Proposition 30 and Voter Intimidation: The CSU MACHINE
by Carol Shubin

Voter intimidation involves any concerted effort or practice by an individual or group on behalf of a party or candidate to coerce the voting behavior of a particular class or demographic of voters. Voter intimidation puts undue pressure on a voter or group of voters so that they will vote a particular way, or not at all. Intimidation can take a range of forms.

The California State University Board of Trustees (9/19/2012) adopted budget contingency measures based on the outcome of Proposition 30 on the November 6 ballot. The board voted 11 to 3 to raise tuition fees by $150 a semester or 5 percent if the Governor’s tax initiative fails and a $250 million “trigger” budget cut to the CSU goes into effect. Alternatively, the board also voted to roll back the 9 percent tuition fee increase already in effect for fall if voters approve the tax measure.

Before the November 6, 2102 election, the CSU Mentor front page, the student first point of contact with the university, read:

• CSU campuses will hold all applications until the end of this initial application filing period on November 30, 2012. The reason for this action is because there is a measure on the November ballot (Proposition 30) which requires voters to decide whether to provide additional funding to help the state address the ongoing structural deficit. If Proposition 30 is not approved, the CSU budget will be cut an additional $250 million.

• Enrollment capacity on the CSU campuses is necessarily tied to the amount of available state funding. Therefore, if Proposition 30 is not approved, the CSU will have to admit fewer students. Admission decisions are therefore being postponed; students will begin to receive admission notices after the application deadline of November 30, 2012.

If you would like more information about Proposition 30, it can be found at the Secretary of State’s website: www.sos.ca.gov.

Steven Glazer, who sits on the CSU Board of Trustees, is a chief political advisor to Gov. Jerry Brown and a mastermind of the tax measure. CSU Trustee Glazer said he supports the move. "It is entirely appropriate to provide material facts to students and families that could affect our admissions decisions," he said. "Our enrollment and our budget are intricately tied together." LATIMES 9/15

Who might have been intimidated by the letter to the CSU potential applicants?

• 18 - 29 year old, many non-white or Latino citizens first time voters

• Aspiring to college, many are first generate college bound

If Prop 30 did not pass, the Chancellors Office threatens class elimination, program elimination, faculty and staff layoffs, and enrollment cuts.

This also threatened faculty and staff and their friends and families.
Problems

What was not said? MOST STUDENTS WERE GIVEN NO IDEA WHAT THEY ARE VOTING FOR, but they know what they were voting against. Mostly, they knew that their admission and fees could be negatively impacted by a “No” vote.

Students were given information on no alternatives to the CFA and CSU’s position on Prop 30.

CFA has certainly done its utmost to lobby its members and students to vote for Prop 30 members. Biased classroom materials are posted on the CFA website. http://www.calfac.org/election-2012-materials-resources

CSU Political Advocacy for Proposition 30 May Be Illegal and Unethical

The law prohibits the use of public funds for political campaign activity. As stated in the leading case which established this principle, Stanson v. Mott (1976) 17 Cal.3d 206, 210:

“[A] public agency may not expend public funds to promote a partisan position in an election campaign.”

“It shall be unlawful for any elected state officer, appointee, employee, or consultant to use or permit others to use state resources for a campaign activity . . . which [is] not authorized by law.” Government Code Section 8314.

Using taxpayer funds for political advocacy is illegal. Under California law, public universities are strictly prohibited from using public resources to advocate for political campaigns and causes. California Education Code 7054 is clear:

“(a) No school district or community college district funds, services, supplies, or equipment shall be used for the purpose of urging the support or defeat of any ballot measure or candidate, including, but not limited to, any candidate for election to the governing board of the district.”

General and Administrative Considerations, Sections 600 - 609

- Does not require students, by the authority inherent in the instructional role, to engage in particular political activities.

- Allows students the freedom to take reasoned exception to the data or views offered in a course of study.

- Does not exploit students.

- Encourages the free pursuit of students’ learning and promotes the free and open exchange of ideas as related to the subject matter.

- Exhibits and upholds the highest scholarly and ethical standards of the faculty member’s relevant discipline(s); fosters honest academic conduct; and does not instruct, advise, or supervise students with whom the faculty member has personal or professional conflicts of interest.
The Case for Increasing Enrollment and Leveraging Marginal Costs

The marginal costs/savings for increasing/reducing enrollment are usually overstated for the following reasons:

- Actual SFR's are higher than the published ones.
- Replacement faculty is hired/laid off at the starting level lecturer, more than $20,000 less than the formula used by the Legislative Analyst's Office.
- Changes in enrollment are partially absorbed (and in many programs entirely) by adjustments in class size. A department which offers a required upper-division course with a normal enrollment of 25 students will not open a new section if the enrollment grows by 20%, nor will it cancel the course if enrollment shrinks by 20%.

CSUN Marginal Cost Analysis

At a fee level of $7,000 and 27,000 FTE, CSUN net revenue change

- $320 per FTES by increasing enrollment.
- -$80 per FTES by decreasing enrollment.

This situation is amplified when one accounts for auxiliary income from students, such as parking housing, and food services. The situation is similar for other large campuses. Small campuses have much higher marginal costs and higher per-student costs.

Reducing enrollment by 20,000 students only hurts us financially. Therefore, it appears to me, that we are deliberately misinforming the public.

There is a very strong case that the best route for financial stability is a mixture of steady fee and enrollment increases.
Discussion Questions on Prop 30 and the CSU

1. The CSU Mentor site clearly indicated that a “yes” vote on Prop 30 would lead to an applicants’ best chance at admission and lower fees. Was this letter an information item or a threat to applicants that they might not gain admission unless they vote for Prop 30? Did the CSU infringe on our students’ civil liberties?

2. Did CSU, a state supported university, breach public trust by engaging in partisan politics?

3. Reducing enrollment by 20,000 students only hurts us financially. Did we deliberately misinforming the public that an enrollment cut is necessary when it is not?

4. The out years are uncertain. The $250 million cut certainly would continue if the Proposition fails, but would the $125 million in lieu of fee increases continue beyond one year if the Proposition passes? Finally, what are the implications of trading $248 million in permanent fee increases for $125 million in non-recurring funds from the state?

5. What do you think of the precedent of having the legislature hold fees for political ends? Could this come back to haunt us at some later date?

6. Did the CSU compromise our mission? Were we used as a voting machine by the chief architect of Prop 30 who also sits on the CSU Board of Trustees? Can we remain a public university when we engage in partisan politics?