



## PROHIBITION AGAINST USING CITY RESOURCES IN CAMPAIGNS FOR ELECTIVE OFFICE

The City's Ethics Ordinance includes campaign-related laws applicable to City Officials and City candidates, including a provision that prohibits City Officials from using City resources in connection with a candidate election. This fact sheet is designed to offer general guidance concerning such activities, but should not be considered a substitute for the actual language contained within the Ethics Ordinance.

- ❖ The Ethics Ordinance prohibits City Officials (including all unclassified employees who file a Statement of Economic Interests) from engaging in campaign-related activities, such as fundraising; developing campaign materials; conducting polls; and performing campaign research, when such activities involve the use of City facilities; City equipment; City supplies; or other City resources.
- ❖ City Officials may not use City telephones, computers, fax machines, copiers, or similar equipment for campaign-related activities. The City's internet connection may not be used to access campaign e-mail accounts, conduct campaign research, or perform work on the campaign's website. 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.
- ❖ These prohibitions apply to campaigns for persons running for elective City office, as well as to campaigns for persons running for elective office in the County of San Diego, another city or county, the state, or for federal office. City resources may not be used for any campaign for elective office.
- ❖ The Ethics Ordinance also prohibits City Officials from inducing or coercing someone else to engage in campaign-related activities while on City time or using City resources. For example, an official seeking re-election may not ask a member of his or her City staff to use City equipment to prepare campaign materials, make calls seeking contributions, or conduct research to be used against an opponent.
- ❖ City Officials running for elective office should ensure that their staffs are not working on their campaigns while on "City time." In other words, staff should not engage in campaign activities when they are "on the clock" as a City employee. Incidental use of a City office (e.g., sitting in a City chair at a City desk after work, using a campaign cell phone to make a campaign-related call) is discouraged, although not a violation of the law.
- ❖ The above prohibitions do not prevent anyone from supporting or opposing a candidate, or from participating in campaign-related activities, so long as it does not involve the use of City resources or the use of City time. A City employee should not engage in campaign activities during his or her regular City work hours unless on a lunch break. Because City funds may not

be spent to support or oppose a candidate, it is important that City officers and employees provide the City with the full amount of work for which they are being paid.

- ❖ In addition, City Officials may not knowingly solicit campaign contributions from City employees, even outside regular working hours, unless it is part of a larger solicitation made to a significant segment of the public. Note that this prohibition does not prevent a City employee from making a contribution; it only prohibits City Officials from soliciting that contribution.
- ❖ The prohibition on soliciting contributions from City employees applies to both direct and indirect solicitations. In other words, City Officials may not communicate with a City employee in any manner that suggests the City employee should make contributions to a City candidate. Some examples of indirect solicitations include:
  - ✓ inviting or encouraging a City employee to attend an upcoming fundraising event;
  - ✓ informing a City employee that a City candidate needs to collect additional contributions to send out more campaign mailers before an election, or to keep pace with his or her opponent; and
  - ✓ asking someone else to solicit City employees for campaign contributions.
- ❖ Note that additional campaign-related restrictions (e.g., posting political signs, collecting contributions in City buildings) are set forth in the City Charter, the City's Council Policies, and in other sections of the Municipal Code. For a summary of these restrictions, consult the City Clerk's pamphlet "Political Activity, Public Funds, and City Officials and Employees."
- ❖ As indicated above, the information in this fact sheet applies only to candidate elections; the rules are different for ballot measure elections. For guidance regarding how City resources may be used in connection with a ballot measure, please consult the City Attorney's Office.

For additional information regarding the prohibitions against using City resources in candidate elections, please contact the Ethics Commission at (619) 533-3476.

Rev. 3/24/08