



Fwd: Lobbying vs. Informing voters

1 message

Johnston, Marian [REDACTED]

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From: Johnston, Marian [REDACTED]
Date: Thu, Feb 16, 2012 at 9:31 AM
Subject: Lobbying vs. Informing voters
To: Commissioners [REDACTED]
Cc: Dan Claypool [REDACTED]

The Chair has asked that I distribute this memo regarding the difference between lobbying the Legislature on proposed bills and informing the voters as to referendum issues.

This memo is to clarify that the Commission may lobby the Legislature about the changes it is proposing to its statutes, but as to matters placed before the voters, i.e., the referendum, the Commission may only provide relevant facts to the public.

As to the referendum, it is well settled that the government may not take sides in elections or bestow an advantage on one side of an issue before the voters. This is because using public funds in election campaigns raises the specter of an improper distortion of the democratic electoral process, and public funds should not be used to attempt to influence the resolution of issues which are to be decided by the voters. This does not, however, mean that the Commission has no role during the referendum process. It has the implicit authority to give voters relevant facts to aid them in reaching an informed judgment in voting on the referendum.

The situation is quite different as to legislation that is pending before the Legislature. Indeed, the legislative process contemplates that interested parties, including public officials, will attend legislative hearings and contact members of the Legislature to explain the potential benefits or detriments of proposed legislation. As appointed officials, the Commissioners have a duty to devise and promote legislative proposals to attempt to improve the redistricting process. In fact, this is explicitly recognized in the Commission's own statutes. Government Code Section 8251 (c)(1) authorizes the Commission to recommend statutory changes to the Legislature. Per commission policy, all interviews, including all lobbying efforts, should be coordinated through the Commission's communications director, Rob Wilcox. If the lobbying is spur-of-the-moment, Commissioners need to let Rob know to whom he or she has spoken and the basics of the conversation, so that Rob may keep track of who has spoken to whom about what.

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Marian M. Johnston
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