



ADMINISTRATIVE MEMORANDUM COUNTY OF SAN MATEO

NUMBER: C-5

SUBJECT: Employee Political Activities

RESPONSIBLE DEPARTMENT: County Attorney's Office

APPROVED: Michael P. Callagy, County Executive

DATE: November 27, 2023

This Administrative Memorandum rescinds and replaces Administrative Memorandum C-5, dated March 30, 2023, updating the Memorandum to reflect a binding court decision issued in the ensuing months.

Federal, state, and local laws restrict political activities of County officers and employees. The applicability of these restrictions varies according to circumstance. Therefore, this memorandum serves only as a general guideline for employee conduct. Specific questions should be directed to the County Attorney's Office. As used in the memorandum, the term "County Officer" means an officer as defined in Government Code Section 24000.

1. Soliciting or receiving political contributions related to a ballot measure on working conditions. Notwithstanding any other provision herein, County officers or employees may solicit or receive political funds or contributions to promote the passage or defeat of a ballot measure that would affect the working conditions of the officers or employees, as long as they do not do so during working hours or on County premises. (Government Code Section 3209; County Charter Section 512; County Ordinance Code Section 2.73.010.)
2. Participation in political activity while in uniform. A County officer or employee shall not participate in political activities of any kind while in uniform. (Government Code Section 3206.)
3. Use of candidacy, office, authority, or influence for others. A person holding or seeking election or appointment to a County office or employment may not promise, threaten, or attempt to use their authority or influence to secure or obstruct special consideration for a County employee or potential employee in exchange for a corrupt condition, such as a vote or political action. (Government Code Section 3204.)

4. Coercion of County employees. A County officer may not attempt to coerce another County officer or employee concerning their support or opposition of a political candidate or ballot measure. (County Ordinance Code Section 2.73.040.)
 5. Engaging in political activities during working hours or on County premises. County officers and employees may not engage in political activities, including soliciting political funds or contributions, during working hours or on County premises. (County Charter Section 512; County Ordinance Code Sections 2.73.010, 2.73.030.)
 6. Use of candidacy or office to increase employee's salary in exchange for a contribution or loan. A person holding or seeking election or appointment to a County office may not offer or arrange for any increase in compensation or salary for any state or local government employee in exchange for a campaign contribution or loan. (Government Code Section 3205.5.)
 7. \$1,000 limit on campaign contributions to candidates in County elections. No person or entity may contribute more than \$1,000 to a candidate seeking election to a County office. (County Ordinance Code Section 2.03.20.)
 8. Additional limitations on County officers or employees whose principal employment is in connection with an activity financed by federal funds. In addition to the limitations discussed above, a County officer or employee who is employed in an activity financed in whole or in part by loans or grants made by the United States or a federal agency is subject to federal laws and regulations concerning political activities. (5 U.S.C. Sections 1501–1508.) Such an individual may not:
 - A. Use their official authority or influence to interfere with, or affect, the result of an election or nomination for office;
 - B. Directly or indirectly coerce, attempt to coerce, command, or advise a state or local officer or employee to pay, lend, or contribute anything of value to a party, committee, organization, agency, or person for political purposes; or
 - C. Be a candidate for an elective partisan office, if the salary of the employee is paid completely with federal funds. (5 U.S.C. Section 1502(a).) A County officer or employee may be a candidate for nonpartisan office. (5 U.S.C. Section 1503.)
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