

# CHAPTER SEVEN

## LIMITS ON POLITICAL ACTIVITY

Political activity is any activity directed at the success or failure of any ballot measure or candidate for elective office in a future election, such as endorsing a candidate; engaging in fundraising; developing, displaying, or distributing campaign materials; conducting research; or posting comments on social media or other websites.<sup>104</sup>

Certain political activities may not take place on City time, in City facilities, or with City resources. Some limitations apply specifically to “City officials” (elected City officials and City board members, employees, commissioners, or consultants who are required to file a California Form 700).

### A. PROHIBITED POLITICAL ACTIVITY

No one may do either of the following:

1. Solicit contributions from a City official or employee to support or oppose a City candidate.<sup>105</sup>
2. Solicit, receive, deliver, or attempt to deliver a contribution in a room or building that is owned by the City or a room or building that is paid for and used by the City and occupied by a City employee in the discharge of City duties.<sup>106</sup>
  - This prohibition does not apply to a City room or building that is available to the public for organized campaign activities.<sup>107</sup>
  - This prohibition does not apply to a contribution received by mail, if it is forwarded to the campaign within seven days.<sup>108</sup>

**Note:** This prohibition does not apply when a person unknowingly solicits a group of people that includes City officials or employees as long as they do not make up more than five percent of the total number of people in that solicitation.

<sup>104</sup> LAMC § 49.5.2(H).

<sup>105</sup> LAMC § 49.7.11(B)(1).

<sup>106</sup> LAMC § 49.7.11(B)(2).

<sup>107</sup> LAMC § 49.5.5 (B)(3).

<sup>108</sup> LAMC § 49.7.11(B)(2)(b).

## B. LIMITATIONS ON CITY OFFICIALS AND EMPLOYEES

### 1. CITY OFFICIALS AND EMPLOYEES

In addition to the prohibitions in Section A, City officials may not engage in political activity in the following situations:

- a. While on duty for the City.<sup>109</sup>
- b. In a manner that implies the individual is speaking on behalf of the City or communicating a City position (e.g., wearing a City uniform, wearing City insignia, using a City title, etc.).<sup>110</sup>
- c. Using City resources (e.g., equipment, vehicles, supplies, mailing lists, email, electronic data, etc.).<sup>111</sup>

City officials and employees (other than members of the Ethics Commission) may do the following:

- Endorse a candidate, if it is clear that they are not speaking on behalf of the City.
- Perform volunteer or paid campaign work (with prior approval for outside employment), if they do not use City resources or time.
- Make political contributions, subject to applicable limits.

### 2. CITY COMMISSIONERS AND HEADS OF DEPARTMENTS

In addition to the prohibitions above, City commissioners who are required to file a Form 700 and heads of City departments may not do the following:

- a. Solicit, direct, or receive a contribution from a person who has had a City matter pending before them in the preceding 12 months.<sup>112</sup>

They may be disqualified from participating in a matter if they are running for City office and have received more than \$250 in campaign contributions from a person interested in the matter.<sup>113</sup>

<sup>109</sup> LAMC § 49.5.5(B)(1).

<sup>110</sup> LAMC § 49.5.5(B)(2).

<sup>111</sup> LAMC § 49.5.5(B)(4).

<sup>112</sup> LAMC § 49.7.11(C)(1).

<sup>113</sup> Cal. Gov't Code § 84308.

- b. Do any of the following on behalf of a City candidate (other than themselves)<sup>114</sup>:
- Ask another person to make a contribution.
  - Deliver a contribution for another person.
  - Act as an agent or intermediary in the making of a contribution.
  - Invite a person to a fundraising event.
  - Provide names to be used for invitations to a fundraising event.
  - Provide the use of their homes or businesses for fundraising events.
  - Pay for at least 20 percent of the costs of a fundraising event.
  - Hire someone to conduct a fundraising event.
  - Allow their names, signatures, or official titles to appear on a solicitation for contributions or invitation to a fundraising event.

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<sup>114</sup> LAMC §§ 49.7.11(A)(2), (C)(2).