

Legal Issues Facing Stanford University in Connection with the Election

Outside Political Law Counsel:

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October 12, 2020

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Campaign Finance: Legal Restrictions

Federal Election Campaign Act of 1971

- Corporations and organizations are prohibited from making contributions directly to federal candidates, political parties or PACs that give to candidates.
- Federal government contractors are prohibited from making contributions or expenditures in connection with federal elections.



IRS: Legal Restrictions

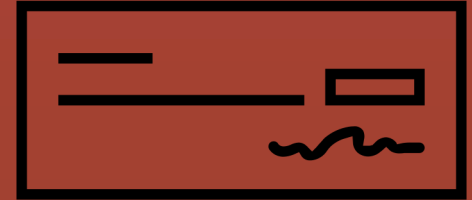
Internal Revenue Code

- 501(c)(3) nonprofit organizations (such as Stanford) are prohibited from directly or indirectly participating in, or intervening in, any political campaign on behalf of (or in opposition to) any candidate for elective public office.
 - Includes contributions to political campaigns, public statements of position on behalf of the University in favor or opposition to any candidate.
- Violation may lead to loss of tax-exempt status.

What Constitutes a Contribution?

Monetary vs. In-kind Contribution

- Monetary: Writing a check, wire transfer
- In-Kind: Use of University personnel, facilities, services (Interdepartmental Mail), equipment and other resources (copy machines, computers and computer resources, email lists, and telephones).



Political Campaigns: Volunteer Guidelines

- University faculty, staff and students are free to engage in partisan political activities in their individual capacity, during their own time, using their own personal resources.
- But they cannot engage in such activities on behalf of the University.
- University resources should not be used to support or oppose a candidate for election.



1. Use University personnel to help carry out your personal volunteer activities.
2. Use University letterhead to solicit contributions and engage in fundraising for a campaign.
3. Use a University email distribution list to send around a fundraising invitation for a candidate.
4. Endorse a candidate while speaking on behalf of the University.
5. Use your office or a Stanford meeting space after hours to make calls on behalf of a campaign.

Candidate Endorsements



- No express or implied candidate endorsements on behalf of the University.
- University officials should not make statements that could be perceived as support for a particular candidate at a University meeting or presentation.
- Can a recognized Stanford Student Organization endorse a candidate on their Facebook page?
 - Yes, if the endorsement is clear and states that it is made on behalf of the student group and does not represent the views of the University.

Inviting Candidates to Speak

- Must adhere to OSE/OSEP Political Activities policies.
 - Rules apply to virtual events.
 - Speaking in non-candidate capacity.
 - Advance approval required.
 - Not a campaign event, no fundraising, no campaign signage, no solicitation of votes.
 - Nonpartisan atmosphere.
 - Policy speech to inform Stanford community.

Please Ask Questions and Get Appropriate Approvals

- These can be complicated issues that most often are reviewed on a case-by-case basis.
- The facts are key to the analysis, so please ask in advance.
 - For example, a faculty member is free to write an opinion piece critiquing policies of elected officials/candidates, but when might that blur into a partisan *campaign* activity?
 - When are University resources being used in a way that becomes an “in-kind” contribution to a campaign? It depends on the facts.



Questions?



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