



Regulations Relating to Election Campaigns

July, 2022

1. No person, including any City official or City employee, may use the City Seal, or a facsimile of the City Seal, on any printed material supporting or opposing any candidate or ballot measure
[SMMC § 2.32.020\(e\)](#)
2. No person may use any City funds or resources (including time, facilities, equipment or supplies) to support or oppose a ballot measure, except as specifically authorized by law.
Stanson v. Mott, 17 Cal.3d 206, 216-17 (1976).
3. No City official or employee may knowingly solicit a political contribution from another City employee. (Mailings to significant segments of the public, which may or may not include officials or employees, are not prohibited)
[Government Code § 3205](#)
4. A mailing sent at public expense that features, or includes the name, office, photograph, or other reference to, an elected officer affiliated with the agency which produces or sends the mailing may also be prohibited under Section 89001 as provided in Section 89002.
[2 Cal. Code of Regs. 18901.1](#)
5. No newsletter or similar printed material may be circulated by the City Council or Rent Board or their administrative officers within 88 days of any municipal election or after any Council Member or Board Member has filed a nomination petition.
[SMMC § 11.04.130](#)
6. City employees may not participate in political activities of any kind while in official City uniform.
[Government Code § 3206](#)
7. Public Safety officers may not engage in political activity while on duty.
[Government Code § 3302](#)

8. It is unlawful to erect, maintain, use or occupy any tent, lodge, shelter, structure or unattended installation or display in any City Park. City installations, or installations authorized by a City issued Community Event Permit are exempt from this prohibition.

[SMMC § 4.55.060](#)

9. It is unlawful to erect, place or maintain any tent or other temporary housing or shelter which is closed or capable of being closed more than fifty percent from the ground up, upon any public beach. City installations, or installations authorized by a City issued Community Event Permit are exempt from this prohibition.

[SMMC § 4.55.410](#)

10. It is unlawful to block, impede or obstruct any beach or park pathway, sidewalk, recreational court or facility, or any entrance, exit or approach to any park building, structure, or recreational court or facility.

[SMMC § 4.55.050](#)

11. It is generally lawful to pass out leaflets, gather signatures or engage in political speech, on foot, in any City Park, on sidewalks and parkways, on the public beach, or even inside of a City permitted community event, as long as such activities do not actually disrupt the community event.

Gathright v. City of Portland, Or., 439 F.3d 573 (9th Cir. 2006)

12. It is generally lawful to erect a table and a pop-up canopy (without side enclosures and less than 400 square feet) within a City park's passive recreation area (e.g. lawns) or on the public beach to pass out leaflets, gather signatures or engage in political speech.

Women Strike for Peace v. Morton, 472 F.2d 1273 (D.C. Cir. 1972)

13. Erection of tables and pop-up canopies within a City permitted Community Event is subject to control of the event permittee (e.g. tables and pop-up canopies not associated with the farmer's market are not authorized within the market's event space).

Hurley v. Irish-American Gay, Lesbian & Bisexual Group of Boston, 515 U.S. 557, (1995)

14. A City facility that is open for rent by any member of the public for any purpose could be rented by a political group for election related purposes, so long as it is on the same terms and conditions that apply to the rest of the public.

Kreisner v. City of San Diego, 1 F.3d 775 (9th Cir. 1993)