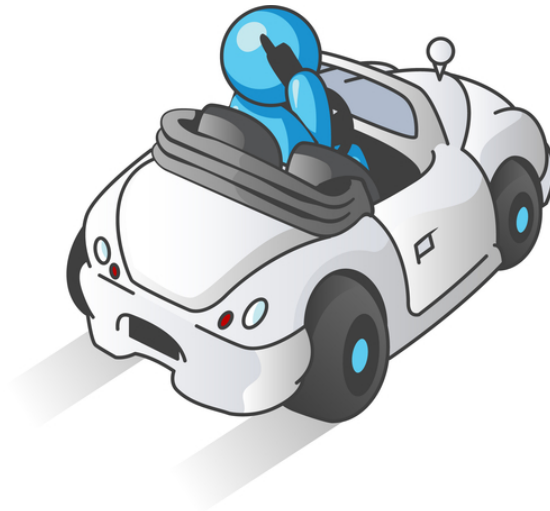


# Ballot Measure Rules of the Road for Public Agencies

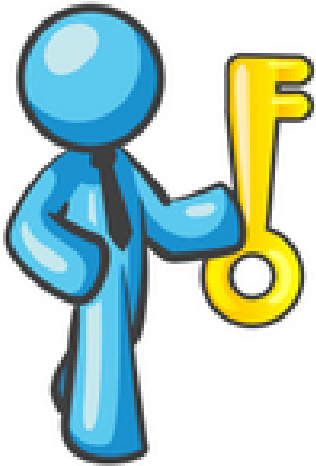


# About the Institute

- **501(c)(3) research arm of LCC & CSAC**
- **Relevant programs:**
  - Public Service Ethics
  - Climate Change



# Key Rule to Know



- **No personal and political use of public resources**
- **Includes: Money, staff time, equipment, communications channels**

# Sources of Rule

- *Stanson v. Mott* (1976) as interpreted by *Vargas v. City of Salinas* (2009)
- Government Code §§ 8314 and 54964



# Whys of Rule

- **Drown out other voices**
- **Taxpayer money**
  - LA Times 9/9/09 editorial
- **Authority**



# Penalties

- **Civil Penalty:** Up to \$1000 per day + 3 times value of resource used
- **Criminal Penalty:** Up to 4 years in state prison
  - Disqualified from holding public office





- **Objective and fact-based analysis**
- **Distributed through regular channels**
- **Take a position at public meeting**

- **Respond to inquiries**
- **Anything on own time, with own resources**
  - Campaign contributions
  - Own email and computer
  - Off hours







- Respond to inquiries





- **Engage in campaign activities with agency time or resources**
- **Use agency resources for campaign campaign tasks**

- **Use public funds to pay for campaign-related expenses or make campaign contributions**



- **Use agency computers or email addresses**

- **Use agency communication channels to distribute campaign materials**
- **Post links to campaign websites on the agency's website**
- **Give preference to campaign-related requests to use agency facilities**



# Best Practices

- **Publicize restrictions within agency**
- **Use tag: “Not produced or distributed with public resources”**



# Timing



- **After measure qualifies for sure**
- ***May* be more latitude before qualification**

# Also: FPPC Requirements

- Both before and after measure qualifies
- Mass mailing restrictions



# For more information, visit

- [www.ca-ilg.org/ballotmeasure](http://www.ca-ilg.org/ballotmeasure)
- [\(sandbox.ilgbackup.org/ballotmeasure\)](http://sandbox.ilgbackup.org/ballotmeasure)





# Questions?