



CHANCELLOR'S OFFICE

CALIFORNIA COMMUNITY COLLEGES

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TO: Superintendents and Presidents

FROM: Thomas J. Nussbaum
Vice Chancellor and General Counsel

SUBJECT: Voter Registration on Campus and In Classrooms

Synopsis: During the last several weeks this office has received numerous inquiries from district officials and other interested parties about the nature and scope of voter registration activities that are permissible on community college campuses and in their classrooms. This advisory is being distributed systemwide in order to summarize the advice we have been providing verbally.

In general, this office has stressed that the strong public policy interest in voter registration and the community college mission of providing citizenship and general education are highly compatible. Thus, voter registration activities are not only permissible, but should also be encouraged. In undertaking such activities, there are two questions which have most frequently been raised:

1. To what extent may a community college instructor take class time to encourage voter registration and register students to vote?
2. To what extent may a district provide access to a community college campus to certain persons or organizations for the purpose of voter registration?

Classroom Activities by Instructor

In answer to the first question, we have advised that a community college instructor may take class time to encourage voter registration and register students. The guidelines for this activity include the following:

1. The district does not force the instructor to conduct the activity; instead, the final choice about the use of class time is left to the instructor.
2. The instructor does not present information or behave in a partisan manner. If the instructor registers students to vote, he or she should not register just one party. The overall thrust should be to stress the importance of voting and to encourage students to register.

3. The instructor should minimize the interruption that this voter registration activity has on the delivery of instruction. In this manner, the activity might best occur at the beginning or the end of the class session
4. Students cannot be forced to register, and they should not be penalized in any way if they choose not to do so.

Group Access to Community College Campuses

In answer to the second question, we have advised that districts should make their common areas and certain other facilities available to outside groups that wish to conduct voter registration. The guidelines for such access include the following:

1. Outside groups interested in registering voters have a right, not only under the First Amendment, but also under the Civic Center Act (Education Code Section 82530 et seq) to access to community college campuses. Generally speaking, the test is that the college must provide reasonable access at reasonable times.
2. A governing board does not have authority to grant, deny or limit public access to selected individuals or organizations. Once access is provided, it must be provided on an equal basis to all groups.
3. In terms of what constitutes “reasonable access at reasonable times,” this is a test which requires a weighing of all facts and circumstances. Generally speaking, if access to the college’s common area (free speech forum) is requested, this access should be virtually unlimited as long as the voter registration activity is not disruptive (bullhorns, loud rallies, blocked sidewalks or roads, etc) to the campus.

Response Requested/ Date: This information is provided for general advice only. Specific questions regarding classroom activities by instructors or group access to campuses should be raised with legal counsel for the district.

Contact: The Secretary of State’s Office has expressed great interest in working with community college districts on voter registration activities. The contact person in the Secretary of State’s Office is John Mott-Smith, at (916) 445-0411.

If you are interested in our legal research on the issue, please contact Helga Martin in our office at (916) 322-1773.

cc: Academic Senate Presidents
Student Body Government Presidents
Community College Attorneys