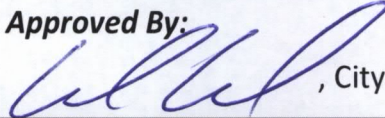




POLICY AND PROCEDURE

Subject: Election and Campaign Policy for City Employees	Index: 600 Number: 608-8-19
Effective Date: April 8, 2020	Prepared By: City Attorney's Office
Supersedes: N/A	Approved By:  , City Manager

PURPOSE: California Government Code section 3207 authorizes cities to enact rules and regulations prohibiting or restricting officers and employees of the City from engaging in political activities during working hours and prohibiting or restricting political activities on City premises. Political candidates and political committees are also prohibited from using public resources under the City's control to influence voters in an election. (*Stanson v. Mott* (1976) 17 Cal.3d 206). The purpose of this Election and Campaign Policy for City Employees ("Policy") is to clarify and memorialize the scope of limitations on political activities applicable to the use of City resources, including City facilities, equipment, and staff pursuant to State law. Violations of this Policy are subject to the discipline and remedies associated with violation of other City Policies prescribed in the master enforcement provisions of the City's Personnel Rules and specifically Personnel Rule section 14. This Policy does not cover every circumstance or scenario that a City employee may encounter while involved in the election process. Should an employee have specific questions not covered by this Policy, they should contact their supervisor or the City Attorney's Office.

POLICY:

1. Political Activities During City Work Hours.

- a. City employees may not engage in political activities during work hours (while "on duty").¹ (Gov. Code, § 3207). Prohibited political activities during work hours include, but are not limited to, the following:
 - i. Distributing Campaign or Political Materials. City employees may not distribute political pamphlets, flyers, or other materials, post signs or political social media posts, or send political emails while on duty.

¹ For purposes of this rule, "during work hours" includes any standard or overtime hours that are part of a shift that a City employee is required to work. A City employee is considered "off-duty" for purposes of this rule when he or she is on a permitted lunch break, vacation, an administrative leave day, sick leave, or during a public holiday when not working.

- ii. Campaign Events. City employees may not attend campaign meetings, rallies, or other campaign-related functions while on duty.
 - iii. Telephone Calls. City employees may not make campaign telephone calls while on duty.
 - iv. Campaign Activities. City employees may not perform any other campaign-related tasks while on duty. This would include making copies, stuffing envelopes, writing campaign statements or advocating or informing fellow City employees about campaign issues. Wearing of campaign buttons, hats, shirts, or other clothing, or signs is also prohibited while on duty or while on City property.
- b. City employees may engage in certain permissible political activity, provided such activity does not involve use of City time, property, facilities, or equipment. For any personal political activity a City employee may be involved in, it shall be made clear that the employee is acting personally and not on behalf of the City. Nothing in this Policy shall be applied in a manner that unlawfully curtails the constitutional, statutory, or contractual rights of the employee. Permissible political activities during City employees' off time include, but are not limited to:
- i. Performing volunteer work, endorsing candidates in an individual capacity, taking a position on ballot measures.
 - ii. Using personal funds to make political contributions, subject to any applicable federal or state laws.
 - iii. Soliciting political contributions from persons other than City officials and employees on behalf of candidates or ballot measures.

2. Prohibition on Use of City Resources for Campaign Activity.

- a. City employees may not use City funds or resources to advocate a partisan position or otherwise use City funds or resources to support any personal political activities. Prohibited use of City funds or resources include, but are not limited to, the following:
- i. Office Equipment. City employees may not use City copy machines, faxes, computers, printers or other office equipment to design, make, or distribute political pamphlets, flyers, signs, or other materials in support of his or her own political activity.
 - ii. Telephones/E-Mail. City employees may not use City phones in support of personal political activities. Prohibited activities include: making political cold calls, calling any campaign organizations with which they may be involved, posting to social media,

or otherwise using City issued phone equipment (e.g., a smartphone) to communicate personal views about candidates or ballot measures. This would include use of City provided email addresses to send and receive messages related to personal political activities.

- iii. Office Space. City employees may not use City offices or workspaces to engage in personal political activities. Prohibited activities include: holding political meetings, soliciting signatures for a proposed initiative, organizing political events, preparing arguments, ballot statements, advertisements, and other such political activities.
 - iv. City Facilities. Political campaigning and related activities are deemed to be contrary to the designated purposes and functions of City facilities and are, therefore, prohibited at City facilities. City property shall not be used for posing campaign signs, depositing or distributing campaign literature, or holding campaign events.
 - v. Office Supplies. City employees may not use or appropriate City office supplies in support of personal political activities. For example, a City employee may not print flyers on City printer paper, take pens and paper clips for use at a campaign office, or use City copiers to make copies.
 - vi. City Monies. City employees may not purchase items such as bumper stickers, posters, advertising floats, or television and radio spots using City monies, and are prohibited from displaying these items on City property or vehicles.
- b. City employees who wear a City uniform may not participate in any personal political activity while in uniform. (Gov. Code, § 3206). If a City employee wears a uniform that has become associated with a specific position at the City, he or she may not appear at any political function in that uniform even when off duty. The restriction also applies to any shirts or other items of clothing with any City insignia.
 - c. Employee use of City facilities and/or office space for non-political or campaign related meetings is governed by other City policies.

3. Making Promises for Political Favors.

- a. City employees and officers may not promise to provide any person with a gift, money, promotion, job, or other form of compensation in return for a contribution or vote. (Gov. Code, § 3204).
 - i. Hiring. City employees and officers may not promise to hire or appoint any person, vendor or third party for a City position(s) in return for a contribution or vote for or

against any candidate or ballot measure.

- ii. Salaries. City employees and officers may not promise to increase the pay rate, salary, or fringe benefits of any officer or employee in return for a contribution or vote for or against any candidate or ballot measure.
- iii. Gifts. City employees and officers may not promise to provide any person with money, a loan, or a gift in return for a contribution or vote for or against any candidate or ballot measure.

4. **Soliciting Contributions or Political Support.**

- a. A City employee or officer may not, directly or indirectly, solicit a political contribution from a City officer or employee with knowledge that the person from whom the contribution is solicited is an officer or employee of the City. The only exception is if an officer/candidate solicits contributions from a “significant segment of the public which may include officers or employees” of the City. (Gov. Code, § 3205 (c).)² Violation of this rule is a crime, punishable as a misdemeanor. (*Id.*, at (d).)
 - i. No Specific Solicitation of City Officers/Employees – Anywhere. Requests made to City officers/employees (either verbal or written) for contributions or political support are prohibited. This rule applies to both direct (by the employee/officer/candidate) and indirect (through a third party) solicitations. Further, the prohibition applies regardless of location – even solicitations made outside of City facilities.
 - ii. Solicitation of Relatives of a City Officer/Employee – Permissible. Soliciting contributions or political support from the spouse or a relative of a City employee/officer is permissible, so long as it is not a subterfuge for soliciting the City officer/employee.

5. **Providing Information on a Ballot Measure**

- a. City employees cannot commit public money or resources to influence voters on matters which are on the ballot for an upcoming election. (*Stanson v. Mott* (1976) 17 Cal.3d 206.)
- b. City employees and officers may only expend public funds for “informational” activities in which it gives a “fair presentation of the facts” regarding a ballot measure. Therefore, City

² For example, if a candidate were to send out 1,000 campaign mailers and 20 of them were to City employees as part of a larger group, that would not violate this rule. The key is that City officers/employees cannot be specifically approached for contributions/political support.

employees and officers cannot use public funds to expressly urge voters to “Vote Yes” or “Vote No” on ballot measures. However, the use of public funds to inform the public of all consequences, good and bad, of a measure will generally be permissible and should be reviewed by the City Attorney’s office before being distributed to the public.

- i. Balanced Presentation. The use of public funds on legitimate informational activities by City employees should present information relevant to both sides of an issue that will appear on the ballot, including its potentially positive and negative impacts.

6. Lobbying Permissible

- a. It is lawful for public officers and employees to lobby or present information to the federal or state legislature, the executive branch and administrative agencies to aid in the passage of legislation or regulations deemed beneficial to the City. (Gov. Code, § 50023). While lobbying is permissible, election activity designated to influence voters is not.