

Ballot Measure Activities & Public Resources: Rules of the Road

As important as ballot measures are to policymaking in California, public agencies and officials face important restrictions and requirements relating to ballot measure activities.

The basic rule is that *public resources may not be used for ballot measure campaign activities*. Public resources may be used, however, for informational activities.

This pamphlet summarizes some of the key applications of these principles. The law, however, is not always clear. Check with agency counsel for guidance on how these rules apply in any specific situation.

The stakes are high. Missteps in this area are punishable as both criminal and civil offenses.



Public agency resources may be used to:

- Place a measure on the ballot.
- Prepare an objective and fact-based analysis on the effect of a ballot measure on the agency and those the agency serves.
- Distribute that analysis through regular agency communications channels (for example, through the agency's website and in regularly scheduled agency newsletters).
- Adopt a position on the measure, as long as that position is taken at an open meeting where all voices have the opportunity to be heard.
- Respond to inquiries about the ballot measure and the agency's views on the measure.

Any agency communications about ballot measures should not contain inflammatory language or argumentative rhetoric.

In addition, public employees and elected officials may engage in the following activities on their own time using their own resources:

- Work on ballot measure campaigns or attend campaign-related events on personal time (for example, evenings, weekends and lunch hours)
- Make campaign contributions to ballot measures, using one's own money or campaign funds (while observing campaign reporting rules).
- Send and receive campaign related emails using one's personal (non-agency) computer and email address.



Public officials should not:

- Engage in campaign activities on while on agency time or using agency resources.
- Use agency resources (including office equipment, supplies, staff time, vehicles or public funds) to engage in advocacy-related activities, including producing campaign-type materials or performing campaign tasks.
- Use public funds to pay for campaign-related expenses (for example, television or radio advertising, bumper stickers, and signs) or make campaign contributions.
- Use agency computers or email addresses for campaign communication activities.
- Use agency communication channels to distribute campaign materials (for example, internal mail systems, agency bulletin boards, or the agency's email or intranet systems).
- Post links to campaign websites on the agency's website.
- Give preference to campaign-related requests to use agency facilities

Best Practices:

- Make sure everyone in the agency who might be in a position to engage in the above activities is aware of these legal restrictions.
- Use a tag that makes clear that restrictions against using public resources for campaign materials have been observed (for example: "Not produced or distributed with public resources").

When Do These Restrictions Kick In?

The rules against the use of public resources for campaign activities are triggered once a measure has qualified for the ballot.

There may be more latitude before a measure has qualified, but consult with agency counsel regarding the permissibility of specific activities.



Disclosure Requirements

Ballot measure advocacy activities are also subject to disclosure (transparency) requirements under California's Political Reform Act.

For More Information

Visit www.ca-ilg.org/ballotmeasure



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