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This public document was published at a total cost of \$.32. Two copies of this public document were published in this 1st printing at a cost of \$.64 each. The total cost of all printings of this document including reprints is \$.64. This document was published by the Department of State Civil Service to keep agencies, employees, and other persons informed about the personnel program under authority of Article X of the Louisiana Constitution. This material was printed in accordance with standards for printing by State Agencies pursuant to La. R.S. 43:31.

GENERAL CIRCULAR NUMBER 2014-021

DATE: July 18, 2014

TO: Heads of State Agencies and Human Resources Directors

SUBJECT: Prohibited Political Activity

This general circular is being issued to remind classified state employees of the "do's and don'ts" of political activity because of the upcoming election cycle. It is important to remember that the following **restrictions apply to ALL elections, local, state and federal.**

Article 10, Section 9 of the State Constitution and Civil Service Rules 14.1(e), (f), and (g) govern the political activities of classified state employees. The United States Supreme Court has recognized that a state has the right to 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. **This means that classified state employees must avoid the ACTUAL support of a candidate, party, or faction and avoid the APPEARANCE of giving such support.**

Do's and Don'ts for ALL Classified Employees

The following activities are **not** considered prohibited political activities. We must caution you, however, that when there is a question, you should consult the Department of State Civil Service to avoid any violation and its consequences.

You **may**:

- a. Serve as a poll commissioner or official watcher on behalf of a governmental entity at the polls.

- b. 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.
- c. 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.
- d. 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.
- e. Attend a free function open to the public where any or all of the candidates may speak or present their views.
- f. Attend an election night party (even before the polls close), but not after a primary election that is to be followed by a runoff election.
- g. Attend an inaugural celebration or a victory party after election night that is not a fundraiser.

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. As a result of the prohibitions in the State Constitution, you cannot be forced to engage in the following acts either directly or indirectly, through your spouse or another person.

You may not:

- a. Become a candidate for nomination or election to public office.
- b. Become a member of any committee of a political party or faction.
- c. Make or solicit contributions for any candidate or political party or faction.
- d. Take an active part in the management of the affairs of a political party, faction, candidate, or campaign.
- e. 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.
- f. Solicit votes for or against a candidate or political party or faction.
- g. Publicly announce, in writing or otherwise, support or opposition to a candidate or political party or faction.
- h. Prepare or distribute campaign material for or against a candidate or political party or faction.
- i. 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.
- j. Display a bumper sticker on the vehicle you drive in support of or opposition to a candidate or political party or faction.
- k. 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.
- l. Contribute or loan money in support of or opposition to a candidate or political party or faction.
- m. Vote at the caucus or convention of a candidate or political party or faction.

- n. Wear, use, display, or distribute tee shirts, hats, stickers, pins, fans, water bottles, or any other material in support of or opposition to a candidate or political party or faction.
- o. "Like" or "follow" a candidate or party on Facebook, Twitter or other form of social media.

The State Constitution further prohibits any person, whether a classified employee or not, from soliciting contributions from you for political purposes. The Constitution also prohibits any official in the State government from seeking to coerce you into engaging in political activity.

State classified employees may not engage in political activities.

When a violation of political activity restrictions occurs, the Department of State Civil Service will take corrective action. Corrective action may range from issuing a letter of admonishment to bringing the violator before the State Civil Service Commission for Investigation by Public Hearing.

Violations of these restrictions are extremely serious and can result in significant penalties. For example, in a recent decision, the State Civil Service Commission imposed a fifteen-day suspension without pay on a classified employee who was found to have made a small contribution to a candidate in a local election. The State Civil Service Commission has the authority to order disciplinary action up to and including termination from the classified state service.

These political activity restrictions do not apply to the spouse of a classified state employee. For example, 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.

Do's and Don'ts for Spouses of Candidates

Sometimes the spouse of the classified employee is a candidate for election to public office. In such case, the fact of support is taken for granted by people who know about the spousal relationship. Not everyone, however, may know that the classified employee is the spouse of the candidate, so the goal of avoiding the appearance of support by a classified employee may be offended. There are many activities in which a classified spouse may engage to support the candidate spouse without offending the goals of the political activity restrictions. We have listed some activities that spouses of candidates may and may not engage in. If your spouse is a candidate, and you have more specific questions, please contact the Department of State Civil Service to discuss this issue in detail.

A spouse of a candidate **may**:

- a. Appear in a photograph with your spouse who is a candidate for elected office.
- b. Serve as a host or hostess at your home when your spouse who is a candidate for election has a party at your home in support of your spouse's candidacy, but you may not take an active part in soliciting campaign contributions.

- c. Attend a fundraiser or other political or social event with your spouse, and support the campaign—short of soliciting contributions—while there.
- d. Allow community funds to be used to support the campaign.

A spouse of a candidate **may not**:

- a. Place a bumper sticker supporting your spouse on the vehicle that you usually drive.
- b. Wear, use, display, or distribute fliers, handbills, tee shirts, hats, stickers, pins, fans, water bottles, or any other material supporting your spouse, unless you are with your spouse at a political or social event.
- c. Solicit contributions, whether you are with your spouse or not.
- d. Personally sell anything—including food—at any function that supports your spouse's campaign.
- e. Participate in any type of support of your spouse's campaign while at work or on duty.

Reporting Political Activity Violations

Violations of political activity restrictions should be reported to the Department of State Civil Service, Accountability Division, P.O. Box 94111, Baton Rouge, LA 70804-9111. 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.

General Contact Information

If you still have questions about what political activities you may or may not be involved in as a classified state employee, contact your Human Resources Office, or the Department of State Civil Service, P.O. Box 94111, Baton Rouge, LA 70804-9111 or by phone at (225) 342-8272.

Sincerely,

s/Shannon S. Templet
Director