

**MINNESOTA STATE COLLEGES AND UNIVERSITIES
BOARD OF TRUSTEES**

Agenda Item Summary Sheet

Committee: Board of Trustees

Date of Meeting: October 31, 2007

Agenda Item: Precinct Caucus Schedule Exception

Proposed Policy Change Approvals Required by Policy Other Approvals Monitoring

Information

Cite policy requirement, or explain why item is on the Board agenda:

The Minnesota State Colleges and Universities system strives to honor and support Minnesota's political processes as established by law, and encourages interested persons to participate in the precinct caucus of their choice. Minnesota Statutes § 202A.19 provides that no Minnesota State College or University may schedule an event which takes place after 6:00 p.m. on the day of a major political party precinct caucus unless permission to do so has been received from the Board of Trustees. Precinct caucuses are set by law for Tuesday, March 4, 2008. However, the major political parties have changed their caucus date to Tuesday, February 5, 2008.

The caucus rescheduling decisions were not made early enough for colleges and universities to avoid scheduling conflicts. In view of the advance scheduling demands of the system's colleges and universities, it may not be possible to reschedule events already on the calendar for the earlier caucus date. Further, since major party precinct caucuses are no longer scheduled for March 4, 2008, the purpose of the statute is no longer served by avoiding the scheduling of campus or system events on that date. In view of these changes, it is recommended that colleges, universities, and the Office of the Chancellor be allowed to hold events under the conditions in the motion below.

RECOMMENDED MOTION

In recognition that no major political party, as defined by law, intends to hold its precinct caucus on the statutorily prescribed day of March 4, 2008, the Board of Trustees authorizes colleges, universities and the Office of the Chancellor to schedule events the evening of March 4, 2008, without limitation. The Board further authorizes colleges, universities, and the Office of the Chancellor to schedule events the evening of Tuesday, February 5, 2008, notwithstanding major political party caucuses scheduled for that time, if the event was scheduled prior to approval of this motion, or the president or chancellor determines that not scheduling an event on that date would cause penalty, or create hardship or significant inconvenience to those affected.

Scheduled Presenter(s):

Linda L. Baer, Senior Vice Chancellor for Academic and Student Affairs
Gail Olson, General Counsel

**BOARD OF TRUSTEES
MINNESOTA STATE COLLEGES AND UNIVERSITIES**

BOARD ACTION

PRECINCT CAUCUS SCHEDULE EXCEPTION

BACKGROUND

The Minnesota State Colleges and Universities system strives to honor and support Minnesota's political processes as established by law, and encourages interested persons to participate in the precinct caucus of their choice. Minnesota Statutes § 202A.19 provides that no Minnesota State College or University may schedule an event which takes place after 6:00 p.m. on the day of a major political party precinct caucus unless permission to do so has been received from the Board of Trustees. Precinct caucuses are set by law for Tuesday, March 4, 2008. However, the major political parties have changed their caucus date to Tuesday, February 5, 2008.

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Date of Adoption: 10/31/07

Date of Implementation: 10/31/07

Precinct Caucus, Primary and Election Day Requirements

Under state law, certain campus activities are limited on days on which precinct caucuses, state primary or general elections are held. As noted below, different requirements apply for precinct caucus days, and primary and election days.

I. Precinct Caucus Day: Tuesday, February 5, 2008 and Tuesday, March 4, 2008

A. Event Scheduling.

No public meetings may be conducted by state boards or agencies after 6:00 p.m. on the day of a major political party precinct caucus. This limitation applies to the Minnesota State Colleges and Universities Board of Trustees and Office of the Chancellor. Minnesota Statutes section 202A.19, subd.6 (2006).

In addition, under Minnesota Statutes section 202A.19, subd. 3 (2006), state colleges and universities are prohibited from scheduling any event, including classes, which will take place after 6:00 p.m. on the day of a major political party precinct caucus unless approved by the Board of Trustees:

No Minnesota state college or university may schedule an event which will take place after 6:00 p.m. on the day of a major political party precinct caucus unless permission to do so has been received from the Board of Trustees of the Minnesota State Colleges and Universities.

The original date scheduled in law for precinct caucuses in 2008 is March 4, 2008. However, the major parties all have moved their precinct caucus dates to February 5, 2008. Because the statute prohibits scheduling events (including classes) on days on which a major party holds its precinct caucuses and such caucuses may be held on two different days in 2008, it is possible that colleges and universities will be subject to scheduling limitations on both days. By its terms, the statutory prohibition applies to any college-sponsored classes and events, whether or not they are physically located on the campus. While the statute allows the Board of Trustees to exempt certain activities if requested by a college or university, only limited exceptions to the clearly articulated state policy have been approved in the past. **The Board of Trustees will be asked in October 2007, to consider allowing presidents greater scheduling latitude on these dates.**

B. Employees Attending Precinct Caucuses.

The law allows employees who are entitled to attend a major political party caucus, and who provide the employer at least ten days written notice, to be absent from work for the purpose of attending the caucus during the time for which the caucus is scheduled. The employer may not impose a "penalty or deduction from salary or wages on account of the absence other than a

deduction in salary for the time of absence from employment." Minnesota Statutes section 202A.19, subd. 2 (2006).

II. General Election Day: Tuesday, November 4, 2008 and State Primary Election Day: Tuesday, September 9, 2008

A. Event Scheduling.

On general election and primary days, The Office of the Chancellor, Board of Trustees, colleges and universities are prohibited from scheduling events, other than regularly scheduled classes, between 6:00 p.m. and 8:00 p.m. Classes regularly scheduled during those hours may be held as usual:

Except for regularly scheduled classes, no Minnesota state college or university shall schedule an event between 6:00 p.m. and 8:00 p.m. on the day that an election is held in any political subdivision in which the university or college is located.

Minnesota Statutes section 204C.03, subd. 2 (2006). This provision also applies to elections within the political subdivision (such as the county or city) in which the college or university is located, as well as state primaries or general. Minnesota Statutes sections 204C.03-.04 (2006).

B. Employee Voting Rights.

Minnesota Statutes section 204C.04, subd. 1 (2006) addresses the right of employees to take time off to vote the morning of a general election or state primary:

Every employee who is eligible to vote in an election has the right to be absent from work for the purpose of voting during the morning of the day of that election, without penalty or deduction from salary or wages because of the absence. An employer or other person may not directly or indirectly refuse, abridge, or interfere with this right or any other election right of an employee.

III. Future Precinct Caucus and Election Dates

The Secretary of State has identified the dates below for future precinct caucuses, general elections and state primaries. Additional information from the Secretary of State's Office can be found at www.sos.state.mn.us.

A. Precinct Caucuses.

Caucuses are held the first Tuesday in March in every State general election year, except as noted.

- Tuesday, February 5, 2008 and Tuesday, March 4, 2008
President, U.S. Senate and House of Representatives, and State House of Representative Offices

B. General Elections.

General elections are held the first Tuesday after the first Monday in November.

- Tuesday, November 4, 2008
President, U.S. Senate & House of Representatives, and State House of Representatives Offices

C. Primary Elections.

Primary elections are held the first Tuesday after the second Monday in September. (Note: Minnesota no longer has a designated presidential primary.)

- Tuesday, September 9, 2008
U.S. Senate and House of Representatives, and State House of Representative Offices

Contact the Office of the Secretary of State (651) 215-1440 for future election dates. Contact the Office of General Counsel if you have questions about scheduling events on your campus.

Revised 10.23.07