

**SUBMITTAL TO THE BOARD OF SUPERVISORS
COUNTY OF RIVERSIDE, STATE OF CALIFORNIA**



FROM: Supervisor Kevin Jeffries

SUBMITTAL DATE: June 11, 2013

SUBJECT: Pre-Election Mailing and Community Improvement Designation Fund Restrictions

RECOMMENDED MOTION: That the Board of Supervisors: Approve the attached new Board Policy A-70 including proposed restrictions regarding Pre-Election Mailing and Community Improvement Designation Funds

BACKGROUND:

State and federal laws create an extensive and complex set of requirements and regulations that guide elected officials in their service to their communities. These laws reflect the view that it is unfair for public officials to use public resources to enhance their visibility and name identification with potential voters. As extensive and complex as these laws are, such ethics laws only constitute a minimum standard for public officials' conduct. It is the policy of the Board of Supervisors to strive for greater transparency and a higher standard for members of the Board of Supervisors seeking re-election or election to another office so as to avoid even the appearance of using public resources to enhance Board members' visibility and name identification with potential voters.

This proposal would make changes related to Pre-Election Mass Mail rules and to the awarding of Community Improvement Designation Funds:

Pre-Election Mass Mail Restrictions Loopholes: Current law and policy restricts the use of taxpayer funds to send mass mailings (more than 200 pieces) to constituents, with a few exceptions, including announcements of a town hall meeting or a county sponsored event. This change would eliminate those two loopholes within 60 days of an election on which a Board Member's name appears for any ballot, to avoid the appearance that tax dollars are being spent to promote an incumbent Supervisor.

Kevin Jeffries
Supervisor, 1st District

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Community Improvement Designation Funds Restrictions: While CID funds can be very valuable in assisting non-profits and making infrastructure improvements within the county, they can also create the appearance of "buying" friends or otherwise rewarding political supporters. To reduce that perception, this proposal would: 1) Prohibit the awarding, announcing, or presentation of any CID funds within 60 days of an election on which a Board Member's name appears for any ballot. The funds may be awarded for an event or program that occurs within the blackout period, but the request must occur prior to the blackout period, and 2) Require that the CID budget for a Supervisor who is either leaving office or on the ballot for re-election be split into six month portions, one half available from July to December, and the remaining half (plus any holdover funds) available for January to June.

**COUNTY OF RIVERSIDE, CALIFORNIA
BOARD OF SUPERVISORS POLICY**

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Purpose:

State and federal laws create an extensive and complex set of requirements and regulations that guide elected officials in their service to their communities. These laws reflect the view that it is unfair for public officials to use public resources with the express purpose to enhance their visibility and name identification with potential voters. As extensive and complex as these laws are, such ethics laws only constitute a minimum standard for public officials' conduct. It is the policy of the Board of Supervisors to strive for greater transparency and a higher standard for members of the Board of Supervisors seeking re-election or election to another office so as to avoid even the appearance of using public resources to enhance board members' visibility and name identification with potential voters.

Mass Mailing Restriction

Government Code section 89001 prohibits the use of public funds to pay for newsletters or other mass mailings, subject to certain exceptions set forth in state law. The Fair Political Practices Commission has defined "mass mailings" as sending more than two hundred (200) substantially similar pieces that contain the name, office or pictures of elected officials except as part of a standard letterhead. The rationale for this mass mailing prohibition is to eliminate practices that favor incumbent elected officials and to create a level playing field in elections. The mass mailing restrictions under state law apply to mailings delivered by elected officials as well as county departments. So as to avoid even the appearance of using public funds for political purposes, county departments shall refrain from sending mailings that contain board members' names, office or pictures unless it has been determined, in consultation with County Counsel, that an exception to the mass mailing prohibition applies.

Moreover, it shall be the policy of the Board of Supervisors to prohibit the use of public funds to pay for the following types of mailings that contain the name, office or pictures of a member of the Board of Supervisors during the sixty (60) day period prior to a primary, special or general election if the board member's name is on any ballot for such primary, special or general election, and has an opponent on that ballot:

1. A mailing containing an announcement to the board member's constituents concerning a public meeting which is directly related to the board member's duties, which is to be held by the board member, and which the board member intends to attend.
2. A mailing containing an announcement of an official county event, including but not limited to county department events, for which the county is providing use of its facilities, staff or other financial support.

Community Improvement Designation Fund Restrictions

Community improvement designation (CID) funds are divided evenly among the Board of Supervisors to award to community organizations, non-profits, county departments, and government agencies. The awarding of CID funds immediately before an election can create

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BOARD OF SUPERVISORS POLICY**

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the appearance of an unfair advantage for a member of the Board of Supervisors seeking re-election or election to another office.

1) It shall be the policy of the Board of Supervisors to prohibit the awarding or announcing of any CID funds at the request of a member of the Board of Supervisors during the sixty (60) day period prior to a primary, special or general election if the board member's name is on any ballot for such primary, special or general election, and has an opponent on that ballot.

During the sixty (60) day period prior to a primary, special or general election, if the board member's name is on any ballot for such primary, special or general election, the board member:

1. Shall not place any agenda items on the Board of Supervisors agenda seeking approval to award CID funds.
2. Shall not announce or participate in any press releases announcing the awarding of any CID funds previously approved by the Board of Supervisors.
3. Shall not participate in or make a ceremonial presentation awarding previously approved CID funds.

This prohibition applies whether the Board Supervisor's name is on the ballot as a candidate for the Board of Supervisors or for any other election in which an opponent is on the ballot.

2) The CID budget will be split in half for any board member whose name is on the ballot for re-election or who is in the final year of their term. One half of the CID budget shall be available from July through December and the other half (plus remaining funds from the first half of the fiscal year) to be available from January through June.

Reference:
Minute Order X-XX of XX-XX-XXXX