**City of Long Beach**
*Working Together to Serve*

**Office of the City Attorney**

**Memorandum**

**DATE:** October 16, 2025

**TO:** Honorable Mayor and Members of the City Council

**FROM:** Ashleigh N. Stone, Deputy City Attorney

**SUBJECT:** Guidance on Legal Restrictions on Campaign Related Activities and Supporting or Opposing Ballot Measures

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In light of the upcoming 2026 election, the City Attorney's Office is providing the attached fact sheets on the following subjects:

1. Legal Restrictions on Campaign Activities; and

2. Legal Restrictions on Supporting or Opposing Ballot Measures.

The City Attorney's Office recommends that the Council and all Department Heads review both fact sheets and requests they be made available to all officials and City employees.

Please contact the City Attorney's Office with any questions you may have regarding the foregoing. Thank you.

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Attachments

cc: Dawn McIntosh, City Attorney
Gary Anderson, Assistant City Attorney
Erin Weesner-McKinley, Principal Deputy City Attorney
Douglas P. Haubert, City Prosecutor
Laura L. Doud, City Auditor
Tom Modica, City Manager
April Walker, Assistant City Manager
Teresa Chandler, Deputy City Manager
Meredith Reynolds, Deputy City Manager
Garce Yoon, Deputy City Manager
Tyler Bonanno-Curley, Deputy City Manager
Monique de la Garza, City Clerk
Department Heads

# FACT SHEET

# LEGAL RESTRICTIONS ON CAMPAIGN ACTIVITIES

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State law prohibits City officials from using City resources in connection with a candidate election. This fact sheet is designed to offer general guidance about legal restrictions applicable to activities associated with campaigning for election in Long Beach. NOTE: This fact sheet is specific to candidate elections. Please consult with the City Attorney's Office for guidance relating to the use of City resources for activities associated with ballot measure elections.

## OVERVIEW OF RULES

More details about how to apply each rule may be found in this fact sheet.

- Applies to City officials. The rules in this fact sheet apply to the actions of all City officials. For this fact sheet, "City officials" means City elected officials, appointed officials, employees, and board members, commissioners, and committee members. These rules apply regardless of whether a candidate is running for City, county, state, or federal elective office.

- No use of City resources for campaign activities. City officials may not use City resources including, City facilities, City equipment, City supplies, City funds (e.g., office operating budget), City compensated time, or other City resources to engage in campaign-related activities, such as fundraising, developing campaign materials, conducting polls, distributing materials, making calls, attending campaign events, and performing campaign research.

- No campaign activities during work hours. City officials may not engage in political activities during work hours.

- No participation in political activities in City uniform. City employees who are required to wear uniform as part of their duties may not participate in any political activity while in uniform.

- No promises for contributions or votes. City officials 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.

- Political activities off-duty are okay. City officials may engage in any political activities (e.g., campaigning and fundraisers) while acting in their individual capacity off-duty.

## CITY RESOURCES

City officials are prohibited from using City resources for campaign-related purposes. “City resources” generally include any property or asset owned by the City including, but not limited to, land, buildings, facilities, funds, equipment, supplies, phones, computers, e-mail, vehicles, travel, and City compensated time (e.g., staff time). This means that:

- No use of City equipment. City officials may not use City telephones (including City-issued cellphones), computers, Outlook e-mail accounts, fax machines, copiers, or similar equipment for campaign-related activities. City officials who engage in campaign-related communications must use telephones, computers, and e-mail accounts that they own personally or are provided by the campaign.

- No use of City internet. The City’s internet connection and office space may not be used to access campaign e-mail accounts, conduct campaign research, or perform work on a campaign website except where the access is open to the public for use (e.g., the library).

- No use of City e-mail. City's e-mail accounts may not be used for campaign-related activities. If a City official receives a campaign-related e-mail on a City e-mail account, the official should direct the individual to the campaign committee’s e-mail address. Similarly, if a City official receives a campaign-related telephone call on a City line, the official should refer the caller to a campaign telephone number.

- No use of e-mails generated with City funds. E-mail lists that have been generated with City resources may not be used for campaign purposes. For example, if a Council district website invites constituents to join an e-mail list, that list may not be exported or otherwise appropriated for campaign-related purposes.

- No use of City property, land, or facilities. City officials may not use City office space, property, or facilities for campaign-related activities. This prohibition does not apply to the use of a City facility that is a public facility equally available to all candidates (e.g., a park or recreation center) provided that the City official pays any required fees and does not use the power or authority of their position to obtain special treatment or access to the facility.

- No use of City seal. The City seal cannot be used for campaign-related purposes, including in mass mailings or otherwise in campaign materials. It can give the public a false or misleading impression that the City authorizes or supports the candidate, which the City cannot and would not do.

- No campaign signs on City property. Campaign signs cannot be placed on, above, along, or within public property, including, City property and buildings, rights-of-way, telephone poles, utility poles, streetlights, street signs, trees, sidewalks, median islands, parks, and any other public area.

- No appearance in City uniform. City officials required to wear a uniform as part of their employment may not participate in any political activity while in uniform. If a City official wears a uniform that is associated with a specific position in the City, they may not appear at any political function in that uniform even when off duty. Examples of uniformed employees include, but are not limited to, Fire, Police, Code Enforcement, Animal Control, and Public Works crews.

## CITY TIME

- No political activities during City work hours. City officials may not engage in political activities during work hours. This means City officials may not engage in campaign activities, such as, preparing and/or distributing campaign materials, making fundraising calls, conducting research to be used against an opponent, or otherwise working on a candidate's campaign during work hours.

    - "During work hours" includes any standard or overtime hours that are part of a shift that a City official or employee works.

    - City officials are considered "off-duty" for purposes of this guideline when, for example, they are on a permitted lunch break, vacation, an administrative leave day, or during a public holiday the City observes. See more information about what is considered "off-duty" under the "*When City Officials May Engage in Political Activities*" section below.

- Exception for candidates. The prohibition against using City resources for campaign-related purposes does not apply to the time spent by the candidate personally. For example, candidates running for re-election to a City office may participate in campaign-related activities at any time, including during City working hours. Although the City's elected officials are expected to spend a substantial amount of their time working on City matters, they are ultimately answerable to their constituents with respect to the time they spend on campaign-related activities.

- Applies when using personal equipment. Be aware that the prohibition against using City time for campaign-related activities applies even if a City official (e.g., City staff) is using their personal equipment. For example, a City official may not engage in phone conversations, post on social media, or exchange e-mails regarding a campaign-related issue while on City time, even if the City official is using their own computer or telephone for such communications.

## LBTV AND SIMILAR MEDIA

- With limited exception, once an elected official has filed their nomination papers for re-election or election to another elected office (i.e., local, county, or state), that person may not appear on the City's cable television channel (LBTV), radio program or podcast, television program, video, social media video or livestream, or similar form of media. The following appearances of an elected official in media are allowed once the City official files nomination papers:

    - At a Brown Act noticed public meeting (e.g., City Council meeting, Council subcommittee meetings)

    - At a City funded or supported event open to the public and the event is not held by, on behalf of, or at the request of one or more elected officials who have filed nomination documents for elected office or their office(s) as long as half or more of the elected officials speaking and/or participating in the event are not running for office.

    - If the communication is necessary to protect the health, safety, and/or welfare of the public due to a state of emergency.

- This rule also prohibits any of the media mentioned above from being prepared, produced, sent, broadcast, transmitted, delivered, or distributed at public expense.

## CITY SOCIAL MEDIA AND WEBSITES

- Staff can use City equipment and time on social media and websites about official City business. Elected officials typically link to social media pages from their official City websites as a means of communicating with constituents. City Council websites also routinely include links to official newsletters and press releases, which may in turn include links to social media pages. City equipment and City staff time may be used to communicate with constituents via social media pages regarding official City business.

- City websites, newsletters, staff time, and equipment cannot be used for campaign purposes. City equipment (e.g., computers, phones, printers), City websites, newsletters, and staff time may not be used to communicate with anyone regarding campaign purposes.

- No campaign material on social media and maintained by City staff. When social media and website accounts are maintained by City staff or linked directly from an official City website, they may not contain campaign-related material, including campaign-related material posted by other users.

- No City resources to maintain or drive people to a campaign social media page or website. A social media page containing campaign material is treated no differently than a website created by a candidate to promote their candidacy. City resources may not be used to maintain or drive internet traffic to a campaign's social media page or website.

- If staff maintains an official social media/website page, routine monitoring required. To ensure a social media account for an elected office is maintained by staff and linked to the City's website, City officials are responsible for routinely monitoring said social media accounts or office website and promptly removing campaign-related posts (e.g., photos, messages, etc.) posted by others. Both City staff and campaign staff may assist the candidate for this purpose.

- No campaign links on the City's website, office newsletters, or press releases. City officials may not include links to social media pages used for campaign purposes on the City's website, or in newsletters and press releases related to City business and distributed using City resources.

- Keep accounts separated. Elected officials should keep their personal, campaign, and official social media accounts and websites separate to avoid any appearance that City resources are being used for campaign activities. Be aware that other laws and regulations may be implicated by using personal accounts/websites for City business, such as, the City's Social Media Policy or the California Public Records Act.

## MASS MAILINGS

- No mass mailing sent using City funds. City funds cannot be used for mass mailings. You may not print, produce, or send more than 200 substantially similar items on behalf of a City elected official using City funds, unless an exception applies.

- Exceptions. Generally, this rule does not apply to (1) letterheads or stationery, (2) announcements for meetings or events related to the elected official's government duties providedthe elected official is either hosting or attending the event, or (3) business cards.
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  - **HOWEVER, even when an exception applies, no mass mailings may be sent by or on behalf of a candidate within 60 days of an election.**

- Electronic communications okay. This rule does not apply to electronic communications, such as e-mails, website or social media postings, text messages, and recorded telephone messages or robocalls.

## MAKING PROMISES

City officials 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. This means that:

- No promise to hire. A City official may not promise to hire or appoint any person for a City position in return for a contribution or vote for or against any candidate or ballot measure.

- No promises about salary. A City official 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.

- No promise of gifts. A City official 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.

## WHEN CITY OFFICIALS MAY ENGAGE IN POLITICAL ACTIVITIES

City officials may engage in any campaign activities while off-duty acting in their individual capacity. For the purposes of the rules in this fact sheet, the definitions below apply.

- Campaign activities. Campaign activities include, but are not limited to such things as: attending a political rally, participating in a campaign committee, sitting on a phone bank, doing campaign-related work, posting campaign signs, registering voters, or advocating that persons contribute or vote for or against a candidate. *Laws and policies about ballot measures are addressed in a separate fact sheet.*

- Hourly Employees. City officials are considered "off-duty" outside of the their scheduled hours, including before or after any standard or overtime hours in their shift, or any other time they are not required to work. . For example, City officials are "off-duty" during lunch breaks, approved vacations, administrative days, or public holidays.

- Salaried Employees. City officials who are salaried and do not have a regular shift or hours are generally considered "off-duty" before the start of, or after the end of, the City's normal business hours. However,

some salaried City officials may perform part of their official duties outside of these hours, such as attendance at after-hours Council and commission meetings. Therefore, salaried City officials should be particularly careful to when they are considered "off-duty" according to this guideline. For example, salaried City officials are "off-duty" during lunch breaks, approved vacations, administrative days or public holidays. However, this rule does not apply to elected officials, as noted under the "*City Time"* section.

**DISCLAIMER**

The information provided in this fact sheet does not, and is not intended to, constitute legal advice nor is it a substitute for the language contained in applicable State and City laws and/or policies. This fact sheet, the City's Ethics Handbook, and the Clerk's Candidate Handbook do not cover every circumstance or scenario that City officials may encounter while involved in the election process. If you are City official and have specific issues or questions not covered in this fact sheet either handbook, please feel free to contact the City Attorney's Office (cityattorney@longbeach.gov), the City Clerk (cityclerk@longbeach.gov), or the Office of Ethics and Transparency (ethics@longbeach.gov).

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# FACT SHEET

# LEGAL RESTRICTIONS ON SUPPORTING OR OPPOSING BALLOT MEASURES

# FACT SHEET
# LEGAL RESTRICTIONS ON
# SUPPORTING OR OPPOSING BALLOT MEASURES

State law prohibits City officials from using City resources in connection with supporting or opposing ballot measures. This fact sheet is designed to offer general guidance about legal restrictions applicable to activities associated with supporting or opposing ballot measures.

**NOTE**: This fact sheet is specific to ballot measures. Please refer to the fact sheet "*Legal Restrictions on Campaign Activities*" for additional information regarding campaign activities.

## GENERAL RULE

The general rule is that the City may not legally use City resources to support or oppose any ballot measure. Ballot measures include any measure placed on a ballot for consideration by voters by any jurisdiction, including voter-driven initiatives, Charter amendments, ordinances placed on the ballot by the City Council, State or County measures, and federal measures. (Gov. Code §§ 8314, 54964.)

"City resources" include any property or asset owned by the City, including but not limited to, land, buildings, facilities, grounds, property, funds, equipment, supplies, telephones, electronic assets (e.g., computers, software, phones, scanners, and photocopy machines), intellectual property, vehicles, travel, and City-compensated time (e.g., salaries).

The rules in this fact sheet apply to the actions of all City officials. For this fact sheet, "City officials" means City elected officials, appointed officials, employees, and board members, commissioners, and committee members.

## ACCEPTABLE ACTIVITIES

City officials are allowed to use City resources to engage in any of the following activities related to ballot measures in limited circumstances as follows:

*Before the measure is added to the ballot*

- Hiring a consultant to conduct surveys and establish focus groups to assess the potential support and opposition to the measure or to gauge public awareness of the need for the measure. Note: Consult with the City Attorney's office prior to engaging in any such activity.
- Investigating potential problems associated with the proposed ballot measure, probable expenses, and alternatives to the ballot measure.
- Activities related to preparing a measure.

- Identifying programs/services to be cut if a measure passes and posting reports and minutes on the City's website, if this is City's standard practice.

*After the measure is added to the ballot*

- Preparing an informational handout and making it available at public buildings (e.g., City Clerk's office & library). The handouts cannot be mailed due to mass mailing rules.

- Distributing informational, non-partisan articles in regularly published newsletters.

- Authoring ballot arguments for or against a measure. **NOTE: This must be done outside of work hours and without using City resources.**

- Stating the City's position regarding a measure on record at a regularly scheduled City Council meeting, open to the public, , where the public is given an opportunity to express their views, including speaking in support of or opposition to the measure.

- Factually inform the public, media, and others about the City's support for or opposition to a measure. NOTE: The City must do this in a way that is strictly informational and not in a way that can be construed to campaign for a particular position or urges others to vote "yes" or "no" on a measure. All such language must be vetted by the City Attorney's office prior to publication.

- Providing a member of the public, upon that individual's request, a City report providing the City's internal evaluation of the measure.

- A voter registration program, as part of a continuing "education and outreach program" (e.g., not in relation to voting for the measure).

## PROHIBITED ACTIVITIES

City officials are **prohibited** from using City resources to engage in any of the following activities related to ballot measures, both before and after a measure is qualified for the ballot:

- Creating or purchasing items such as bumper stickers, posters, advertising "floats," or television and radio "spots" promoting a measure.

- Disseminating campaign literature prepared by private proponents of a measure.

- Producing and distributing materials that advocate a yes or no vote on a measure.

- Contributing to campaigns supporting or opposing a measure using City resources.

- Expend City funds for printing, office supplies, or staff time to generate promotional materials to advocate for or against a measure.

- Use City employees to campaign for approval of a measure during working hours.

- Door-to-door canvassing.

## WHAT CAN I DO ON MY OWN TIME?

City officials may, on their own time, advocate a position on the ballot measure if it is made clear that they are acting in a personal capacity, and they do not state or imply that their views are those of the City. City officials are never permitted to engage in political activities while in uniform.

See the Fact Sheet on Legal Restrictions on Campaign Activities for rules about when City officials are considered off-duty.

## PENALTIES FOR VIOLATIONS

An individual who knowingly uses public resources to support or oppose a ballot measure will be required to reimburse the City for the value of those resources. Any person who intentionally or negligently uses City resources for a campaign purpose may be liable for a civil penalty of up to $1,000 for each day a violation occurs, plus three times the value of the unlawful use. In addition, the official or staff member may face criminal sanctions for theft, misuse of public funds, and fraud.

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TMA:kd A24-00191 (4.28.24)