

**INTEROFFICE MEMORANDUM****OFFICE OF UNIVERSITY COUNSEL**

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To: All Budget Unit Heads

From: George E. Moore  
University Counsel

Date: November 1, 2004

Re: Political Activities

Last week, the University experienced an unfortunate incident that should serve to heighten our vigilance to assure that we do everything reasonably possible to prevent the University's facilities and resources from being used in furtherance of partisan political activities. On Wednesday, October 27, the University provided a venue and related support for the Citizen Change "Vote or Die Tour." The event was described by its organizers as a "national non partisan initiative aimed at motivating, educating and empowering 40 Million young people to vote in this year's presidential election."

Unfortunately, some of the event performers acted contrary to the event's stated purpose and encouraged the crowd to vote for a particular candidate.

Sponsoring and providing funds for partisan political activities is contrary to University policy, and is also contrary to the limitations on political involvement that derive from the University's status as a state instrumentality and a charitable institution under section 501(c)(3) of the Internal Revenue Code. In short, the University is prohibited by law from participating or intervening in any political campaign on behalf of, or in opposition to, any candidate for public office. Thus, the University may not endorse, engage in fund raising, or become involved in any other activities that favor a particular candidate. Even purportedly nonpartisan voter registration or get-out-the-vote activities must be carefully scrutinized to assure that they are not aimed at favoring a certain candidate. An institution that engages in prohibited political campaign activity subjects itself to possible sanctions, including imposition of an excise tax and loss of tax-exempt status.

While the University had received written assurances from Citizen Change that the event would be nonpartisan, more careful and focused planning and advance review might have prevented the unfortunate and unanticipated exhortations of some of the performers. This incident should serve as a reminder to all University administrative staff that whenever anyone

proposes a politically-related event on University property, including one that appears to be nonpartisan, or otherwise seeks to use University resources, that the matter be referred to your responsible University officer and University Counsel for review. In that way, all appropriate measures may be taken to assure ourselves that the event complies with our legal and policy requirements.

Thank you for your attention. If you have any questions, please feel free to contact the Office of University Counsel at 215-204-6542.