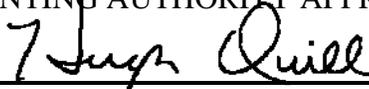


POLITICAL ACTIVITY POLICY

POLICY NUMBER: 100-08	EFFECTIVE DATE: 6/22/2010	APPOINTING AUTHORITY APPROVAL: 
REPLACES POLICY DATED: 100-02, Part II-L 1/6/2008	AUTHORITY: ORC 124.57; 124.60; 3517.092; OAC 123: 1-46-02	

I. PURPOSE

This policy provides guidance for all Department of Administrative Services (DAS) employees who want to participate in election-related activities, make campaign contributions, run for elected office or become an employee of a political campaign. Guidelines for appropriate employee activities concerning ballot issues that relate to or affect the state are also provided.

II. DEFINITIONS

For purposes of this policy, the following definitions apply:

Ballot issue: Issue placed on the statewide ballot to be voted on by all citizens of the state. The three types of ballot issues are initiated statute, initiated constitutional amendment, and referendum.

Classified employee: Classified employees, as defined by R.C. 124.11(B), are employees who are not specifically included in the unclassified service.

Non-partisan: Under RC 3505.05, the non-partisan ballot includes candidates for election to judicial office, office of member of state board of election, office of members of a board of education, municipal or township offices for municipal corporations and townships in which primary elections are not held for nomination of candidates by political parties, and municipal offices of municipal corporations having charters which provide for separate ballots for elections for such municipal offices. Nonpartisan ballots do not include any words, designations, or emblems that describe a candidate’s political affiliation.

Partisan: Partisan Political Offices are those in which candidates are selected in a partisan primary or by the nominating petitions identified with a political party or in which candidates are associated on the ballot with a political party.

Unclassified employee: Unclassified employees are employees in positions listed by R.C. 124.11(A).

III. POLICY

A. Election-related activities. Different laws and rules apply to the permissibility of various election-related activities of classified versus unclassified state employees. As explained

more fully below, so as to avoid any suggestion that governmental resources are being improperly used to assist candidates for public office, both classified and unclassified employees must avoid engaging in election-related activity on state time, on state property, or using state equipment (including conference rooms, computers, printers, office supplies, e-mail systems, telephone, copiers, fax machines, vehicles, or any other state property or equipment). In addition, state employees may not engage in any election-related activities which interfere with, or pose a conflict of interest with respect to, their state duties and responsibilities.

B. Classified employees are prohibited by law from engaging in certain election-related activities. Persons in active pay status serving in the competitive classified civil service are significantly limited, by law, in their ability to engage in various partisan political activities at any time, particularly elections involving candidates selected by the various political parties. Examples of both permissible and impermissible activities by classified employees are detailed below.

1. Permissible election-related activities for classified employees. On their own time, classified employees may, by law, play only a relatively limited role in partisan campaign activities and may be somewhat more involved in non-partisan election-related activity. The following are examples of activities employees in the classified service may participate in **on their own time**:

- Registration and voting;
- Making voluntary contributions to political candidates or organizations;
- Attending political rallies;
- Wearing political buttons or badges.
- Signing nominating petitions in support of individuals;
- Expressing, to other individuals, opinions orally or in writing;
- Displaying political materials at home or on their own personal vehicle;
- Circulating non-partisan petitions or petitions relating to issues;
- Running for office for which the candidates are not selected by political parties;
- Serving as an official election judge (poll worker) in accordance with the applicable poll worker leave policy. (See Section III. I. of this policy for more information).

2. Prohibited election-related activities for classified employees. The following are examples of activities in which employees in the classified service may not, by law, participate, **even on their own time**:

- Candidacy for public office in a partisan election (i.e. – an election in which candidates are selected by political parties);
- Candidacy for public office in a nonpartisan general election if the nomination to candidacy was obtained in a partisan primary or through the circulation of nominating petitions identified with a political party;
- Filing of petitions meeting statutory requirements for partisan candidacy to elective office;
- Circulation of official nominating petitions for any candidate participating in a partisan election;

- Service in an elected or appointed office in any partisan political organization;
- Acceptance of a political party-sponsored appointment to any office normally filled by partisan election;
- Campaigning by writing for publications, by distributing political material, or by writing or making speeches on behalf of a candidate for partisan elective office, when such activities are directed toward party success;
- Solicitation, either directly or indirectly, of any assessment, contribution or subscription, either monetary or in-kind, for any political party or political candidate;
- Solicitation of the sale, or actual sale, of political party tickets;
- Partisan activities at the election polls, such as solicitation of votes for other than nonpartisan candidates and nonpartisan issues;
- Providing assistance to any political candidate, political party or other partisan political organization with organizational and recruitment activities, when such activities are directed toward party success;
- Service as witness or challenger for any party or partisan committee;
- Participation in political caucuses of a partisan nature;
- Participation in a political action committee which supports partisan activity.

3. Disciplinary Action. DAS may institute an investigation when there is reason to believe a classified employee has engaged in prohibited election-related and/or partisan activity. Such actions, if proven, may amount to a violation of Ohio law and could result in discipline of the employee up to and including removal.

C. Unclassified employees may, on their own time, engage in election-related and partisan activities. Employees in the unclassified service, who serve at the pleasure of the appointing authority and are not subject to competitive examination, may, on their own time, engage in partisan and election-related activities, unless otherwise specifically precluded by federal or state law. Unclassified employees may not solicit classified state employees for the financial benefit of a political party or a candidate for public office.

D. Use of state time, property and equipment. Even when employees may participate in election-related activities, they may not, in general, engage in those activities while on state time, on state property, or using state equipment. Further guidance is provided below:

1. If an employee chooses to participate in election-related activities, those activities should be conducted on the weekends or outside normal work hours to eliminate any chance of an inadvertent violation of the law, or even the appearance of impropriety. However, an employee may engage in permissible political activity during normal work hours if the employee uses a lunch hour, personal leave, compensatory time, or vacation leave for that purpose.
2. Employees who choose to participate in permissible election-related activities should, do so only using a personal phone, computer or other communications device.

3. In order to maximize compliance with limitations against using state time, property and/or equipment for political purposes, employees should take the following precautions:
 - a. Direct incoming election-related telephone calls away from state government offices.
 - b. Accurately and carefully document the use of the lunch hour, personal leave, compensatory time, or vacation leave when used for any permissible election-related activities. This includes ensuring that all proper approvals have been obtained.
 - c. Interpret the terms “property” and “equipment” broadly to include state offices, conference rooms, computers, printers, office supplies, email systems, telephones, copiers, fax machines, vehicles, or any similar place or item.
 - d. Take steps to avoid even the inference of the endorsement of a candidate or issue by the State of Ohio or an agency of the state by exercising caution when displaying a political pin, badge or other political paraphernalia at work.

E. Solicitation by or acceptance of political contributions by elected officers

1. No DAS employee, for or on behalf of a **current** state elected officer, shall solicit or accept a contribution to that current state elected officer or to such officer’s campaign committee, from any of the following:
 - a. A state employee whose appointing authority is the state elected officer;
 - b. A state employee whose appointing authority is authorized or required by law to be appointed by the state elected officer;
 - c. A state employee who functions in or is employed in or by the same public agency, department, division, or office as the state elected officer.
 - d. NOTE: This section of the law restricts DAS employees from making any contributions to the Governor’s campaign committee. This limitation does not in any way prohibit DAS employees from making campaign contributions to other statewide or legislative candidates.
2. No DAS employee, for or on behalf of a **candidate** for a state elective office, shall solicit or accept a contribution to a candidate for a state elective office or to such a candidate’s campaign committee, from any of the following:
 - a. A state employee at the time of the solicitation, whose appointing authority will be the candidate, if elected;

- b. A state employee at the time of the solicitation, whose appointing authority will be appointed by the candidate, if elected, as authorized or required by law;
- c. A state employee at the time of the solicitation, who will function in or be employed in or by the same public agency, department, division, or office as the candidate, if elected.

F. Running for elected office

- 1. Classified employees. Classified state employees, by law, may not be a candidate in a partisan election or a candidate in a non-partisan election if their nomination was obtained in a partisan primary or through the circulation of nominating petitions identified with a political party.
- 2. State employee candidacy guideline. State employees who choose to run for office and who are otherwise permitted to do so under Ohio law, must also abide by the following guidelines:
 - a. Conflicts. Conflicts of interest and appearances of conflicts of interest must be avoided in the following ways:
 - i. Because the General Assembly determines the budgets and policy direction of the agencies, boards, commissions, and other entities at which state employees work, no state employee may be a candidate for the General Assembly. Employees must leave state service prior to taking any official action in support of a candidacy (e.g. – creating a candidate committee, soliciting campaign contributions, etc.) for the General Assembly.
 - ii. Candidacies for other significant elected positions (e.g. – mayor or council member of a major metropolitan area, an office with county-wide jurisdiction, etc.) also pose the kinds of risks noted above. To avoid such risks, employees may be required to leave state service prior to taking any official action in support of such a candidacy. Employees who are otherwise permitted to do so may run for local school boards, city councils in smaller jurisdictions, and other similar positions as long as no substantial conflict exists, as determined by the employee’s appointing authority, between the employee’s state duties and the proposed candidacy. The chief legal counsel, should be consulted prior to any employee embarking upon any formal candidate related activity. Failure to engage in such a consultation could result in the removal of an employee who has already undertaken candidate activity.
 - b. If an employee runs for an office with duties that conflict with the employee’s governmental duties, the employee may be informed that assuming that office, if elected, will necessitate termination of state employment.

- c. Notice Requirement. Prior to initiating any formal actions to run for an elected office, employees must provide notice of his or her intent to run to the chief legal counsel. This notice allows legal counsel to:
 - i. Consult with the Director's office to determine whether an apparent or potential conflict of interest exists between the employee's job duties and the duties of the elected office or any activities likely to take place during the employee's candidacy;
 - ii. Ascertain whether the employee is required to leave state service prior to taking any official action in support of such a candidacy, is seeking (or should seek) a leave of absence to accommodate campaign activity and whether such a leave is operationally feasible for the agency (see discussion below); and
 - iii. Provide and discuss with the employee the political activity restrictions to help assure that the employee does not violate this policy.
- d. Instances requiring notice include:
 - i. Classified and/or unclassified employees running for non-partisan elected office, such as school board member, township trustee, or city council member.
 - ii. Unclassified employees running for political party leadership positions, such as local or state central committee positions.
 - iii. Unclassified employees running for full-time partisan office.
- e. Leaves of Absence. Some employees may wish to request unpaid leaves of absence from their state jobs when running for elected office.
 - i. When such requests are made, the Director will determine if such a request is reasonable and if so, the period for which such a leave should be granted, considering the employee's position and how the leave of absence would impact the operations of an agency.
 - ii. If it is decided that such a leave should be granted, the Director may recommend a specific time period for the employee to take a leave of absence if, in their view, the particular election campaign is likely to adversely affect the employee's ability to fulfill his or her job responsibilities, but the agency can work around the employee's leave of absence.

G. Use of Vacation and Other Leave for Campaign Activity. An employee wishing to take time off from work to assist in permissible campaign activity may do so if the employee has obtained permission to be absent from work. Because an employee may use vacation or other similar leave for any purpose, such an employee may engage in any permissible campaign activity while on any such approved leave. An employee wishing to take an

extended leave to work on a campaign may request unpaid leave, up to six months. Unpaid leave may be granted by the DAS Director and will be denied if such leave would pose operational problems to the agency.

H. Ballot issues

1. State employees may, without violating this policy, use state time and equipment to provide information relating to ballot issues that may affect the State and its departments.
2. Other permissible employee conduct. Concerning issues relevant to state responsibilities, employees may:
 - a. Disseminate, either verbally or in writing, objective information concerning the issue and its impact, particularly as it may relate to a specific department. The public may direct questions to affected departments and, as a result, those departments may need to prepare and disseminate objective information sheets about the issue in order to prepare their employees to answer questions;
 - b. Correct or clarify factual errors or misinformation concerning an issue.
3. Impermissible employee conduct. State employees may not use state resources to:
 - a. Engage in activities unrelated to their job duties or the responsibilities of state government; or
 - b. Develop, produce and /or disseminate campaign materials regarding a ballot issue.

I. Poll worker service. Classified or unclassified employees who wish to work on Election Day as a poll worker (also known as an election judge) may do so in accordance with the Poll Worker Leave Policy.

IV. REVISION HISTORY

Date	Description of Change
6/22/2010	Original Policy Release