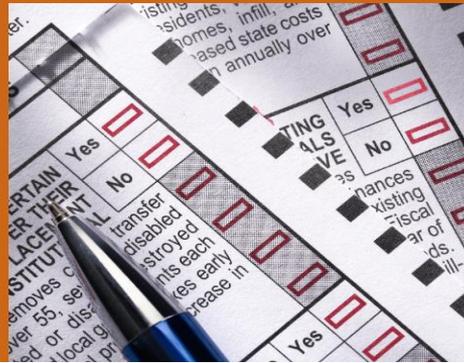


# The 2026 Election: What Local Leaders Need to Know for Ballot Measures & Candidate Elections

THURSDAY, FEBRUARY 5, 2026 | 12–1:30 PM



**THANKS FOR  
JOINING US  
TODAY!**

**Host & Moderator**

**MELISSA KUEHNE**  
*Director of Enterprise  
Programs and Special Projects*  
Institute for Local Government



# WEBINAR OVERVIEW

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## About ILG & Setting the Stage

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### Presentation on 2026 Election DOs & DON'Ts

- ◉ Dave Bainbridge – Senior Counsel at Fair Political Practices Commission
  - ◉ Craig A. Steele – Partner at Richards Watson Gershon
- 

### Audience Q&A

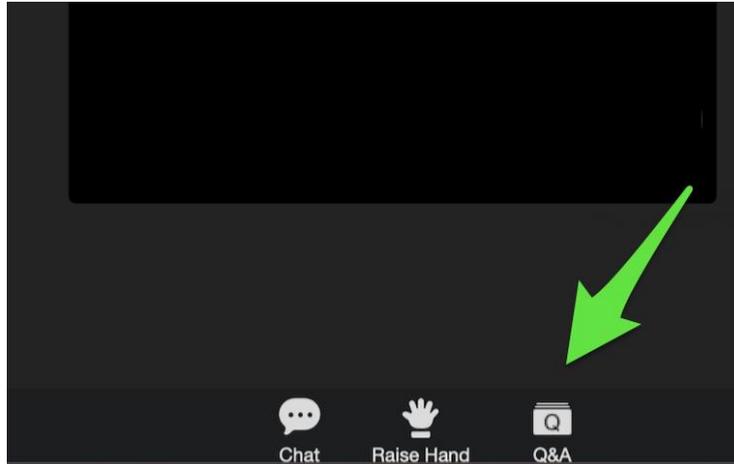
*Type your questions in Zoom's Q&A feature!*

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### Wrap Up & Adjourn

# TECH OVERVIEW & HOUSEKEEPING

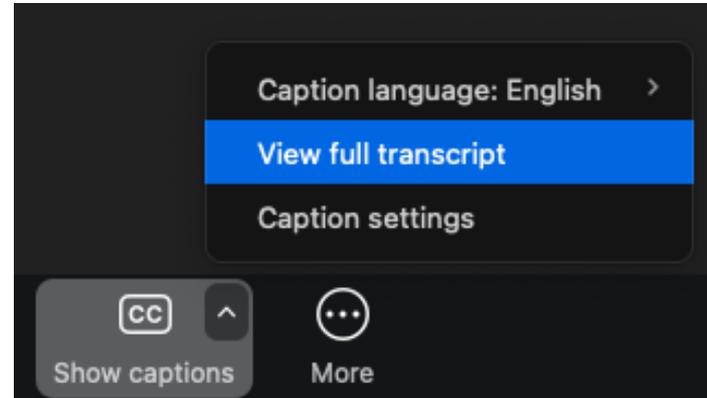
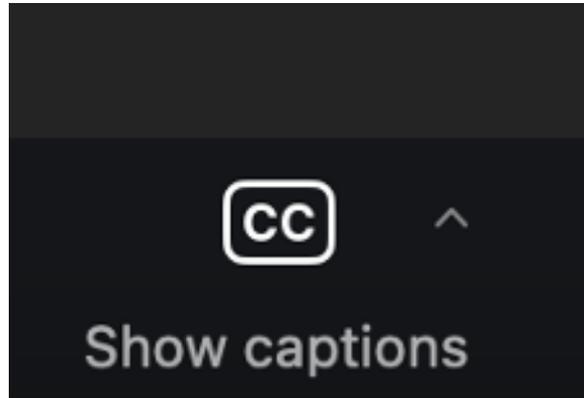
- All webinar participants will be on **MUTE** for the duration of the event.
- Please type questions into the **Q&A BOX** at any time during the session.



- A recording of the session will be available shortly after the webinar.

# IF YOU NEED CAPTIONS

- We have closed captioning available in English.
- In the toolbar at the bottom of your Zoom screen, select **Show captions**.



- The video recording will include captions as well.

# ABOUT THE INSTITUTE FOR LOCAL GOVERNMENT (ILG)

# NON-PROFIT, NON-PARTISAN AND HERE TO HELP

- The Institute for Local Government is the non-profit training and education affiliate of the League of California Cities
- We were founded in 1955, 70 years ago, and our mission is to serve and support local government
- Our target population is the 2,500+ cities, counties, and special districts in California
- We provide practical and easy-to-use resources so local agencies can effectively implement policies on the ground



LEAGUE OF  
**CALIFORNIA  
CITIES**

# INTER-CONNECTED PROGRAMS & SERVICES

Our mission is to help local government leaders  
**navigate complexity, increase capacity & build trust**  
in their communities.

## PROGRAM AREAS

Leadership &  
Governance

Workforce  
Development &  
Civics Education

Public  
Engagement

Sustainable &  
Resilient  
Communities



## SERVICES

Education &  
Training

Technical  
Assistance

Capacity  
Building

Convening

# TODAY'S PANELISTS



**Dave Bainbridge**  
General Counsel

**Fair Political Practices  
Commission (FPPC)**



**Craig A. Steele**  
Shareholder, Public Law Dept.

**Richards Watson Gershon  
(RWG)**

# The Legal Framework

- The authority for agencies to submit issues to the voters is constitutional, statutory and judge-made.
- The authority for public agencies to lobby the Legislature is statutory.
- There is NO legal authority for public agencies to “lobby” the voters.

# ***“Money is the mother’s milk of politics.”***

## **-Jesse M. Unruh**

- **Candidate elections: expenditures of public funds, or use of public resources, in support of or opposition to a candidate at any level is forbidden.**
  - “incidental and minimal use of public resources” excepted
- **If the expenditure or use of resources would be a “contribution” to the candidate or campaign, a public agency can’t do it.**
  - Broad definition of “contribution” under Government Code Section 82015
  - Money or property used for political purposes without full and adequate compensation.
    - Includes uncompensated personal or professional services
- **This is especially relevant in a local recall election.**

# *“Money is the mother’s milk of politics.”*

## **-Jesse M. Unruh**

- **Ballot Measures: It’s All About the Money**
  - Who spends, what resources, and when
- **Preparation vs. Campaign**
  - There is a very clear line between considering whether to put a measure on a ballot, and public agency activities in that context, and what happens after there is a “clearly identified ballot measure.
- **Information vs. Advocacy**
  - The line is not so clear
  - Both sides or just one?

# Stanson v. Mott

- Without statutory authorization, public agencies may not expend public funds to influence the voters for or against a measure.
- *“The selective use of public funds in election campaigns, of course, raises the specter of an improper distortion of the electoral process.”*

# Stanson v. Mott

- Recognizes the “informational role” public agencies must play.
- Notes the possibility of personal liability for improper political expenditures “in the absence of due care.”
- The campaign activity/informational activity “dichotomy.”
- The envelope is large enough as it is; don’t push it.

# It's all about the money

- **Government Code Section 8314**

- A local agency officer, employee or consultant may not spend or authorize the expenditure of public funds to support or oppose a candidate or ballot measure.
  - EXCEPT: “fair, and impartial presentation of relevant facts to aid the electorate in reaching an informed judgment regarding the bond issue or ballot measure” in communications otherwise permitted by law.
  - EXCEPT: “incidental and minimal use of public resources...”
  - Possible individual liability for civil penalty of \$1,000 for each day the violation occurs **and** up to 3X the value of resources illegally expended.

- **Intentional or negligent violations**

# It's all about the money

- **Government Code Section 54964**
  - A state or local officer, employee or consultant may not expend or authorize the expenditure of public funds to support or oppose a ballot measure or a candidate.
    - Clearly defined measure or candidate
    - Express advocacy
    - Misdemeanor
- **FPPC Reporting Obligations**
  - Administrative Penalties

# It's all about the money

- **Penal Code Section 424**
  - Misappropriation of public funds
  - Misdemeanor or felony
- **Penal Code Section 72.5**
  - Use of public funds to attend a political fundraiser
    - Fine and jail time

# **PUBLIC AGENCY BALLOT MEASURES**

The Political Reform Act and the FPPC



# REGULATION 18420.1

(a) A payment of public moneys by a state or local governmental agency, or by an agent of the agency, made in connection with a communication to the public that expressly advocates the election or defeat of a clearly identified candidate or the qualification, passage, or defeat of a clearly identified measure, as defined in Section 82025(c)(1), or that taken as a whole and in context, unambiguously urges a particular result in an election is one of the following: (1) A contribution under Section 82015 if made at the behest of the affected candidate or committee. (2) An independent expenditure under Section 82031.

# 18420.1(b) – UNAMBIGUOUSLY URGES

For the purposes of subdivision (a), a communication paid for with public moneys by a state or local governmental agency unambiguously urges a particular result in an election if the communication meets either one of the following criteria:

- (1) It is clearly campaign material or campaign activity such as bumper stickers, billboards, door-to-door canvassing, or other mass media advertising including, but not limited to, television, electronic media or radio spots.
- (2) When considering the style, tenor, and timing of the communication, it can be reasonably characterized as campaign material and is not a fair presentation of facts serving **only an informational purpose.**

# 18420.1(d) – STYLE, TENOR, AND TIMING

For purposes of subdivision (b)(2), when considering the style, tenor, and timing of a communication, factors to be considered include, but are not limited to, whether the communication is any of the following:

- (1) Funded from a special appropriation related to the measure as opposed to a general appropriation.
- (2) Is consistent with the normal communication pattern for the agency.
- (3) Is consistent with the style of other communications issued by the agency.
- (4) Uses inflammatory or argumentative language.

# 18420.1(c) – DIRECT AND INDIRECT COSTS

For purposes of subdivision (a), payments of public moneys by a state or local governmental agency made in connection with a communication include payments for both the direct and indirect costs of the communication. Indirect costs of a communication are costs reasonably related to designing, producing, printing, or formulating the content of the communication including, but not limited to, payments for polling or research; payments for computer usage, software, or programming; and payments for the salary, expenses, or fees of the agency's employees, agents, vendors, and consultants.

# 18420.1(e) – PERMISSIBLE COMMUNICATIONS

Notwithstanding subdivision (a), a payment for the following communications are not considered a contribution or an independent expenditure:

(1) An agency report providing the agency's internal evaluation of a measure made available to a member of the public upon the individual's request.

(2) The announcement of an agency's position at a public meeting or within the agenda or hearing minutes prepared for the meeting.

(3) A written argument filed by the agency for publishing in the voter information pamphlet.

(4) A departmental view presented by an agency employee upon request by a public or private organization, at a meeting of the organization.

(5) A communication clearly and unambiguously authorized by law.

**REGULATION  
18420.1 (f) –  
SUBJECT TO PRA**

A state or local governmental agency that qualifies as a committee under Section 82013 must file campaign statements and reports pursuant to Chapter 4 and any other relevant provisions of the Act

# IN THE MATTER OF COUNTY OF LOS ANGELES

- “The Los Angeles County Homeless Initiative” with the Homeless Initiative logo
- “Real help. Lasting Change.”
- “Measure H on the March 7 Ballot” and “Are you ready? Vote March 7.”

# NORTON ADVICE LETTER A-21-120

- Request for advice from City of Riverside
- City called a municipal election and put Measure C on the ballot.
- Measure C would transfer a portion of public utilities revenue to city general fund
- Concern about confusion with Governor recall election in September.

# WEBSITE

- Highlighted language deemed argumentative instead of purely informational because:
  - 1) Measure C would provide continued use of "unrestricted" funds, which are not limited to the items listed;
  - 2) Items listed are popular/not controversial and generally viewed favorably by voters; and
  - 3) Specific reference to medical emergency services in the last highlighted paragraph is argumentative because it implies that Measure C is needed to preserve these services when, as discussed above, the funding provided by Measure C is unrestricted and not limited to specific purposes like medical emergency services.

Note: The enumeration of specific services that could be funded or cut depending on the outcome of a ballot measure is not per se argumentative. Whether a communication crosses the line from informational to campaign material requires an evaluation of all the facts. For example, in Vargas, the California Supreme Court determined that a city website listing specific services that would be cut if a ballot measure passed was informational and not campaign-related where the City had previously voted to cut the services identified if the measure passed.

## November 2<sup>nd</sup> Municipal Election Information

*[Include Button on the City's Homepage]*

On August 3<sup>rd</sup>, the Riverside City Council placed the Riverside Services Protection Measure – Measure C—on the November 2<sup>nd</sup> ballot.

Measure C does not change electricity rates or raise City taxes. It renews permission for the City to continue paying for the services Riverside residents currently receive, such as police and firefighter services and road repairs, through a continued revenue transfer from the City's electric utility to the general fund. This practice has been in place locally since 1968 and approved by voters on two previous occasions.

Measure C will help maintain local funding that is important for City service needs and priorities including:

- Addressing homelessness
- Maintaining City streets/street repairs
- Maintaining police and fire/paramedic services
- Investigating and preventing property crimes
- Preparing for and recovering from public health emergencies
- Retaining local businesses
- Keeping public areas and parks clean and safe
- Preventing and preparing for wildfires

With nearly three in every four calls made to the City of Riverside dispatch for medical emergencies or rescues. Measure C can help ensure Riverside maintains the needed firefighters-paramedics, infrastructure, lifesaving equipment, personal protective equipment and communications technology to save lives in any type of natural disaster or health emergency.

As there are no City Council district runoff needs, Measure C is the only item on your November 2<sup>nd</sup> Municipal Election ballot.

Links:

Community Presentation

Public FAQ

Resolution/Ordinance

The Riverside Discussion

# FAQ

- Unlike the City's web page, FPPC advised that this FAQ was informational and not a campaign-related communication. Key differences include:
- 1) Content of the FAQ is broader than just what Measure C would do, including facts on why the election on the measure was not combined with the upcoming State election; and
- 2) Overall tenor of the FAQ is less argumentative than the web page, which included the specific statement that Measure C could "save lives" by avoiding cuts to emergency medical services.

## November 2<sup>nd</sup> Municipal Election Information

### What's on the November 2<sup>nd</sup> Ballot?

As all the City Council races were decided in June, Measure C is the only item on the Municipal Election ballot.

### What is Measure C?

If enacted, Measure C maintains existing levels of local funding that by law cannot be taken by the county, state or federal government. This maintains services such as firefighting, paramedics, police, street repair, and senior and youth programs.

### Why are we doing this now?

Particularly in times like this, the City faces tremendous pressure on its budget from the economic impacts of the Coronavirus. Riverside has a responsibility to maintain its local funding and financial stability -- and continue providing essential local services like firefighting, paramedics, police, street repair, and senior and youth services that are more important than ever. Measure C maintains existing levels of local funding that by law cannot be taken by the county, state or federal governments.

### Does Measure C raise taxes or fees?

Measure C does not change electricity rates or raise City taxes. It simply renews permission for the City to continue paying for the services Riverside residents currently receive, such as police and firefighter services and road repairs, through a transfer of revenue from the electric utility to the general fund that has been in place locally since 1968 and approved by voters on two previous occasions.

### Why doesn't the City combine this election with the State Recall in September?

Unfortunately, the State called the election in a manner which did not allow time for any county or city with a municipal election, to consolidate.

### How do I vote?

Vote by mail ballots will be mailed to registered voters the week of October 4<sup>th</sup>. Vote by mail ballots must be postmarked on or before Election Day and must be received within three days of Election Day to be counted.

### Where can I get more information?

You can visit the City's website [www.RiversideCA.gov](http://www.RiversideCA.gov) or the County Registrar of Voters at [www.voteinfo.net](http://www.voteinfo.net).

# UTILITY INSERT

Facts disclosed to FPPC staff indicated the City routinely uses utility inserts to communicate with the public, and the use of inserts for purely informational purposes is generally permitted. However, FPPC staff determined the content of this insert crossed the line into campaign-related material for many of the same reasons applicable to the City's website. Specifically, the highlighted language in the insert was deemed argumentative instead of purely informational because:



NOVEMBER 2, 2021  
MUNICIPAL ELECTION GUIDE

On August 3, the Riverside City Council placed the Riverside Services Protection Measure – Measure C – on the November 2 ballot.

Measure C does not change electricity rates nor raise City taxes. It renews permission for the City to continue paying for the services Riverside residents currently receive, such as police and firefighter services and road repairs, through a continued revenue transfer from the City's electric utility to the general fund. This practice has been in place locally since 1968 and approved by voters on two previous occasions.

Measure C will help maintain local funding that is important for City service needs and priorities including:

	Addressing homelessness
	Maintaining City streets/street repairs
	Maintaining police and fire/paramedic services
	Investigating and preventing property crimes
	Preparing for and recovering from public health emergencies
	Retaining local businesses
	Keeping public areas and parks clean and safe
	Preventing and preparing for wildfires

With nearly three in every four calls made to the City of Riverside dispatch for medical emergencies or rescues, Measure C can help ensure Riverside maintains the needed firefighters-paramedics, infrastructure, lifesaving equipment, personal protective equipment and communications technology to save lives in any type of natural disaster or health emergency.

As there are no City Council district runoff needs, Measure C is the only item on your November 2 Municipal Election ballot.

[RiversideCA.gov/CityClerk](https://RiversideCA.gov/CityClerk)

1. Measure C would provide continued use of "unrestricted" funds, which are not limited to the items listed;
2. Items listed are popular/not controversial and generally viewed favorably by voters;
3. Location and formatting of the specific uses for Measure C funding resemble how campaign-related communications prominently display information considered "key" to persuading voters; and
4. Specific reference to medical emergency services in the last highlighted paragraph is argumentative because it implies that Measure C is needed to preserve these services when, as discussed above, the funding provided by Measure C is unrestricted and not limited to specific purposes like medical emergency services.

# ADVICE AND RESOURCES



- Consult agency counsel
- Consult the FPPC website:  
<https://fppc.ca.gov/learn/campaign-rules/campaign-related-communications-at-public-expense.html>
- Email the FPPC at [advice@fppc.ca.gov](mailto:advice@fppc.ca.gov)

# Express Advocacy

- “A communication **“expressly advocates”** the nomination, election or defeat of a candidate or the qualification, passage or defeat of a measure if it contains express words of advocacy such as **“vote for,” “elect,” “support,” “cast your ballot,” “vote against,” “defeat,” “reject,” “sign petitions for”** or otherwise refers to a clearly identified candidate or measure so that the communication, taken as a whole, **unambiguously urges a particular result in an election.”**

# The Fine Line Between...

- **Express Advocacy**
  - “Vote Yes/No”
  - Result-oriented
  - One-sided; emotional
  - Targeted
  
- **Impartial Information**
  - Factual - attribution
  - Both sides of the story (although not always)
  - Widely disseminated, not just voters
  - Consistent style, tenor, timing

# Avoid Hidden Advocacy

- **Style**
  - Consistent with other communications
    - A city newsletter, for example
    - Utility bill inserts
  
- **Tenor**
  - Moderate, unemotional
    - Statements of fact, as opposed to opinion
  - Avoid emotional headlines/bullet points
  - “If passed” not “when passed”
  - Explaining Process
  - Voter registration

# Avoid Hidden Advocacy

- **Timing**

- Before vs. after measure is identified
- Normal communications cycles
- Normal budget appropriations

# Permissible Uses of Public Resources

- Drafting a measure
- Pre-measure polling
- Impartial information
- Voter registration and GOTV
- Resolution of support/opposition
- Response to requests for information

# Prohibited Uses of Public Resources

- **Production/printing of campaign literature**
- **Digital Advertising**
- **Campaign use of public equipment, facilities, supplies, technology**
- **Distribution of campaign material**
- **Favoritism/discrimination against particular message**
- **Mass mailing at public expense**

# Public Employees

- **May not work on campaign activities during compensated time.**
- **May not be coerced or directed into working on campaign in off hours.**
- **May not use District resources or technology for campaign activities.**
- **May not campaign in uniform.**

# Public Employees

- **May not circulate petitions on official time.**
- **May not solicit, directly or indirectly, a political contribution from another employee or officer.**
- **Cannot be solicited for a contribution, except as a part of a broader appeal.**
- **May not promise employment action in exchange for a vote.**
  - Except union/organization activities
  - Misdemeanor

# When in Doubt...

- **It's probably advocacy.**
- **The stakes are too high to push the envelope.**
  - Criminal Penalties
  - Financial Penalties
  - Disqualification
  - Discipline/Termination
- **Consult with the Agency Attorney IN ADVANCE.**

# Getting the Message Out

- Use private resources through a campaign group.
- Inform the public about ballot issues in an impartial way.
- Make staff available to respond to requests for information.
- Do it on your own time.

# Common Questions

- **Candidates' Forum or "Town Hall Meetings"**
- **Ballot Arguments**
- **Use of Photographs/Video**
- **Booths at Public Events**
- **Information on Public Websites**
- **Campaigning on Public Property**

# AUDIENCE Q&A

What questions  
do you have  
for us?



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# RECORDING & RESOURCES AVAILABLE SOON ON CA-ILG.ORG



The webinar recording and related resources will be shared via email with all registrants a few days after the webinar.



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