

Election Communications

Retailers Can Make a Difference if you GET OUT THE VOTE!

OBJECTIVE

To turn out as many voters as possible. Employers need to talk to their employees about elections and the importance of exercising their right to vote. Educated voters are more likely to take the time to go to the polls to cast their votes.

SUMMARY

It is permissible for an employer to distribute information about a particular candidate for office and to solicit employees' support for identified candidates so long as employers do not practice job discrimination in any form with regard to the employees' free exercise of their vote.

DISCUSSION

It is permissible for corporations to distribute campaign literature and brochures to employees, solicit votes for identified candidates for statewide office, or solicit contributions for identified candidates, so long as such solicitations are not accompanied by job discrimination, financial reprisal or coercive threats of any kind. Both federal and state law prohibit any coercion of this sort in connection with solicitation of employees' support for identified candidates.

Ala. Code §§ 17-17-10 & 11 prohibits an employer, or the officer or agent of an employer, "by coercion, intimidation, threats to discharge or to lessen the remuneration of an employee" from attempting to influence a vote of an employee in an election. The Alabama Fair Campaign Practices Act prohibits "job discrimination or financial reprisals" of any sort in soliciting contributions to a candidate or his or her political action committee. Ala. Code § 17-5-17.

Likewise, federal law makes it a criminal offense to threaten or intimidate the free exercise of the vote. 18 U.S.C. § 241.

ADVICE BY ALABAMA CIVIL JUSTICE REFORM COMMITTEE COUNSEL

Employers and officers or agents of employers may distribute campaign literature for identified candidates and encourage support for identified candidates so long as the solicitation could not be construed as intimidating, threatening or coercive of an employee's free and unfettered exercise of his right to vote. An employer may limit its exposure to these concerns by providing a written statement in all communications to employees about a political race that no adverse action of any kind will be taken against an employee based on the employee's political views. Likewise, political contributions can be sought from employees so long as similar oral or written guidelines are distributed.