

City Officials & Ballot Measure Advocacy

*guidelines for
commissioners and
board members*

What is the City's role in ballot measures?

- *City is prohibited from using City funds or public resources to influence voters*
- May develop ballot measures
- May provide fair and impartial information and analysis of a measure
- City Council may pass a resolution supporting or opposing a measure and stating no public funds will be used

City may provide information on a measure, but may not advocate

- *Information is allowed:* City may provide relevant, accurate, impartial, and balanced presentation of facts
- *Advocacy is prohibited:* City may not urge passage or defeat a measure, or election or defeat a candidate
- *Content, not purpose, determines whether a message from the City provides information or advocates*

As a public official, how can you support or oppose a measure?

- You may take a position on a measure, however, *campaigning* for your position must be done on private time
- Separate official City work from campaign work
- When working in your capacity as a City Official only provide facts and information

...how can you support or oppose a measure?

- When you are campaigning be clear that although you are a City official, you are not representing the City in your campaigning
- Do not campaign in City facilities or solicit from other City officials or employees
- Use personal, not City resources (phones, e-mail, etc.)

How can you tell if you are advocating/campaigning?

- Referring to a clear measure and expressly or unambiguously urging people to:
 - “vote for” or “support”
 - “cast your ballot”
 - “vote against”
 - “defeat” or “reject”
 - “sign a petition” for or against

Do not use public resources for campaigning.

Public resources include:

- City buildings or other facilities
- City phones, computers, copiers, supplies, vehicles, and other equipment
- Time for which the City is paying you
- Time for on-duty City staff

Advocacy: Do or Don't?

- Board member X announces at her board meeting: “I would like the board to develop a brochure to send to all residents reminding them to cast their ballots for the City project.”
 - **Don't.** Encouraging people to “cast their ballot” is an express term of advocacy that is prohibited. The City could not pay for this type of mailing.

Advocacy: Do or Don't?

- Member Z makes a personal contribution to the “Approve Measure A!” campaign and attends a party for the campaign.
 - **Do.** City officials may make personal contributions and make public appearances on personal time supporting or opposing a measure.

Advocacy: Do or Don't?

- Board member Y sends an e-mail from a City account titled “Vote for Measure A!”
 - **Don't.** The City e-mail system is a public resource. Member Y should send this from his personal e-mail account.

Advocacy: Do or Don't?

- Measure A is the topic at Member Z's neighborhood meeting. Everyone in the group knows that Member Z is on the City board. Member Z states that she is there as an individual, not in her capacity as a City board member, and continues to make a presentation explaining why she thinks the group should support Measure A.
 - **Do.** Member Z is on her own time. Clearly distinguishing between her appearances as a City official and as a private individual is a good practice.

Advocacy: Do or Don't?

- Member Y calls his board liaison on Monday morning and says, “We need to add some informational links to the City website– can you please add www.ILoveMeasureA.com and www.PassMeasureAorElse.org as links? Oh, and can you look at www.measureAistheBest.org and see if we should post that too? Thanks, and don't forget to vote!”
 - **Don't.** Links to campaign websites constitute advocacy. Member Y should not ask his liaison to spend City time researching campaign activities, or tell his liaison to vote for measure A.

Advocacy: Do or Don't?

- Member X has been working all day at the “ILoveMeasureA” call center, encouraging people to vote for Measure A. She gets to her board meeting at the City early and uses the office phone to take two minutes to finish calling the last name left on her list for the day.
 - **Don't.** The phone is a City resource; even two minutes is too much.

Conclusion

- You may take a position supporting or opposing a measure
- Advocate and campaign on personal time
- When you are acting in your official capacity, provide information only
- Never use city resources to advocate

Resources

- “Working on a Ballot Measure Campaign: Some Rules for City Officials,” *League of California Cities*
- “Ballot Measure Advocacy and the Law: Legal Issues Associated with City Participation in Ballot Measure Campaigns,” *League of California Cities*, September 2003
- Questions? If in doubt, ask your liaison