

## **POLITICAL ACTIVITIES OF COUNTY EMPLOYEES**

The political activities of county employees are restricted by both state and federal law.

All county officers and employees are covered by the prohibitions of state law contained in Government Code sections 3201 through 3209 and section 8314.

A limited number of county officers and employees who are paid with federal grant money or loans, or whose principal employment is in connection with an activity or program which is financed in whole or in part by grants or loans made by the U.S. or a federal agency are also subject to the political restrictions of the Federal Hatch Act (5 U.S.C. § 7301 et seq.). For example, most department of social services employees are governed by the Hatch Act as well as by state law.

### **I. POLITICAL ACTIVITIES OF PUBLIC EMPLOYEES UNDER CALIFORNIA STATE LAW**

#### **A. PROHIBITED ACTIVITIES**

Under state law a county officer or employee may not do any of the following:

1. Participate in political activities of any kind while in uniform.
2. Knowingly solicit political funds or contributions from other officers or employees of the county or from persons on the employment list of the county, except:
  - (a) An officer or employee may solicit or receive political funds or contributions to promote the passage or defeat of a ballot measure that would affect the rate of pay, hours of work, retirement, civil service, or other working conditions of the officer or employee.
  - (b) An officer or employee may communicate through the mail or by other means of requests for political funds or contributions to a significant segment of the public which may include officers or employees of the county.
  - (c) An officer or employee may solicit political funds or contributions from a bona fide public employee's organization provided that the funds when collected by the employee's organization, were not earmarked for a clearly identifiable local office holder or candidate.

3. Use, promise, threaten or attempt to use their county position or official authority to influence the political actions of other county officers or employees or those seeking county employment.

**B. PERMITTED ACTIVITIES** (Subject to the restrictions set forth in Section III below, including the general prohibition against engaging in political activities during work hours)

County officers and employees not connected with federally funded activities may:

1. Express their opinions on political subjects and candidates.
2. Become a candidate for nomination or election in any partisan or non-partisan campaign - national, state or local.
3. Engage in partisan or non-partisan political activities as an individual or as a member of a group.
4. Contribute to political campaign funds if the contribution is not made to or through another county officer or employee, except as described in paragraph A.2. above.
5. Join political organizations and vote on any questions presented.
6. Organize and manage political clubs, serve as officer, delegate or alternate, or as a member of any committee.
7. Participate actively in political conventions.
8. Attend political meetings, rallies, etc., and organize, prepare and conduct such gatherings.
9. Initiate, sign or circulate partisan or non-partisan nominating petitions, distribute campaign literature, badges, etc.
10. Wear campaign badges or buttons, display bumper stickers, pictures or posters on an automobile or in window of home.
11. Speak publicly, or write letters or articles for or against any political candidates; endorse or oppose such candidate in a political advertisement.
12. Manage the campaign of a political candidate.

**II.**  
**COUNTY OFFICERS AND EMPLOYEES WHOSE PRINCIPAL  
EMPLOYMENT IS IN CONNECTION WITH AN ACTIVITY  
WHICH IS FINANCED IN WHOLE OR IN PART BY LOANS  
OR GRANTS MADE BY THE FEDERAL GOVERNMENT**

County employees whose primary job is in connection with federally financed activities are covered by the Hatch Act. This includes county officers and employees who are paid with federal grant money or loans, or whose principal employment is with an activity or program that is funded by a federal grant or loan. For example, most Department of Social Services employees and the employees of the Child Support Services Department are governed by the Hatch Act.

**A. PROHIBITED ACTIVITIES**

A “Hatch Act” county officer or employee may not:

1. Participate in political activities of any kind while in uniform.
  - (a) Example: sheriff deputies, security guards, and animal control officers may not participate in political activities of any kind while in uniform.
2. Knowingly solicit political funds or contributions from other officers or employees of the county or from persons on the employment list of the county, except:
  - (a) An officer or employee may solicit or receive political funds or contributions to promote the passage or defeat of a ballot measure that would affect the rate of pay, hours of work, retirement, civil service, or other working conditions of the officer or employee.
  - (b) An officer or employee may communicate through the mail or by other means requests for political funds or contributions to a significant segment of the public which may include officers or employees of the county.
  - (c) An officer or employee may solicit political funds or contributions from a bona fide public employee's organization provided that the funds, when collected by the employee's organization, were not earmarked for a clearly identifiable local office holder or candidate.
3. Directly or indirectly coerce, attempt to coerce, command or advise a local officer or employee to pay, lend, or contribute anything of value to a political party, committee, organization, agency or person for political purposes.

- (a) This section prohibits a county officer or employee from attempting to influence another county officer or employee to contribute anything of value for political purposes.
- 4. Be a candidate for elective public office in a partisan election.
  - (a) “Elective public office” does not include a political party office. Thus, a Hatch Act employee may be a candidate for a position of officer of a political party, or any similar position.
  - (b) Generally, all judicial, city, county and district offices are non-partisan. Candidacy for state-wide offices, the Assembly, State Senate and Congress are partisan in nature.
- 5. Use his official authority or influence for the purpose of interfering with or affecting the result of an election or a nomination for office.
  - (a) Among other possible restrictions, this would prohibit an officer or employee from using his or her county title or official stationery in connection with any political campaign, and from attempting to influence anyone's vote by such methods as promising employment or threatening dismissal.

**B. PERMITTED ACTIVITIES** (subject to the restrictions set forth above and in Section III below, including the general prohibition against engaging in political activities during work hours)

A “Hatch Act” county officer or employee may:

- 1. Express opinions on political subjects and candidates.
- 2. Become a candidate for nomination or election to any non-partisan elective office or to any political party office.
- 3. Engage in partisan or non-partisan political activities as an individual or as a member of a group.
- 4. Contribute to political campaign funds if the contribution is not made to or through another county officer or employee, except as described in paragraph A.2. above.
- 5. Join political organizations and vote on any questions presented.
- 6. Organize and manage political clubs; serve as officer, delegate or alternate, or as a member of any committee.

7. Participate actively in political conventions.
8. Attend political meetings, rallies, etc., and organize, prepare and conduct such gatherings.
9. Initiate, sign or circulate partisan or non-partisan nominating petitions, distribute campaign literature, badges, etc.
10. Wear campaign badges or buttons, display bumper stickers, pictures or posters on an automobile or in window of home.
11. Speak publicly, or write letters or articles for or against any political candidates; endorse or oppose such candidates in a political advertisement.
12. Manage the campaign of a political candidate.

**III.**  
**RULES FOR PUBLIC AGENCY OFFICIALS AND EMPLOYEES**  
**IN CONNECTION WITH CAMPAIGNS**

State law strictly prohibits public officials and employees from participating in campaigns during work hours, or from expending public resources for campaign purposes. (Cal.Pen. Code, § 424; Cal. Gov. Code, § 8314; *Stanson v. Mott* (1976) 17 Cal.3d 206.) Public officials or employees who violate this law commit a misdemeanor, and may be personally liable to reimburse these costs.

With regard to ballot measures, public officials and employees may nevertheless provide informational material on a ballot measure to the public. The information disseminated must be truly “informational” and not “promotional.” A court will look at the “style, tenor and timing” of the communication to determine whether it is informational or promotional. More specifically, a public agency may: (1) communicate its position supporting a measure upon inquiry from a voter; and (2) provide a spokesperson to discuss the issue in a balanced and informational manner and give its position (but not advocate passage) if requested by a voter or community group.

**A. PROHIBITED ACTIVITIES**

Officials and employees of a public agency may not:

1. Distribute campaign literature through the public agency’s internal mail system.
2. Place campaign literature on employee bulletin boards, on the public agency’s web page, or elsewhere on the public agency’s premises.
3. Place campaign bumper stickers on the public agency vehicles.

4. Make public appearances regarding campaigns during working hours - unless their comments are limited to communicating the fact that the public agency supports a ballot measure and providing “balanced” information regarding the measure (rather than advocating that people vote for the measure).
5. Make telephone calls regarding a campaign during work hours.
6. Walk precincts, draft campaign ads, or perform other campaign-related tasks during work hours, or assign subordinates to do the same.
7. Add a link from the public agency’s website to a campaign website.
8. Send or receive campaign-related e-mails on public agency computers.
9. Urge students to vote for the measure during class (if applicable).
10. Use public agency offices for campaign meetings.
11. Hold a campaign rally on the public agency premises.
12. Use public agency copy machines, telephones, fax machines, computers, etc., for campaign purposes.
13. Campaign while in uniform.

**B. PERMITTED ACTIVITIES**

Officials and employees of a public agency may:

1. Work on the campaign during their personal time, including lunch hours, vacations, etc., and encourage other employees to do the same.
2. Wear a campaign button on public agency premises (if otherwise permitted by public agency policies).
3. Make a campaign contribution using personal funds, and/or attend a campaign fund raiser during their personal time.
4. Make “advocacy” public appearances during their personal time.<sup>1</sup>

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<sup>1</sup> We recommend that any public official or employee who makes a public appearance advocating for or against a campaign issue or candidate during their personal time state during their remarks that they are appearing as a private citizen concerned about the issue, not as a public official or employee.

5. Respond to telephone calls or letters regarding the campaign, as long as they limit their response to confirming that the public agency has endorsed the measure and presenting balanced information.
6. Have the public agency officially endorse the measure at a public meeting.

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