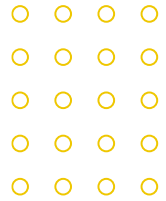




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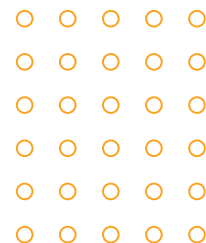


Campaign Season and City Hall

Staying Legal, Ethical, and Out of Trouble

September 24, 2026

League of California Cities



2 Presenters



**Matthew "Mal"
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Matthew "Mal" Richardson advises public agencies on issues related to regulatory and land use law, with a focus on complex land transactions, the First Amendment, election and campaign law, and municipal governance.



Stephanie Smith

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Stephanie D. Smith helps cities navigate the myriad of ever-changing election laws, and she has assisted over 40 agencies with redistricting and transition to districts under the California Voting Rights Act.

Same City Hall. Different Environment.



COUNCIL MEETINGS

CITY COMMUNICATIONS

COMMUNITY EVENTS

SOCIAL MEDIA

CITY STAFF

**And now...
an election.**

CITY

CAMPAIGN

Which Hat Are You Wearing?



CITY OFFICIAL

Public purpose

Public resources

City staff

Government communication

CANDIDATE / PRIVATE CITIZEN

Political purpose

Private / campaign resources

Campaign / volunteer staff

Political communication

You can wear both hats. Trouble starts when you forget which one you're wearing.

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The Rules We're Playing Under



Political Reform Act

campaign finance + public communications

Gov. Code § 8314

public resources

Gov. Code § 54964

publicly funded campaign advocacy

Gov. Code §§ 3201–3209

political activities

Brown Act

meetings + communications + social media

Elections Code

additional restrictions

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CAMPAIGN

The Big Rule



PUBLIC RESOURCES STAY PUBLIC.

Staff Time • Facilities • Equipment • Email • Phones

Vehicles • Supplies • City Platforms • City Data

Your campaign doesn't get to borrow from the City.

CITY

CAMPAIGN

Information ≠ Advocacy



CITY INFORMATION

Factual

Fair

Balanced

Public purpose

CAMPAIGN ADVOCACY

Persuasion

Promotion

Opposition

Electoral purpose

Calling it “informational” doesn’t make it informational.

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“But I’m Just Sending One Email...”



FROM: councilmember@city.gov

TO: Campaign Volunteer

SUBJECT: Saturday Walk List

Can you print 25 copies of this at City Hall for Saturday?

Problem?

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CAMPAIGN

"I'm Not Asking Staff to Campaign..."



Can you find that photo?

Can you send me that neighborhood list?

Can Communications clean this up?

Do we have everybody's email addresses?

Can you take a quick picture of me?

WHY IS CITY STAFF DOING IT?

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Can I Campaign at City Hall?



CITY HALL STEPS?

COMMUNITY CENTER?

COUNCIL CHAMBERS?

FIRE STATION?

CITY PARK?

CITY EVENT?

PUBLIC PROPERTY IS NOT ALL THE SAME.

CITY

CAMPAIGN

The Dais Is Not a Campaign Stage



THE DAIS IS NOT A CAMPAIGN STAGE.

Even during campaign season, a council meeting remains City business.

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“Before We Adjourn...”



“Councilmember Jones has done a fantastic job and deserves another four years.”

LEGAL?

ETHICAL?

BROWN ACT?

PUBLIC
RESOURCES?

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CAMPAIGN

Now Change One Fact.



IT'S A BALLOT MEASURE.

“Measure X is essential to maintaining police and fire services, and I hope everyone supports it.”

Same answer?

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What If the Public Brings the Campaign Into City Hall?



PUBLIC COMMENTER “Vote Smith out!”

CANDIDATE “I’m running because this Council has failed.”

RESIDENT “Vote YES on Measure X!”

WHAT CAN THE MAYOR DO?

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Whose Account Is It Anyway?



@CityofSomewhere

@MayorSmith

@StephanieSmith

@ReelectStephanie

WHICH ONE IS GOVERNMENTAL?

The account name isn't necessarily the answer.

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Same News. Different Hat.



POST A

Great news! The City has secured \$4 million in state funding for the new community center. Construction begins this fall.

POST B

Another promise delivered! We brought home \$4 million for our community center. Let's keep the progress going.
#ReelectSmith

SAME ACCOMPLISHMENT. DIFFERENT HAT.

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The 👍 Problem



Councilmember A posts about City business.

Can Councilmember B comment?

NO.

Can B respond with 👍 ?

ALSO NO.

Brown Act + Social Media

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YES. You Can Campaign.



CAMPAIGN

ENDORSE

VOLUNTEER

ATTEND FUNDRAISERS

TAKE POSITIONS

CONTRIBUTE

PUT UP SIGNS

ASK PEOPLE TO VOTE

BEING A PUBLIC OFFICIAL DOESN'T ERASE YOUR POLITICAL RIGHTS.

The City can't be political for you.

CITY

CAMPAIGN

What About City Employees?



“CAN I ASK THE CITY MANAGER TO ENDORSE ME?”

What about volunteering?

What about contributing?

What about a campaign email sent to everyone in town?

§ 3205: still printed in the Code; Ninth Circuit held the statute unconstitutional.

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A Quick Note About Campaign Contributions



Levine Act (Government Code § 84308)

\$500+ aggregate threshold

Receive qualifying contribution **12 months prior** to a decision: disqualified from vote

May not receive qualifying contribution **while proceeding is pending**

May not receive qualifying contribution for **12 months after** decision

Legal, Risky, or Don't Do It?



LEGAL

IT DEPENDS

DON'T DO IT

You've heard enough from us. Now you're the City Attorney.

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Rapid Fire — Round One



1. Campaign photo on the public sidewalk in front of City Hall.
2. Campaign uses a publicly available photo from last year's ribbon cutting.
3. Candidate asks City staff to locate and send the high-resolution original.
4. Incumbent reposts a City announcement to her campaign account.
5. Mayor wears a City-logo polo while speaking at a campaign rally.

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Rapid Fire — Round Two



6. City newsletter features the Mayor six weeks before Election Day.
7. Council member uses council comments to respond to an attack in a campaign mailer.
8. Candidate emails 10,000 residents; 20 happen to be City employees.
9. Candidate individually asks five department heads to endorse her.
10. Council member attends a Saturday fundraiser supporting the City's ballot measure and speaks in favor.

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Before You Post, Print, Speak, Send or Ask...



1. WHICH HAT AM I WEARING?

City official or candidate/private citizen?

2. WHOSE RESOURCES AM I USING?

City or mine?

3. WHO IS DOING THE WORK?

City staff or campaign/private resources?

4. WHAT DOES THIS LOOK LIKE?

Government information or campaigning?

5. WOULD I BE COMFORTABLE EXPLAINING IT PUBLICLY?

When in doubt: ask your City Attorney before you act.

CITY

CAMPAIGN

The Rule in Three Lines



CAMPAIGN ON YOUR OWN TIME.

CAMPAIGN WITH YOUR OWN RESOURCES.

KEEP CITY HALL OUT OF THE CAMPAIGN.

When you're not sure which hat you're wearing—ask.

CITY

CAMPAIGN



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