

## **POLITICAL ADVOCACY**

### **Overview**

The Monterey County Board of Education (County Board) has a responsibility to actively advocate fiscal and public policy conducted in accordance with legal requirements that supports the county's schools and the children in the community.

The County Board and Monterey County Superintendent of Schools (County Superintendent) should consider developing an advocacy action plan to define expectations and responsibilities. This plan may include, but is not limited to, legislative priorities, strategies for outreach to the media and community, development of key messages and talking points, and adoption of positions on specific legislation, regulations, or budget proposals.

The County Board's responsibility as an advocate for the Monterey County Office of Education (MCOE / County Office) may include lobbying and outreach at the state and local levels. The County Board and County Superintendent or designee should work to establish and maintain ongoing relationships with elected officials, community leaders, and the media in order to communicate MCOE's positions and concerns.

### **Ballot Measures/Candidates**

No public funds, services, supplies, or equipment shall be used to urge the support or defeat of any ballot measure or candidate, including any candidate for election to the County Board Education Code 7054.

Whether an activity is an appropriate use of public funds or an impermissible campaign activity is a complicated analysis. County Office resources, including email or computer systems, shall not be used to disseminate campaign literature. In addition, County Office resources shall not be used to purchase advertisements, bumper stickers, posters, or similar promotional items that advocate an election result or urge voters to take any action in support of or in opposition to a measure, however, the resolution may encourage legislators to take action.

The County Board may discuss and study the potential effect of proposed or qualified ballot measures on the county's schools at an open and agendized County Board meeting. The County Board's discussion of the effect of such measures shall include an opportunity for staff and members of the public to speak on all sides of the issue. At that meeting, the County Board may adopt a position or resolution in support of or in opposition to a ballot measure. The language in any resolution adopted by the County

Board shall not urge the public to take any action regarding the measure.

The County Board's position on a ballot measure, including any resolution, shall be publicized only through normal distribution procedures and consistent with regular MCOE practice for reporting County Board actions. Such publicity shall be for informational purposes and shall not attempt to influence voters.

The County Superintendent or designee may use County Office resources to provide students, parents/guardians, and community members with fair and impartial information related to ballot measures, including information about the impact of ballot measures on the County Office Education Code 7054.

In preparing or distributing such informational material, the County Superintendent or designee should analyze the material to help ensure that it is an appropriate informational activity, provides a fair analysis of the issues, and does not advocate passage or defeat of a measure or candidate.

### **Legislative Advocacy**

In order to strengthen legislative advocacy efforts, MCOE may work with organizations and coalitions and may join associations whose representatives lobby on behalf of their members in accordance with Government Code 53060.5.

MCOE has the authority to provide fair and impartial information about legislative issues affecting schools and children and can inform the community about its advocacy activities. However, informational materials about legislation shall not urge the public to lobby the legislature, Governor, or state agencies on behalf of MCOE.

The drafting of legislative proposals is a permissible use of public funds since it is more similar to the exercise of a local agency's governing authority than a campaign activity. The County Board may ask the County Superintendent or designee to draft legislative or regulatory proposals which serve MCOE's interests.

### **Legal Advocacy**

When an issue requires resolution in the courts rather than through legislation, it is permissible for MCOE to use public funds to initiate or participate in legal advocacy. Toward these ends, County Offices may choose to join with other County Offices in a group which funds and supports litigation in cases of statewide significance to its members.

The County Board recognizes that some issues are more appropriately addressed judicially rather than legislatively. When a legal issue is likely to set a state or national precedent, MCOE may join with other school organizations or parties in order to resolve the issue through litigation or other appropriate means.

### Political Forums

Forums on political issues may be held in school facilities as long as the forum is made available to all sides of the issue on an equitable basis Education Code 7058.

### Rights of Individuals

Restrictions on public school political advocacy do not apply to individual County Board or MCOE staff members acting as private citizens on their own time and at their own expense. When acting as private citizens, individuals have broad rights under the First Amendment to engage in political activities, including taking positions on electoral measures and candidates and establishing and participating in political action committees.

#### *Legal Reference:*

##### *EDUCATION CODE*

7050-7058 *Political activities of school officers and employees, including: 7054 Use of school property*  
 7054.1 *Requested appearance*  
 7056 *Soliciting or receiving political funds 1040-1042 Authority of county boards of education*  
 35160 *Authority of governing boards*  
 38130-38138 *Civic Center Act, use of school property for public purposes*

##### *ELECTIONS CODE*

9501 *School district elections, arguments for or against a measure*

##### *GOVERNMENT CODE*

8314 *Unlawful use of state resources*  
 53060.5 *Attendance at legislative body; expenses*  
 54953.5 *Right to record proceedings*  
 54953.6 *Broadcasts of proceedings*  
 81000-91015 *Political Reform Act, including:*  
 82031 *Definition of independent expenditure*

##### *CODE OF REGULATIONS, TITLE 2*

18600-18640 *Lobbyists*  
 18901.1 *Campaign related mailings sent at public expense*

##### *COURT DECISIONS*

*Vargas v. City of Salinas, (2009) 46 Cal. 4th 1*  
*Santa Barbara County Coalition Against Automobile Subsidies v. Santa Barbara County Association of Governments, (2008) 167 Cal.App.4th 1229*  
*Yes on Measure A v. City of Lake Forest, (1997) 60 Cal.App.4th 620*  
*Choice-in-Education League et al v. Los Angeles Unified School District, (1993) 17 Cal.App.4th 415*  
*League of Women Voters v. Countywide Criminal Justice Coordination Committee, (1988) 203 Cal.App.3d 529*  
*Miller v. Miller, (1978) 87 Cal.App.3d 762*  
*Stanson v. Mott, (1976) 17 Cal. 3d 206*

*ATTORNEY GENERAL OPINIONS*

*88 Ops.Cal.Atty.Gen. 46 (2005)*  
*73 Ops.Cal.Atty.Gen. 255 (1990)*

*INSTITUTE FOR LOCAL GOVERNMENT PUBLICATIONS*

*Legal Issues Associated with Use of Public Resources and Ballot Measure Activities, June 2010*