



Legal guidelines: Use of public resources for ballot measures and candidates

The following document outlines the legal issues surrounding the use of district resources when advocating on behalf of a ballot measure or candidate. For information regarding the use of district resources for lobbying activities, see <http://www.csba.org/LegislationAndLegal/Legal/ELAUpdates.aspx>

For the purposes of this document “public resources” includes money, but also includes items paid for with public funds like staff time, materials, equipment, facilities and the use of district communications channels, such as the district’s website, e-mail system and newsletter. The legal requirements in this document are applicable to any item on the ballot; thus any reference to a ballot measure is also applicable to a candidate. In addition, any reference to a school district is also applicable to county of ces of education.

District legal counsel should be consulted if it is unclear whether a particular course of action is authorized by law.

In general, what are the legal guidelines regarding the use of public resources for ballot measures?

In 2009, the California Supreme Court expanded existing law and created a new framework for analyzing the use of public resources for election purposes. The court created three categories of activities: (1) permissible informational activities, (2) impermissible campaign activities and (3) unclear activities which require further analysis based on the “style, tenor and timing” of the activity.

s OERMISSIBLE INFORMATIONAL ACTIVITIES INCLUDE TAKING a position on a ballot measure in an open and public meeting where all sides can present their

Resolutions

May a board adopt a resolution opposing or supporting a ballot measure?

Yes, a board may adopt a resolution opposing or supporting a legislative proposal at a regularly scheduled, open meeting at which the public is permitted to express its views. (*Vargas v. City of Salina* (2009) 46 Cal. 4th 1; (

