



ANDREW JANZ
City Attorney

February 14, 2024

MEMORANDUM

TO: Andrew Janz, City Attorney

RE: Guidelines for Participation in Political Activities

As we approach election season, the City Attorney's Office is receiving questions about permissible activities and expenditures. We have updated this memo to provide a reminder of the basic tenets of public funds and campaign expenditures.

QUESTION

What rules govern the use of City resources for political campaigns and activities?

ANSWER

The Mayor, Councilmembers, and City employees may not use public funds or resources, such as work time, facilities, or equipment to support or oppose a candidate or ballot measure. Public officials may not solicit, receive, or agree to receive a benefit in exchange for their official actions. Additional mass mailing restrictions exist for sixty days before an election for officials whose name is on the ballot. Violations may result in civil penalties, criminal liability for misappropriation of public funds, prison time, fines, loss of office, and payment of attorneys' fees.

ANALYSIS

This is a guideline of permissible and prohibited political activities but is not exhaustive. The City Attorney's Office should be consulted whenever a City official or employee has any concerns whether someone may engage in an activity as part of City business.

1. City elective officers and City employees may not:
 - a. Use public funds to "take sides" to influence a measure that has qualified for the ballot.
 - b. Distribute campaign literature through the City's mail system.
 - c. Send or receive campaign related e-mails on City computers or other electronic devices.
 - d. Place campaign literature on the City's web page or City premises.
 - e. Create a link from the City website to a website containing campaign materials.
 - f. Use City copy machines, telephones, fax machines, computers, stationery, or other City resources for campaign purposes.

- g. Direct City staff to walk precincts, draft campaign ads, or carry out other campaign related tasks during compensated work hours.
 - h. Urge City employees to vote for a candidate or ballot measure during compensated work hours.
 - i. Participate in political activities while in uniform displaying a City logo or references.
 - j. Use public funds to attend a political fundraiser.
 - k. Solicit, receive, or agree to receive a benefit in exchange for any official actions (bribery or extortion).
 - l. Request a donation to any campaign in exchange for any City action.
 - m. Send mass mailings (more than 200 copies of an item featuring an elected officer - including name, photograph, or other reference to their office - delivered to residences, places of employment, or P.O. boxes, paid for by public funds), unless an exception applies.
 - n. Rely on the "letterhead," "meeting notice," or "business card" exceptions to the mass mailing rule to include their name on a mass mailing within 60 days of an election when their name is on the ballot.
2. City officials and employees may:
- a. Use public funds to develop a measure for the ballot to present to Council for legislative action.
 - b. Use public funds to prepare and disseminate an accurate, fair, and impartial analysis of a measure that has qualified for the ballot.
 - c. Use public funds to lobby the state legislature to aid or prevent passage of state legislation that will affect the City as directed by Council.
 - d. Have Council adopt a resolution to support or oppose a ballot measure at an open meeting that does not expressly advocate the passage or defeat of the ballot measure.
 - e. Take a position or work on a campaign on personal time.
 - f. Make campaign contributions to a candidate or local ballot measure with personal funds.
 - g. Attend a campaign fundraiser at their own personal expense during personal time.
 - h. Make public appearances on personal time to advocate a ballot measure or candidate.
 - i. Participate in campaign activities at City facilities that are open and available for expression of all political viewpoints, such as sidewalks, parks, and areas in front of City Hall on personal time.

Recommendations:

1. Officials should be cautious, as penalties can be severe for violations. If in doubt, may be better to avoid the appearance of impropriety and contact the City Attorney's Office for guidance.
2. For all officials who are not elected, if engaging in political activities during normal work hours, may be best to document leave time by taking vacation time off.
3. Ideally, avoid conversations about political candidates or measures during City meetings, other than during noticed public meetings.

Respectfully submitted,

Amanda Freeman

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