

 Candidate Restrictions on Campaign Activity	Citywide Policy Manual Policy # N/A Attachments: Temporary Political Signs Excerpt FPPC Political Advertising Disclaimers Govt. Code Sections on Electioneering Govt. Code Section on Use of Public Funds
Effective Date: 10/11/18	Responsible Department: City Manager/City Clerk's Office
Related Policies & Notes: Employee & City Officer Restrictions and Guidelines on Political Activity	

Purpose

This policy outlines the basic rules and principles governing the campaign activity of City Council Candidates.

Policy

Eligibility for Office

- You must be a registered voter living within the corporate limits of the City of Cupertino to be eligible for office (Elections Code 201).
- You may not hold elected office if you have been convicted of designated crimes specified in the Constitution and laws of the State (Govt. Code 1021).
- You may not make any reference to party affiliation on required forms, since the City Council is a nonpartisan body (Elections Code 8002).

Councilmembers, City Commissioners and Committee Members Campaigning for Public Office

- Councilmembers, City commissioners and Committee Members may actively seek voter support in public places where such activity is permissible (see information below regarding City facilities and City parks), however, such campaigning must be done on the person's own time and not during the time that a Council meeting or his or her commission or committee is in session.
- Candidates should also be aware that campaign contributions may cause conflicts for appointees and commissioners. Read Government Code Section 84308 carefully if you fall into this category.

City Facilities

- Candidates may not campaign in City facilities such as City Hall, Community Hall, Library, Quinlan Community Center, Senior Center, and Sports Center, in general. Candidates may rent a room in a City facility for campaign activities, however, Candidates must reserve the room at the resident rate and follow all room rental

procedures. No campaign activity or signage will be allowed outside of the reserved room.

- Candidates may not use the City logo, photographs of employees in uniform, photographs of vehicles labeled with City identification, or photographs of locations (including City facilities) which would imply the endorsement of the City or its employees per GC 8314. (a).
- Candidates should avoid campaigning during Oral Communications at City Council and City Commission meetings as that space is reserved for jurisdiction-based items not on the agenda (Brown Act).

City Parks

- Parks are a public space where political activity is allowed (CMC 13.04).
- During City sponsored events, Candidates may only campaign before the start of the event or performance or after the event so as not to interfere with the event or persons wishing to attend the event. If campaigning, Candidates must follow event procedures regarding placement of equipment, such as tables and chairs, and signs.

Temporary Political Signs

- See attached excerpt from Candidate Handbook (See CMC 19.104.240 and 19.104.250)

Political Advertising

- See attached information from the Fair Political Practices Commission

Electioneering

- See attached information from Elections Code Sections 319.5, 18370, 18371

Use of public funds

- See attached information from Government Code Section 8314

City Manager's signature: /s/ Amy Chan

Date: 10/11/18

Revisions:

CITY OF CUPERTINO

TEMPORARY POLITICAL SIGN GUIDANCE FOR 2026 ELECTION SEASON

In order to ensure that no complaints are received regarding your campaign signs, please follow the rules below, as well as any applicable State requirements.

Size and Design of Temporary Political Signs

- Signs shall have no more than two sides (i.e. faces).
- Signs shall be no larger than four square feet in area per side (i.e. per face).
- Signs shall not be illuminated.

Location (Private Property)

- Political signs are allowed on private property everywhere in the City with the written or oral consent of the property owner or other person entitled to possession.
- Political signs are allowed wherever any allowed commercial message or any other protected noncommercial message is permitted.

Location (Public Property and Public Right-of-way)

- Political signs may be located in the public right-of-way (e.g. in the park strip between the curb and sidewalk) of residential and institutional districts only, subject to the other restrictions listed.
- Political signs are not allowed in the public right-of-way in any districts other than residential and institutional districts (e.g. they are not allowed in commercial or industrial districts).
- Signs shall not be located on the street or on street medians (e.g. center dividers between lanes)
- Signs must not be attached to public property, such as sidewalks, fences, walls, public playground equipment, street lamp posts, traffic lights, telephone poles, utility cabinets, hydrants, trees, buildings, etc.
- Political signs are allowed wherever any allowed commercial message or any other protected noncommercial message is permitted.

Clearance Around Signs:

- All parts of the sign shall be set back a minimum of 18 inches from the face of the curb or from the edge of the street, bicycle or vehicle travel lane.
- Signs shall maintain 36 inches of clear and continuous width to allow pedestrian passage along a sidewalk or pathway.
- Signs shall not restrict in any way the safe vision of any vehicular or pedestrian traffic or obstruct any directional or safety signs permitted by the City.

Removal of Signs:

- All political signs must be removed no later than 5 days after Election Day.
- At any time, Cupertino Code Enforcement may immediately remove any sign that creates a hazard to vehicular or pedestrian traffic, without any notice to the candidate or campaign entity.
- All signs that are removed will be stored at the City's Corporation Yard (10555 Mary Avenue, (408) 777-3269). Signs may be retrieved upon payment of a **\$25.00** Political Sign Recovery fee for each sign (**Effective July 1, 2026**, Resolution No. **26-047**). Signs held for more than 20 days shall be considered abandoned and disposed of.

Permit Required for Larger Signs or Banners, Unless Handheld:

- Candidates wishing to erect signs or banners (e.g. on the ground, hung from tents, or attached to buildings or vehicles) that exceed four square feet of area per side must obtain a permit from the City. Temporary "special event banners" may have a maximum area of up to 100 square feet, but require a permit from the City, must be mounted on a building, can have only one face, and are not allowed in residential districts. Please contact the Code Enforcement Office for more information.
- "Portable signs and displays" that are not permanently attached to the ground or a structure may be up to eight square feet in area, four feet in height, and two feet in width, but require a permit, may only be displayed during business hours, and are not allowed in residential districts. Please contact the Code Enforcement Office for more information.
- Handheld political signs or banners (i.e. signs carried by people that are not attached or mounted to any structure or left unattended on the ground) are allowed without a permit, regardless of size, provided they do not cause any public safety issues, such as by obstructing pedestrian, bike, or vehicle passage.

Further Information

For other questions regarding sign enforcement, please contact the Cupertino Code Enforcement Office at (408) 777-3182.

Political Advertising Disclosures

1. Communications by Candidate Committees for their own Election

The disclosure must include, unless otherwise noted: “Paid for by *committee name*”

Examples: “Paid for by Jones for Assembly 20XX”
 “Paid for by Friends of Smith for Mayor 20XX”

Communication	Disclosure and Manner of Display
All mass mailings – more than 200 substantially similar pieces of mail sent within a calendar month	• Candidate’s committee name and address (on file with Form 410) on outside of mailing (if no Form 410 on file, use candidate’s name and address). • “Paid for by” must be in the same color and font as the committee name and address and immediately in front of or above the name and address. • If sent by more than one candidate or committee: ○ Also on at least one insert in the mailing. • No less than 6-point type and in a contrasting print or color. • Return envelopes (if included in solicitation) – committee’s name, address and ID number are recommended but not required.
All mass electronic mail – more than 200 substantially similar emails sent within a calendar month	• “Paid for by [name of candidate or committee]” must be in at least the same size font as a majority of the text (no address is required on mass electronic mailings).
Newspaper ads	• Refer to the Elections Code for newspaper ad disclosure requirements.

Candidate Committee Communications for their own Election

Communication	Disclosure and Manner of Display
Telephone calls advocating candidate's own election - 500 or more calls similar in nature and made by: • Vendors ("robo" calls); or • Paid individuals other than the candidate, campaign manager or volunteers	• Must identify the candidate's committee that authorized or paid for the call or an organization authorizing the call that files campaign reports. • Must state that the call is "paid for by" or "authorized by" the identified candidate or organization. ○ <i>Examples: This call was paid for by Senator Jones;</i> <i>This call was authorized by [name of committee].</i> • Any time during the call. • No ID required on telephone calls personally dialed by candidate, campaign manager or volunteers.
Radio and television* ads *Television ads include those distributed via streaming technology or viewed via connected TV.	• Radio: "Ad paid for by" followed by name of committee as it appears on most recent Form 410 at the beginning or end of advertisement read in a clearly spoken manner with pitch and tone substantially similar to the rest of advertisement. • Television: "Ad paid for by" followed by name of committee as it appears on most recent Form 410 shown for at least four seconds. Letters must be in a type size greater than or equal to four percent of the height of the screen. If the television ad is shorter than the required disclosure display time, the disclosure may be displayed for the length of the advertisement. • Artificial Intelligence: If a committee creates, originally publishes, or originally distributes a radio or television ad that contains any image, audio, or video that is generated or substantially altered using artificial intelligence, a disclosure stating: "Ad generated or substantially altered using artificial intelligence." is required in the same manner as the other required disclosures and in a clear and conspicuous format. An image, audio or video is generated or substantially altered using artificial intelligence if: (1) The ad is entirely created using artificial intelligence and would falsely appear to a reasonable person to be authentic; or (2) The media used in the ad is materially altered by artificial intelligence such that the alteration would cause a reasonable person to have a fundamentally different understanding of the altered media when comparing it to an unaltered version.

Candidate Committee Communications for their own Election

Communication	Disclosure and Manner of Display
	○ An image, audio or video is not generated or substantially altered using artificial intelligence if the media is immaterially altered by artificial intelligence, including a cosmetic adjustment, color edit, cropped image, or resized image.
Electronic media ads (non-social media and non-third party influencer) (Websites, blogs, graphics, images, animated graphics, or animated images.)	• “Paid for by <i>committee name</i>” and committee ID number are recommended but not legally required.
Social media ads (non-third party influencer)	• Advertisements in the form of posts, comments or other communications made via social media and posted directly by the social media page or account of the committee paying for the advertisement must include “Ad paid for by” disclosures in a contrasting color that is easily readable by the average viewer and in no less than 10-point font on the cover or header photo of the committee’s profile, landing page, or similar location; or on each individual post that is an advertisement. • The disclosures must be visible on the cover or header photo when the profile, landing page, or similar location is viewed from any electronic device that is commonly used to view this form of electronic media including, but not limited to, a computer screen, laptop, tablet or smart phone. If this is impracticable, only a hyperlink, icon, button, or tab to an internet website containing the required “Ad paid for by” disclosures is permissible. • Disclosures are not required on social media advertisements for which the only expense or cost of the communication is compensated staff time unless the social media account where the content is posted was created only for the purpose of advertisements. • Artificial Intelligence: If a committee creates, originally publishes, or originally distributes a social media ad that contains any image, audio, or video that is generated or substantially altered using artificial intelligence, a disclosure stating: “Ad generated or substantially altered using artificial intelligence.” is required in the same manner as the other disclosures and in a clear and conspicuous format. An image, audio or video is generated or substantially altered using artificial intelligence if:

Candidate Committee Communications for their own Election

Communication	Disclosure and Manner of Display
	(1) The ad is entirely created using artificial intelligence and would falsely appear to a reasonable person to be authentic; or (2) The media used in the ad is materially altered by artificial intelligence such that the alteration would cause a reasonable person to have a fundamentally different understanding of the altered media when comparing it to an unaltered version. ○ An image, audio or video is not generated or substantially altered using artificial intelligence if the media is immaterially altered by artificial intelligence, including a cosmetic adjustment, color edit, cropped image, or resized image.
Third party influencer ads	• Advertisements posted on a website, web application, or digital application and posted by a page or account of a paid third-party influencer and not of the committee paying for the advertisement must include a disclosure that is substantially similar to “The author was paid by [name of committee and committee identification number] in connection with this posting.” ○ If the content is written, the disclaimer shall be readily legible to an average viewer; if it is in audio format, it shall be clearly audible. ○ Not required when the content is posted on a committee’s own website, profile, or landing page by a person compensated by the committee to post such content, or where the only expense or cost is compensated staff time, unless the compensated employee of the committee’s principal duties are to post content on their own social media page or account.” ○ NOTE: The <i>committee paying</i> for the advertisement must notify the paid third-party posting the ad of the requirement to include the disclaimer.
Billboards, signs (including yard signs), faxes, business cards, door hangers, flyers, and posters	• “Paid for by <i>committee name</i>” and committee ID number are recommended but not legally required.

Candidate Committee Communications for their own Election

Communication	Disclosure and Manner of Display
Text messages sent using mass distribution technology	• “Paid for by” or “With” followed by the name of the candidate followed by “For” followed by the name of the office sought. • If “With” is used: ○ The individual sending the text shall identify themselves by including: “(name of the individual) with (name of the candidate) for (name of elective office).” ○ A disclosure using “With” may appear anywhere in the text message, including conversational content, and need not appear as a separate statement apart from the content of the message. • For text message exchanges consisting of a sequence of multiple text messages sent on the same day the disclosure is only required on the first text message in the sequence that supports or opposes a candidate or measure. • Text required to be included in a text message must be in a color that reasonably contrasts with the background on which it appears and in a font size that is readable by the average viewer.

The information on this chart does not carry the force of law. If there are any discrepancies between the chart and the Act or its corresponding regulations and opinions, the Act and its regulations and opinions will control. Communications made by a candidate to support or oppose a ballot measure or other candidates are not addressed in this chart.

***If a disclosure statement required by local ordinance is substantially similar to a disclosure statement required under the Act, the two disclosure statements may be merged into a single statement.**

References: [Government Code Sections](#): 82041.5, 84305, 84310, 84502, 84504.2, 84504.3, 84504.4, 84504.8, 84513, 84514
[Title 2 Regulations](#): 18435, 18440, 18450.4, 18450.8, 18450.9, 18450.10

Electioneering

Elections Code 319.5

(a) "Electioneering" means the visible display or audible dissemination of information that advocates for or against any candidate or measure on the ballot within the 100 foot limit specified in subdivision (b). Prohibited electioneering information or activity includes, but is not limited to, any of the following:

- (1) A display of a candidate's name, likeness, or logo.
- (2) A display of a ballot measure's number, title, subject, or logo.
- (3) Buttons, hats, pencils, pens, shirts, signs, or stickers containing electioneering information.
- (4) Dissemination of audible electioneering information.
- (5) Obstructing access to, loitering near, or disseminating visible or audible electioneering information at vote by mail ballot drop boxes.

(b) The activities described in subdivision (a) are prohibited within 100 feet of either of the following:

- (1) The entrance to a building that contains a polling place as defined by Section 338.5, an elections official's office, or a satellite location.
- (2) An outdoor site, including a curbside voting area, at which a voter may cast or drop off a ballot.

(Amended by Stats. 2025, Ch. 296, Sec. 1. (AB 1249) Effective January 1, 2026.)

Elections Code 18370:

(a) A person shall not, on election day, or at any time that a voter may be casting a ballot, within the 100 foot limit specified in subdivision (b), do any of the following:

- (1) Circulate an initiative, referendum, recall, or nomination petition or any other petition.
- (2) Solicit a vote or speak to a voter on the subject of marking the voter's ballot.
- (3) Place a sign relating to voters' qualifications or speak to a voter on the subject of the voter's qualifications except as provided in Section 14240.
- (4) Do any electioneering as defined by Section 319.5.

(b) The activities described in subdivision (a) are prohibited within 100 feet of either of the following:

- (1) The entrance to a building that contains a polling place as defined by Section 338.5, an elections official's office, or a satellite location.

(2) An outdoor site, including a curbside voting area, at which a voter may cast or drop off a ballot.

(c) A person shall not, on election day, or at any time that a voter may be casting a ballot, do any of the following within the immediate vicinity of a voter in line to cast a ballot or drop off a ballot:

(1) Solicit a vote.

(2) Speak to a voter about marking the voter's ballot.

(3) Disseminate visible or audible electioneering information.

(d) Any person who violates any of the provisions of this section is guilty of a misdemeanor.

(Amended by Stats. 2025, Ch. 296, Sec. 5. (AB 1249) Effective January 1, 2026.)

Elections Code 18371:

(a) No candidate or representative of a candidate, and no proponent, opponent, or representative of a proponent or opponent, of an initiative, referendum, or recall measure, or of a charter amendment, shall solicit the vote of a vote by mail voter, or do any electioneering, while in the residence or in the immediate presence of the voter, and during the time he or she knows the vote by mail voter is voting.

(b) Any person who knowingly violates this section is guilty of a misdemeanor.

(c) This section shall not be construed to conflict with any provision of the federal Voting Rights Act of 1965, as amended, nor to preclude electioneering by mail or telephone or in public places, except as prohibited by Section 18370, or by any other provision of law.

(Amended by Stats. 2007, Ch. 508, Sec. 113. Effective January 1, 2008.)

State of California

GOVERNMENT CODE

Section 8314

8314. (a) It is unlawful for any elected state or local officer, including any state or local appointee, employee, or consultant, to use or permit others to use public resources for a campaign activity, or personal or other purposes which are not authorized by law.

(b) For purposes of this section:

(1) "Personal purpose" means those activities the purpose of which is for personal enjoyment, private gain or advantage, or an outside endeavor not related to state business. "Personal purpose" does not include the incidental and minimal use of public resources, such as equipment or office space, for personal purposes, including an occasional telephone call.

(2) "Campaign activity" means an activity constituting a contribution as defined in Section 82015 or an expenditure as defined in Section 82025. "Campaign activity" does not include the incidental and minimal use of public resources, such as equipment or office space, for campaign purposes, including the referral of unsolicited political mail, telephone calls, and visitors to private political entities.

(3) "Public resources" means any property or asset owned by the state or any local agency, including, but not limited to, land, buildings, facilities, funds, equipment, supplies, telephones, computers, vehicles, travel, and state-compensated time.

(4) "Use" means a use of public resources which is substantial enough to result in a gain or advantage to the user or a loss to the state or any local agency for which a monetary value may be estimated.

(c) (1) Any person who intentionally or negligently violates this section is liable for a civil penalty not to exceed one thousand dollars (\$1,000) for each day on which a violation occurs, plus three times the value of the unlawful use of public resources. The penalty shall be assessed and recovered in a civil action brought in the name of the people of the State of California by the Attorney General or by any district attorney or any city attorney of a city having a population in excess of 750,000. If two or more persons are responsible for any violation, they shall be jointly and severally liable for the penalty.

(2) If the action is brought by the Attorney General, the moneys recovered shall be paid into the General Fund. If the action is brought by a district attorney, the moneys recovered shall be paid to the treasurer of the county in which the judgment was entered. If the action is brought by a city attorney, the moneys recovered shall be paid to the treasurer of that city.

(3) No civil action alleging a violation of this section may be commenced more than four years after the date the alleged violation occurred.

(d) Nothing in this section shall prohibit the use of public resources for providing information to the public about the possible effects of any bond issue or other ballot measure on state activities, operations, or policies, provided that (1) the informational activities are otherwise authorized by the constitution or laws of this state, and (2) the information provided constitutes a fair and impartial presentation of relevant facts to aid the electorate in reaching an informed judgment regarding the bond issue or ballot measure.

(e) The incidental and minimal use of public resources by an elected state or local officer, including any state or local appointee, employee, or consultant, pursuant to this section shall not be subject to prosecution under Section 424 of the Penal Code.

(Amended by Stats. 2003, Ch. 62, Sec. 109. Effective January 1, 2004.)