



COUNTY OF SAN MATEO INTERDEPARTMENTAL CORRESPONDENCE

CONFIDENTIAL ATTORNEY-CLIENT COMMUNICATION

To: All County Officers and Employees
From: John C. Beiers, County Counsel
Stephen M. Wagstaffe, District Attorney
Subject: Prohibited Political Activities
Date: November 18, 2021

In view of the upcoming elections, we would like to remind everyone that the law places restrictions on the political activities of County officers and employees. These restrictions are set forth in the California Government Code, [County Charter Section 512](#), County Ordinance Code Chapter 2.73, [County Administrative Memorandum C-5](#) as well as the County's policy on "Political Activities". The above-referenced County specific documents are available on the County's intranet through the [Prohibited Political Activities link](#).

In sum, the following specific restrictions apply to all County officers and employees, and a list of "Do's and Don'ts" is attached.

1. A County officer or employee may not engage in prohibited political activities during assigned hours of employment (this excludes designated lunch breaks, rest breaks, holidays, vacation, and leaves of absence) or on County premises that the County does not make available to the general public for political purposes (such as a public plaza or sidewalk). (Ordinance Code, §§ 2.73.010, 2.73.020(a)-(b); County Charter, § 512; Government Code, § 3207.) "Political Activity" means support or opposition to any candidate for elective office or any issue appearing on an election ballot. (Ordinance Code, § 2.73.020(c).)

Example: A County employee wishes to use his accrued vacation time (or other approved time-off) to volunteer for a political campaign supporting a candidate on a full-time basis in the week leading up to the general election. This activity does not violate the prohibition on political activities because the employee is not engaging in political activity during assigned hours of employment.

Example: A County employee seeks endorsements for her candidacy in the hallway of her County department's office. This activity violates the prohibition on political activities because it is being conducted on County property not made available to the general public for political purposes.

Prohibited political activities include the following restrictions:

- a) County employees may not attend campaign functions or promote candidates or measures, including the circulation of initiative petitions, on County time. (County Policy on Political Activities.)
- b) A County officer or employee may not use County staff, services, funds, telephones, stationery, equipment, or supplies, including, but not limited to, copying machines, word processing, or intradepartmental mail, for political purposes, whether or not such activities occur during assigned hours of employment and whether or not the officer or employee reimburses the County. (Ordinance Code, § 2.73.030(a); County Policy on Political Activities.)

Example: On his lunch hour, a County employee uses his work computer to send invitations to a fundraiser for a candidate. The employee has misused County resources for political purposes by using his work computer for political activity. The fact that the employee was on his lunch hour or used his personal email account does not excuse this improper use of County resources.

- c) A County officer or employee may not distribute or post political literature other than regularly distributed or posted newsletters, the regular focus of which is not political. (Ordinance Code, § 2.73.030(b).)
- d) A County officer or employee may not wear political buttons, pins, or banners in instances where the officer's or employees' official duties require meeting with the public. (Ordinance Code, § 2.73.030(c).)
- e) A County officer or employee may not solicit, directly or indirectly, political contributions from other County officers or employees unless:
 - i. The funds are solicited to promote the support or defeat of a ballot measure that would affect the rate of pay, hours of work, retirement, civil service, or other working conditions of officers or employees of the County; and
 - ii. The solicitation does not occur during working hours.

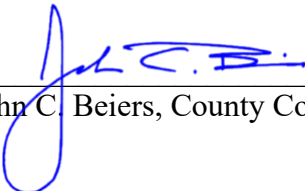
(Ordinance Code, § 2.73.030(d); County Policy on Political Activities; Administrative Memorandum C-5; Government Code, §§ 3205(a), 3209.) However, a County officer or employee may request political contributions from the general public even if this effort happens to include County officers or employees. (County Policy on Political Activities; Administrative Memo C-5; Government Code, § 3205(c).)

Example: After work, a County employee sends an email to her coworkers—from her personal email account to the coworkers’ personal email accounts—soliciting contributions to a candidate for local office. Even though the employee used no County resources, the solicitation is not lawful because the employee solicited political contributions from other County employees.


Example: The same County employee sends an invitation to a fundraiser to a list of all graduates from the local college she attended. A number of County employees who also happened to attend that same college received the invitation. Even though the County employee sent the solicitation to some County employees, the solicitation is lawful because it was made to a significant segment of the public that included some County employees.

- f) A County officer or employee shall not participate in political activities of any kind while in uniform. (County Policy on Political Activities; Administrative Memo C-5; Government Code, § 3206.)

2. County officers and employees, at the direction of the Board of Supervisors, the County Manager, or the officer/employee’s respective Department Head or his/her designee and pursuant to the provisions of the Legislative Program Admin Memo (County Administrative Memorandum B- 11), may continue to expend County resources and/or staff time to influence the California Legislature for County purposes. The Government Code, County Charter, Ordinance Code, County Policies, and County Administrative Memoranda do not prohibit this type of activity.



John C. Beiers, County Counsel



Stephen M. Wagstaffe, District Attorney

cc: Members, Board of Supervisors
Michael P. Callagy, County Manager

**DO'S AND DON'TS OF POLITICAL ACTIVITIES FOR OFFICIALS AND EMPLOYEES
OF SAN MATEO COUNTY**

The following are examples of inappropriate and appropriate activities. This is not an exhaustive list.

DON'T

County officials and employees may not:

- Distribute campaign literature through the County's internal mail system.
- Place campaign literature on employee bulletin boards, on the County's website, or elsewhere on County government premises.
- Make public appearances speaking in favor of a ballot measure or candidate during compensated work hours.
- Make telephone calls about a campaign during compensated work hours.
- Walk precincts, draft campaign ads, or perform other campaign tasks during compensated work hours (nor may you assign subordinates to do the same).
- Add a link from the County website to a campaign website.
- Send campaign-related emails on County computers or using a County email address.
- Urge other County employees to vote for a measure or candidate during compensated work hours.
- Use County copy machines, scanners, telephones, fax machines, computers, stationery, etc. for campaign purposes.
- Distribute or post political literature other than regularly distributed or posted newsletters, the regular focus of which is not political.
- Wear campaign buttons, pins or banners in instances where official duties require meeting with the public.

DO

County officials and employees may:

- Work on a campaign during personal time, including lunch hours, coffee breaks, vacations, etc.
- Make a campaign contribution using personal funds.
- Attend a campaign fundraiser on personal time.
- At the direction of the proper County authority, continue expending County resources and staff time to influence the California Legislature for County (not personal) purposes in accordance with County policies regarding such matters.