

CAMPAIGN-RELATED ACTIVITIES

What is the Fair Campaign Practices Act?

The Colorado Fair Campaign Practices Act (FCPA), C.R.S. § 1-45-117, generally prohibits state government and its officials from expending any public money from any source or making any contributions to influence the outcome of a political campaign, ballot issue or referendum.

To whom does the FCPA apply?

The FCPA places restrictions on political activities of state agencies, departments, boards, divisions, bureaus, commissions, or councils of the state and their members and employees. State-supported institutions of higher education are covered by the FCPA. Faculty, staff, and students are required to abide by its restrictions.

What does “public money” mean in the context of the FCPA?

The terms “public money” and “contributions” are broadly construed, and include resources beyond monetary donations. For example, state employees cannot work on a political campaign during state work hours or use any state resources towards a political campaign. State resources include Colorado School of Mines’ office space, office supplies, telephone and computer equipment, fax machines, email system, letterhead, etc. The FCPA definition of public money includes the use of student fees.

What activities are permitted of Mines’ employees under the FCPA?

Employees may use personal time and resources to engage in any political advocacy activities, provided they do not use state resources. In addition, employees:

- Should always make it clear that they are using only personal time and resources for these activities and not speaking on behalf of Mines.
- May respond to questions posed in the ordinary course of their duties. In the case of a ballot issue, the response cannot urge electors to vote for or against an issue.

What activities are prohibited of employees?

Generally, according to the FCPA , employees may not:

- Engage in activity during working hours designed to urge electors to vote for or against any campaign issues, which include campaigns for public office, statewide campaign issues or referred measures, and local campaign issues or levies.
- Use office supplies or equipment, including computers, telephones, printers or fax machines to create materials urging electors to vote for or against a campaign issue.
- Use School web sites or School e-mail accounts to urge electors to vote for or against a campaign issue, or to forward materials that urge electors to vote for or against a campaign issue.

Can School facilities be used for political activities?

The School may rent its meeting facilities to groups interested in planning advocacy events for a political candidate or referendum/ballot issue provided that:

- Current public rental rates are charged;
- State resources are not used as payment;
- Requirements of the University Facilities Use Policy and associated procedures are followed; and

- Access is not restricted based on viewpoint—that is, advocates on all sides of an issue must be welcome to attend.

In addition, the School must be balanced in its approach to allowing groups to utilize space:

- Forums offered on campus to provide information about a referendum or ballot issue should include both sides of the issue.
- External advocacy groups may be allowed to use campus space for an advocacy event, however, the same or similar space must be made available to any opposing advocacy group.
- Student organizations may invite a candidate to speak without inviting opposing candidates, as long as other student advocacy groups are afforded the same opportunities to invite opposing candidates to speak.

As needed and appropriate, the School may set additional reasonable time, place and manner restrictions on activities involving campus facilities.

Are there any special considerations for student organizations?

Yes. Student groups are free to organize for advocacy purposes except that they may not use state resources, whether on or off campus, in advocating or campaigning for or against a political candidate or referendum/ ballot issue. For example:

- If an event organized by a student group is an on-campus “public event” (defined below), or an advocacy event (held on- or off-campus, like a campaign rally for a candidate), use of student fee monies for costs associated with the event or free use of campus facilities is prohibited. Money generated through student fees (e.g., funding allocated to organizations by ASCSM) are considered to be state resources under the FCPA and may not be used to fund these types of events.
- If an event organized by a student group is a “campus-only event”(defined below), use of student fee monies for associated costs and free use of facilities is permitted, with certain restrictions (see below).

Note: **Campus-only events** include Mines’ students, faculty, and staff only, while **public events** allow attendance from the general public.

Use of campus facilities: Campus facilities may be reserved free of charge for campus-only events planned by student groups, but the organization bears responsibility for ensuring that the general public does not attend. If a campus event inadvertently becomes a public event, the organization will be charged regular rental rates for the facilities. Student organizations must also notify the School’s administration in advance of any public events occurring on campus and make it clear in its communications that the School does not endorse a particular candidate or referendum/ballot issue. Any events involving “public speech” as defined by the University Facilities Use Policy, must be additionally approved through that process.

Use of ASCSM monies: Any funds that are commingled with student fees in an account are considered state resources. Consequently, if a group raises funds for the purposes of campaign advocacy, it may not commingle such monies in the same account with monies granted by ASCSM.

What happens if someone violates the FCPA?

Any person can complain to the Colorado secretary of state that a public entity or public employee has violated the FCPA. Such complaints are referred to an administrative law judge for hearing and decision. Sanctions for violations can include monetary fines.