

Practical Guidance - Candidate Appearances at University Events**September 9, 2020**

It is campaign season, and we frequently receive questions about whether it is permissible to host candidates running for office as speakers on campus or at University events. The answer is generally yes – but with some caveats. Below are the rules you must follow when inviting candidates.

- 1. In many cases, someone who happens to be running for office is also an expert in an area that might benefit our community or already holds a position that could provide our students important insights into issues they are studying. It is okay to host someone at a University event (in person or through remote or virtual technology) who is running for office in an entirely non-candidate capacity. (However, it might be difficult to justify having a candidate for public office speak at a University event during an active campaign, particularly close to an election.) To avoid any issues, you must:**
 - Have the event focus on a substantive topic, not the fact that the person is running for office or the campaign.
 - The invitation letter to the speaker should be specific about the topic to be covered, should be clear that the event is non-partisan and not related to the person’s candidacy or the election, and state that the candidate must not fundraise or mention their candidacy or the election.
 - Avoid working with the candidate’s campaign staff on organizing the event. The event must not include campaign signs or banners, fundraising, or taking of names for campaign mailings/emailing.
 - Avoid any mention of the person’s candidacy or the election in connection with the event.
 - Include a non-campaign and non-partisanship disclaimer - that the University does not endorse, support or oppose any candidate - on written materials and announce it during the event. For example, a University representative or the event organizer should state at the outset that this is a non-campaign event and the University does not endorse, support or oppose any candidate in any upcoming election.

- 2. Candidates may be invited in their capacity as candidates to speak at a candidate debate, candidate forum, or other University event (in person or through remote or virtual technology) under the following circumstances:**
 - Pertinent rules found in *Rights, Rules, Responsibilities*, including sections 1.5.2 and 1.2.3, are followed.
 - While it is preferable to invite all candidates, if it is impracticable to invite every candidate, fewer than all of the candidates may be invited if:
 - Reasonable, objective criteria are consistently and non-arbitrarily applied to decide whom to invite, and the criteria are not designed to exclude a particular candidate. For

- example, you can decide to invite only those candidates who meet a reasonably and fairly-determined low threshold in a reputable poll; and
- The Office of the Executive Vice President, in consultation with the Office of the General Counsel, approves the decision to invite fewer than all candidates.
 - Invited candidates are not required to accept the opportunity, but except as discussed above, we are required to issue the other candidates a specific invitation to the same or comparable event.
 - Written materials include a non-partisanship disclaimer and the same disclaimer is announced during the event. For example, a University representative or the event organizer should state at the outset that the University does not endorse, support or oppose any candidate.
 - Candidates are not permitted to fundraise or distribute campaign materials.
 - **If the event is a debate or a forum:**
 - The questions for the candidates should be prepared and presented in a non-partisan manner (e.g., by an independent non-partisan panel), and the topics discussed by the candidates should cover a broad range of issues that the candidates would address if elected to the office sought and are of interest to the public.
 - Each candidate should be given an equivalent opportunity to present their view on each of the issues discussed. Candidates should not be asked to agree or disagree with positions, agendas, platforms, or statements of the University (or a group/unit at the University). The moderator should not comment on the questions or otherwise imply approval or disapproval of the candidates.
 - If the debate or forum is before the primary election, invited candidates may be limited to the viable candidates running for the nomination of a particular party. It is not necessary to invite those who might run against the candidates in a general election.
 - **If a single candidate is invited to speak at a University event (in person or through remote or virtual technology), that is not a debate or a forum:**
 - The University must provide an equivalent opportunity to participate to political candidates seeking the same office (either at the same event or a comparable one). The University cannot indicate, expressly or impliedly, any support for or opposition to the candidate.
 - The nature of the event to which each candidate is invited must be taken into account, in addition to the manner of presentation.
 - For example, if one candidate is invited to speak at a well-attended annual banquet, but the opposing candidate is invited to speak at a sparsely-attended general meeting, this will likely violate laws prohibiting political campaign intervention, even if the manner of presentation of both speakers is otherwise neutral.
 - It is important to communicate these conditions to the speaker before they commit to a University event.
 - If you have any questions about whether an individual is being invited in an individual (non-candidate capacity) or candidate capacity, please contact the Office of the Executive Vice President Contact: Laura Strickler, Executive Director of Administrative Planning & Chief of Staff, Office of the Executive Vice President, at lauras@princeton.edu.

3. **Peaceful dissent, protests in peaceable assembly, and orderly demonstrations are allowed at events so long as pertinent rules found in *Rights, Rules, Responsibilities*, including section 1.2.3 are followed.**

4. **These rules are important to follow because Princeton is an educational, nonprofit organization that is exempt from federal income tax under Section 501 of the Internal Revenue Code.**
 - Section 501(c)(3) states that exempt organizations like the University may not participate or intervene in any political campaign on behalf of, or in opposition to, any candidate for any public office. This includes any individual who offers themselves, or is proposed by others, as a contestant for an elective public office, whether national, state, or local.
 - Due to these restrictions on the political activities of 501(c)(3) organizations, the University has rules governing political activity, including rules that address the circumstances under which a candidate can be brought to campus or utilize University resources. These rules can be found in *Rights, Rules, Responsibilities* 1.5.2.
 - An exempt organization could lose its tax-exempt status if it engages in prohibited political activity, and it could be subject to an excise tax on the amount of money spent on that activity.

5. **You are allowed to engage in political activity but must do it on your own time and dime – not using University resources, lists, or materials. You must make clear that you speak only for yourself and not for the University.**

6. **When considering inviting a candidate to a University event (in person or through remote or virtual technology), contact:**
 - **The Office of the Executive Vice President**, which will consult and coordinate with other appropriate offices to allow the University to adequately plan for the event. Contact: Laura Strickler, Executive Director of Administrative Planning & Chief of Staff, Office of the Executive Vice President, at lauras@princeton.edu.
 - **The Office of Government Affairs**, if a current office-holder is invited (whether or not that person is running for office), because they are mandated to track interactions with and meals and entertainment provided to public officials. Contact: Joyce Rechtschaffen, Director of Government Affairs, at jrechtsc@princeton.edu.
 - **The Office of Conference and Event Services** for logistical support for campus events. Contact: ces@princeton.edu.

Note: *The information in this document is for your general information and education only and does not constitute legal advice. Please feel free to contact the Office of the General Counsel with specific legal questions regarding candidate appearances at University events.*