a proposed campus fee, student body initiative, or student body referendum through any legal means including publication and distribution of written materials, organized debates, and/or public forums. Any printed materials or advertising advocating a position on a proposed campus fee, student body initiative, or student body referendum should include the names of the person(s) or group(s) sponsoring the advocacy material and their status as a student or non-student.

No employee of the Associated Students, Incorporated shall engage in any advocacy for or against a proposed campus fee, student body initiative, or student body referendum during their regular work shift without the approval of the ASI Board of Directors. None of the resources of ASI, including but not limited to the ASI web site, shall be utilized to advocate a position for or against a proposed campus fee, student body initiative, or student body referendum without the prior approval of the ASI Board of Directors.

Forms

There are no forms associated with the execution of this policy.