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January 25, 2018

Dean Douglas Sylvester
Sandra Day O'Connor College of Law at Arizona State University
111 E. Taylor Street
Phoenix, AZ 85004

Re: Complaint regarding use of public resources to influence election

Dear Dean Sylvester:

This office has received a complaint regarding an event scheduled to take place on your campus today. The complaint relates to the hosting of "Dark Money and How it Affects Elections," featuring Sandra Day O'Connor College of Law Professor Paul Bender and Terry Goddard, the head of the "Stop Political Dirty Money Amendment" initiative campaign. This event, sponsored by the law school's chapter of the National Lawyers Guild, was advertised through official channels with an announcement that "ASU Law students are invited to become involved in the petitioning" for the initiative campaign.

The Attorney General's Office is committed to protecting the First Amendment and strongly supports the kind of debate and dialogue that will likely take place at the event in question. However, please ensure compliance with the regulations set forth in A.R.S. § 15-1633. Specifically, Arizona law prohibits the use of any

university resources, including the use or expenditure of monies, accounts, credit, facilities, vehicles, postage, telecommunications, computer hardware and software, web pages, personnel, equipment, materials, buildings or any other thing of value of the university for the purpose of influencing the outcomes of elections.

A.R.S. § 15-1633(A). And, for the purposes of that section,

"Influencing the outcomes of elections" means supporting or opposing a candidate for nomination or election to public office or the recall of a public officer or supporting or opposing a ballot measure, question or proposition, including any bond, budget or override election and *supporting or opposing the circulation of* a petition for the recall of a public officer or *a petition for a ballot measure*, question or proposition in any manner that is not impartial or neutral.

A.R.S. § 15-1633(K)(2) (emphasis added).

There is a partial exception to this general ban such that public universities may permit student political organizations to "conduct lawful meeting in university buildings," however, that exception does

Dean Douglas Sylvester
January 25, 2018
Page 2

not extend to a person acting on behalf of a university spending or using resources as mentioned "in subsection A of this section." A.R.S. § 15-1633(C).

Please feel free to contact me if you have any questions or concerns, or if I can be of assistance to you.

Sincerely,



Keith Miller
Assistant Attorney General