

# County of Monterey Board Policy Manual

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Guidance Regarding Wearing or Displaying Campaign/Political Materials		
<b>Policy Category</b> Government and Administration		

## I. Purpose

1. To set forth County guidelines regarding campaigning and political activities. This policy serves as a reminder to employees to respect State and local laws limiting political activity in the workplace. No employee gives up their constitutional rights by joining County service; however, we are obligated to comply with laws designed to ensure the appropriate use of the public resources with which we are entrusted.
2. To set forth County guidance with respect to wearing (e.g. clothing, buttons, and badges) or displaying (e.g. signs, bumper stickers) campaign and other political materials while on County time or property.

## II. Background

California and Federal law prohibits the use of public funds to campaign for or against candidates or ballot measures. Public funds include the use of public employees' paid time, as well as all other County resources (e.g. facilities, cars, phones, copier/fax machines, computers, email, supplies, etc.). Further, State law specifically precludes local agency employees from participating in political activities of any kind while in uniform. Exercising authority under State law, the Board of Supervisors has established local regulations, which restrict both campaigning during work hours and campaigning on County premises which are included in Chapter 11.53 of the Monterey County Code. This policy is not intended to apply to collective bargaining activities. Because each individual case must be determined on its own facts, the following is intended to be a set of guidelines only. Public employees have many

ways to exercise their right to promote or oppose candidates and ballot measures. The key is to not use the public's time, money, or other resources to do so.

### **III. Policy**

It is the policy of the Board of Supervisors that:

1. Respecting individual rights, restrictions on public employees' political activities are strictly limited to: (1) conduct during work hours; (2) the use of County property/premises; and (3) conduct while in uniform. No State or local laws should be interpreted as restricting a public employee's participation in lawful political activity which does not involve any of these three elements. In keeping with the focus on customer service, nothing prohibits a County employee at any time from providing public records, objective, unbiased and balanced factual information in response to a citizen's inquiry regarding a ballot measure.
2. First Amendment rights to free expression are not sacrificed upon assuming public employment with the County. Staff, on personal time, may sign their name to letters, newspaper editorials, or other written documents that advocate political positions. However, to avoid risk of confusion that the name listed in support or opposition of a political issue represents an official position of the County, any statement should clearly indicate that it is the individual's personal and not professional view, and shall not be on County letterhead, or otherwise be represented as an official County endorsement. Careful judgement should be exercised depending upon the circumstances and the employee's position. Official County editorials, press releases, or official statements shall be coordinated with the County Public Information Officer.
3. County employees shall not: (1) wear campaign or other political materials while wearing a uniform identifying his/her office or position with the County, whether on or off County property; and (2) affix campaign or other political materials on County vehicles.
4. While on County property, County employees may:
  - a. Wear campaign and other political badges or buttons during nonworking hours. Except within 100 feet of the Elections Department.
  - b. Wear campaign and other political badges or buttons during working hours, except in the limited circumstance where the views expressed by the campaign badge or button may be attributed to the County. Except within 100 feet of the Elections Department.
  - c. Display campaign and other political bumper stickers on their personal vehicles. Except within 100 feet of the Elections Department.
5. County employees may not:
  - a. Wear campaign and other political buttons while wearing a uniform identifying his or her office or position with the County, whether on or off County property.

- b. Affix campaign and other political bumper stickers on County vehicles.

#### **IV. Procedure**

1. N/A

#### **V. Review Date**

1. This Policy will be reviewed for continuance by January 22, 2023.

#### **VI. Board Action**

1. Legistar File Number, 18-020, January 23, 2018.