

Do's and Don'ts of Political Activity



Civil Service Training
June 14, 2017

Legal Guidance:

- Article 10, Section 9 of the State Constitution

The State Constitution further prohibits any employee, whether a classified or unclassified from soliciting contributions from you for political purposes. The Constitution also prohibits any official in government from seeking to coerce you into engaging in political activity.

- Rule XIV of Civil Service Rules

What about Federal Law ?

- Supreme Court has recognized that a state has the right to further limit the political activity of its workers in order to ensure the enforcement and application of laws for the common good and not for the good of one candidate or political party.
- The Supreme Court has also recognized the right of a state to restrict such activity in order to avoid the appearance of such support.

What is the Hatch Act ?

- Enacted in 1939, the Hatch Act (5 U.S.C.A. 7324) curbs the political activities of employees in federal, state, and local governments.
- The law's goal is to enforce political neutrality among civil servants: the act prohibits them from holding public office, influencing elections, participating in or managing political campaigns, and exerting Undue Influence on government hiring.
- Impacts all governmental entities who receive federal funds.
- Penalties for violations range from warnings to dismissal.

History of the Hatch Act

- Prior to the introduction of civil service examinations, jobs were political tools handed out to partisan supporters and political contributors.
- The New Deal related Works Progress Administration (WPA) gained the perception as a political arm of the Democratic Party, by way of promising jobs.
- Act was proposed by Democratic Senator Carl Hatch to ban public funds for the use of political activities. This act was called “An Act to Prevent Pernicious Political Activities” and aimed to de-politicize the civil service.
- Prohibited membership in Communist and Nazi political parties.

Who is exempt from the Hatch Act ?

- Employees of educational and research institutions, such as administrators and teachers, are exempt from the Hatch Act.
- Chief executives of local, state and municipality governments and individuals holding public elected office.



How is the Hatch Act administered ?

- The United States Office of Special Counsel (OSC) is responsible for investigating violations of the Hatch Act and recommending penalties, including dismissal from employment.
- Agencies that rehire or fail to fire employees in violation of the Hatch Act will be subject to loss of federal funding.

In what political activities may I participate ?

- Serve as a poll commissioner or official watcher on behalf of a governmental entity at the polls.
- Publicly support or oppose issues of public debate or election other than in support of or opposition to a candidate or political party or faction.
- Sell services that you regularly offer or sell for fair market value to a candidate or political party or faction, even if doing so requires your presence at a fundraiser.
- Attend a free function open to the public where all candidates are invited and any or all of the candidates attend to speak or present their views.

Permissible Political Activity Checklist

- ✓ Vote for a candidate of your choice.
- ✓ Express any political opinion in private.
- ✓ Support issues involving tax referenda, constitutional amendments and bonded indebtedness.

Permissible Political Activities

- Be a member of a private organization that may, under certain circumstances, endorse a candidate for public office, so long as the primary purpose of the organization is not the support or opposition of candidates, political parties, or factions. However, when the organization does support or oppose a candidate, party, or faction, you may not take an active part in the management of the affairs of the organization—even in matters not related to that support or opposition.
- Attend an election night party, but not after a primary election that is to be followed by a runoff election.

Permissible Political Activity Checklist

- ✓ Hold membership in a non-political organization or group which endorses a political candidate for election.
- ✓ Sign a recall petition regarding an elected official
- ✓ Serve as a commissioner or official watcher at the polls if duly appointed.

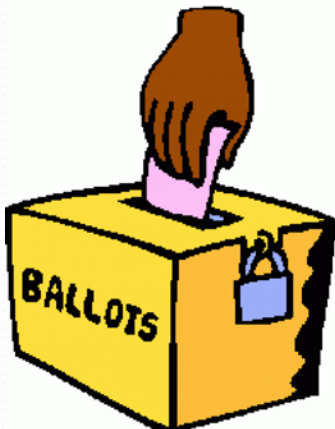
Recent Louisiana Case (May 2017)

LAKE CHARLES, La. (AP) - The state Supreme Court has declined to review an appeals court decision allowing a police union to publicly endorse political candidates.

- Case involves the state law that restricts civil service employees from political activity.
- The 3rd Circuit Court of Appeal had ruled that the Lake Charles Police Officers' Association Local 830 was distinguishable from its members and protected by free speech laws that apply to all non-civil service people and corporations.
- The union had sought a declaratory judgment. He added that the group might not make endorsements in future races but wants to know it's protected if it does.

What is meant by prohibited political activity ?

Prohibited political activity is defined generally as any effort to support or oppose a candidate for election or a political party in an election, whether the election is for a state, local, national, or even out-of-state office.



Prohibited political activities apply to classified employees who are:

- *Presently working*
- *On paid leave*
- *Authorized leave without pay*
- *On leave to the unclassified service*



YOU MAY NOT !

- Become a candidate for nomination or election to public office.
- Become a member of any committee of a political party or faction.
- Make or solicit contributions for any candidate or political party or faction.
- Take an active part in the management of the affairs of a political party, faction, candidate, or campaign.
- Attend any fund raising function of a candidate or political party or faction—even if someone gives you a free ticket. A function will be considered a fundraiser if it is advertised that anything—including food—will be sold at the function—even if you do not plan to buy anything.

YOU MAY NOT!

- Solicit votes for or against a candidate or political party or faction.
- Publicly announce, in writing or otherwise, support or opposition to a candidate or political party or faction.
- Prepare or distribute campaign material for or against a candidate or political party or faction.
- Contribute or volunteer time, effort, property, or any other thing of value in support of or opposition to a candidate or political party or faction.

YOU MAY NOT!

- Display a bumper sticker on the vehicle you drive in support of or opposition to a candidate or political party or faction.
- Place a sign on your property supporting or opposing a candidate or political party or faction or allow anyone who is not your spouse to do so.
- Contribute or loan money in support of or opposition to a candidate or political party or faction.

YOU MAY NOT!

- Vote at the caucus or convention of a candidate or political party or faction.
- Wear, use, display, or distribute t-shirts, hats, stickers, pins, fans, water bottles, or any other material in support of or opposition to a candidate or political party or faction.
- “Like” or “follow” a candidate or party on Facebook, Twitter or other form of social media.

How are violations of Political Activity handled ?

- When a violation of political activity restrictions occurs, the Civil Service will take corrective action. Corrective action may range from issuing a letter of admonishment to bringing the violator before the Civil Service Commission for investigation by Public hearing.
- Violations of these restrictions are extremely serious and can result in significant penalties. The Civil Service Commission has the authority to order disciplinary action up to and including termination from the classified service.

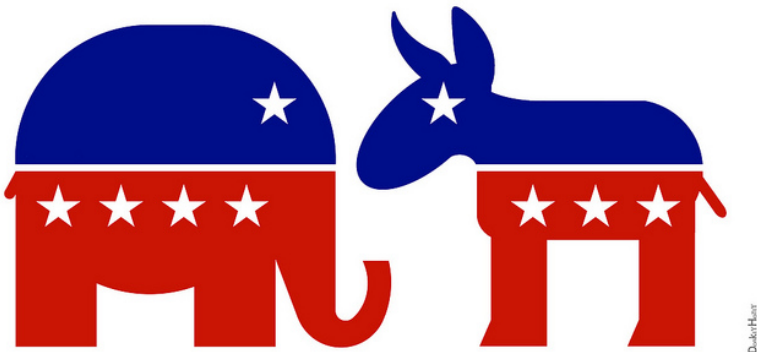
TRUTH OR DARE!

- Its OK to distribute partisan campaign literature as long as the information is accurate.
- You may not offer yourself for nomination or election to any political office.
- You may make or solicit contributions for a political party as long as it does not involve a specific candidate.
- You may make a personal contribution to a candidate as long as it is done privately.



How are violations reported ?

Violations of political activity restrictions should be reported to the Civil Service Commission. Such reports should be made in writing, but the name of the person making the report need not be given. The complainant should provide as many details as he or she knows, including names, dates, places, witnesses, how to contact witnesses, and other relevant facts.



What about the political activities of a spouse ?

- Political activity restrictions do not apply to the spouse of a classified employee. The spouse may place a sign supporting a candidate in the yard of the home shared with the classified employee so long as it is the true expression of the spouse.
- Similarly, the spouse may place a political bumper sticker on the vehicle usually operated by the spouse, even though the classified employee may sometimes appear in that vehicle. The goal of avoiding the appearance of support by the classified employee should be kept in mind.

Finale- What's Coming

- SHRM Conference (June 18-21)