



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.

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 a 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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