

SAMLN17 Rules of Conduct for Political Activity and Advocacy

The rules of conduct for public officers and employees outlined by various school attorneys, states...

Montana public employees and officers may not use public time, facilities, equipment, supplies, personnel, or funds to solicit support for or opposition to any political committee, the nomination or election of any person to public office, or the passage of a ballot issue. [Section 2-2-121\(3\), MCA](#).

are spot on advice for school employees. In terms of the SAM Legislative Network, we acknowledge what has been described in the rules of conduct, and point out ...

[Section 2-2-121\(6\), MCA](#) states that “a public employee may not engage in any activity, including lobbying, as defined in [5-7-102](#), on behalf of an organization.” However, the statute provides an exemption to this prohibition when the lobbying activity is on behalf of “an organization or association of local government officials, of which the public officer or public employee is a member while performing the public officer's or public employee's job duties.” **This exemption permits school employees to lobby as part of their professional organization.**

So, when you are a part of the SAM Legislative Network, this exemption allows you to lobby as part of the SAM organization you belong to. A couple of guidelines to keep in mind....

- We ask that you comply with the restrictions of steering clear of advocating during school time and using school equipment as outlined in the rules of conduct, because the line of when you would be a school district employee and when you are acting on behalf of your professional organization (SAM) would be blurred, and we don't want to put any of our SAM Legislative Network administrators into this blurry position. **So, you will do the SAM advocacy work outside of school time using your own equipment and supplies to make it happen.**
- The next aspect of school employee lobbying to keep in mind is the expense threshold for a school employee to register as a lobbyist under Montana law. [44.12.204, ARM](#) states that an individual engaged lobbying activity specified in Montana law whose expenses exceed the \$2,500 threshold is required to register as a lobbyist. A school employee that has lobbying activities as part of the job description is also required to register as a lobbyist in accordance with [44.12.107, ARM](#). The school employee's district employer is also required to complete the necessary reporting forms. **We would not expect that your activities for being a part of the SAM Legislative Network would reach this \$2500 threshold, so you would not need to register as a lobbyist** (unless you are doing advocacy for other interests in addition to SAM, then you would need to be careful). Pat and I are registered as lobbyists to represent all SAM issues.

We hope this answers questions you might have about advocacy efforts and lobbying. We have successfully used the SAM Legislative Network to advocate legally and ethically over the past 2 sessions without challenge or concern. Please consider these guidelines for participating in the SAM Legislative Network so you are comfortable with advocating during the session.