



**MARICOPA**  
COMMUNITY COLLEGES

Office of the  
General Counsel  
Compliance

Petition Signature Solicitation, Voter Registration Programs, and Free Expression Events

October 18, 2019

**Overall Guidance:** *All three of these practices fall under the protection of the First Amendment, but that does not mean the District cannot implement and enforce procedures for each of these practices.*

**The Basics:** The First Amendment text reads, “Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press; or the right of the people peaceably to assemble, and to petition the Government for a redress of grievances.”

***VOTER REGISTRATION PROGRAMS***

When a citizen registers to vote or casts a ballot, he or she is engaging in free speech protected by the First Amendment.

ARS § 15-1895 requires each community college district, in consultation with the recognized student government at a community college under its jurisdiction, to adopt a plan to increase student voter registration and voting in elections. Each College in the District has prepared a Voter Engagement Plan outlining its plan to increase student voter registration and voting in elections. The plan also outlines the goals set forth for each college and is revised when there are unique circumstances. You can find the each College’s Voter Registration Plan by visiting: <https://district.maricopa.edu/legal/student-faculty-resources/voter-registration>

College Administration has the authority to regulate the places where community and college-partner voter registration efforts (booths, tables, etc.) are allowed.

## ***RIGHT TO ASSEMBLE, RIGHT TO PETITION***

The First Amendment protects the freedom to peacefully assemble or gather together or associate with a group of people for social, economic, political, or religious purposes. It also protects the right to protest the government. The right to petition can mean signing a petition or even filing a lawsuit against the government.

### **Right to Assemble:**

ARS 15-866 requires community colleges adopt policies in line with the statute and to form free expression committees that will report (annually) to the Governor and Legislature regarding free expression incidents. \*Policy must highlight that public community colleges promote the dissemination of knowledge and to ensure the fullest degree of intellectual freedom and free expression.

\*Community college cannot shield individuals from speech protected by the First Amendment, including ideas and opinions that may be unwelcome, disagreeable or deeply offensive.

\*Students and faculty can discuss any problem as allowed by the First Amendment (within the limits of reasonable viewpoint and content-neutral restrictions on time, place and manner of expression).

\*Reservations are **not required** in order to use Public Areas for Public Expression activities. Reservation may be made for large activities.

Any speech restrictions must be clear, published and provide alternative means of expression.

Students and faculty may assemble and engage in spontaneous expressive activities that do not materially and substantially disrupt the function of the college/District.

The college/District cannot charge a fee for added security.

The policy must also outline the range of disciplinary actions for a student who engages in individual conduct that materially and substantially infringes on the rights of others.

## **Right to Petition**

### **S-14 Procedure for Petition Signature Solicitation and 2.4.8 Petition Signature Solicitation**

This regulation shall govern access to college premises by representatives who wish to solicit signatures on petitions for the purpose of submission of a ballot proposition to voters, or nomination of a candidate for elective office, in a city-, county-, or state-wide election.

Each college president shall designate general hours of accessibility for solicitation and a location on college premises where all representatives on behalf of any candidate or ballot proposition may solicit signatures. The location shall be in a common area where the solicitation will not serve as an obstruction to student activities or otherwise disrupt the college environment.

All solicitation must take place in designated areas. Standard space may include one or two tables and chairs. Campus restrictions regarding amplification will apply. Representatives may not distribute or make available to students, employees, or college visitors any tangible item, except for informational literature about the proposed candidate or ballot initiative.

Representatives shall notify the designated official at each college or center for their intent to be present on college premises no fewer than three working days prior to soliciting signatures. Upon obtaining authorization, representatives shall be provided a written version of this regulation.

In the next two (2) weeks, the Office of General Counsel is collecting each college's Petition Signature Solicitation protocol and will upload all of them to a landing page (web) and will provide a link to the landing page to each college for placement on their college webpage.

## **Criminal Trespass v. Administrative Trespass**

An administrative trespass is issued by a campus administrator and is used as the notice that a person's presence on the campus is being blocked. We must provide due process BEFORE we issue such a notice. Due process consists of the following: 1) notice of the behavior for which the trespass has been issued and 2) the right to present their side of the story (in a meaningful time and place). The level of due process (the nature of #1 and 2 above) will vary based on the status of the person at issue.

1. If the person at issue is a student or employee, we owe them the highest level of due process before we impede their ability to access their education and the educational environment.

2. If the person is a community member, the level of due process is lower, but we still must provide notice and allow for a chance to present their side of the story—this could be done in a meeting directly after their negative behavior or interaction.

Once we have administratively trespassed the person (in writing—consult General Counsel’s office for help in doing this), if they violate this trespass notice, we can contact our college police to determine if a criminal trespass is warranted.

Of course, a criminal trespass may be in order if the person is engaged in criminal behavior or otherwise is restricted from access to the college (restraining order, etc.).

*For additional information on this subject please feel free to email Melissa Flores or Annette Linders.*



Melissa Flores

**MARICOPA COMMUNITY COLLEGES**

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