# POLITICAL ACTIVITY

**Number 5.7**

**Effective Date:** November 8, 2015

**Supersedes:** Policy 5.7, dated March 1996

**Subject:** POLITICAL ACTIVITY

**Applicable To:** All classified, exempt, and temporary, employees with the Executive Branch of the State of Vermont.

**Issued By:** Department of Human Resources

**Approved By:** Justin Johnson, Secretary of Administration

## PURPOSE AND POLICY STATEMENT

It is the purpose of this policy to avoid conflicts of interest and the appearance of conflicts of interest; to ensure that employees can perform their duties without political pressure or considerations; and to promote public confidence in the integrity of Vermont State Government.

## DEFINITIONS

Non-Partisan Election – (1) an election in which none of the candidates represent a political party for which candidates for Presidential elector received votes at the last preceding presidential election at which Presidential electors were selected; or (2) an election involving a question of or issue which is not specifically identified with a political party, such as a referendum, approval of a municipal ordinance, or any question or issue of a similar character.

Partisan Election – an election in which any of the candidates represents a political party from which candidates for Presidential electors were selected at the last preceding presidential election. Primary and run-off elections to nominate candidates of partisan political parties are partisan elections.

State or Local Agency - the Executive branch of a State, municipality, or other political subdivision of a State, or an agency or department thereof.

Federal Agency - an Executive agency or other agency of the United States, but does not include a member bank of the Federal Reserve System.

Political Activity - activity directed toward the success or failure of a political party, candidate for partisan political office, or partisan political group.

Political Purpose - an objective of promoting or opposing a political party, candidate for partisan political office, or a partisan political group.

Political Contribution - any gift, subscription, loan, advance, deposit of money or anything of value, made for any political purpose. A political contribution includes, but is not limited to:

(1) Any contract, promise, or agreement, express or implied, whether or not legally enforceable, to make a contribution for any political purpose;

(2) Any payment of compensation by any person, other than a candidate for a political party or affiliated organization, for the personal services of another person which are rendered to any candidate or political party or affiliated organization for any political purpose;
(3) Providing professional personal services, paid or unpaid, for any political purpose, but not including volunteer work on behalf of a candidate, campaign or political party or partisan political group.

Solicit - means to request expressly of another person that he or she contribute something to a candidate, a campaign, a political party, or partisan political group.

Accept - means to come into possession of something from a person officially on behalf of a candidate, a campaign, a political party, or a partisan political group.

Candidate - means an individual who seeks nomination or election to any elective office whether or not the person is elected. An individual is deemed to be a candidate if the individual has received political contributions or made expenditures or consented to another person receiving contributions or making expenditures with a view to bringing about the individual's nomination or election.

## PROHIBITED ACTIVITIES

An employee **may not**:

1. Use his or her official authority or influence for the purpose of interfering with or affecting the nomination or election of any candidate for public office. Prohibited activity includes, but is not limited to:

(a) Using his or her official title, government funds, equipment, supplies or personnel while participating in political activity;
(b) Using his or her authority to coerce any person to participate in political activity;

(c) Soliciting, accepting, or receiving uncompensated individual volunteer services from a subordinate for any political purpose; and

(d) Taking, or threatening to take, any employment action on the basis of an employee's political affiliations, contributions, or other politically-related reason.

2. Directly or indirectly coerce, attempt to coerce, command, or advise in a coercive fashion any other employee to participate in any political activity.

3. Directly or indirectly coerce, attempt to coerce, command, or advise in a coercive fashion any other employee to pay, lend, or contribute money or anything of value to a political party, candidate, committee, organization, agency or person for political purposes.

4. Participate in national, state, or local community activities or hold public office in the local community in which the employee resides if such activity would create a conflict of interest or the appearance of a conflict of interest or abuse of position under the provisions of the Rules and Regulations for Personnel Administration, State Personnel Policies, or the Hatch Act as applicable.

5. Engage in political activity during the employee's working hours. This includes but is not limited to wearing political buttons or badges, or clothing or displaying signs or posters.

6. Engage in political activity at any time in any room or building occupied in the discharge of official duties by an individual employed or holding office with the State of Vermont or any agency or instrumentality thereof, or in a State-owned or leased vehicle.

7. Engage in political activity while wearing any clothing or insignia that indicates State employment.

8. Be a candidate for partisan elective office if his or her salary is funded completely, directly or indirectly, with Federal funds. (This prohibition does not apply to individuals holding elective State office.)

9. Engage in political activity that interferes with the employee's performance of his or her duties as a State employee, unless a leave of absence has been approved by the employee's appointing authority.

**PERMITTED ACTIVITIES**

Except as prohibited above, an employee **may**:

1. Vote.

2. Freely express his or her opinions on all political subjects and candidates.

3. Participate in local community activities or hold public office in the local community in which (s)he resides.

4. Be a candidate in a partisan political election or for office in a political party, organization or club.

5. Organize, or be a member or officer of a political party, and take an active part in political management or in a political campaign, including but not limited to:

(a) Attending a political convention and participating in the deliberations or proceedings, serving as a delegate, alternate, or proxy;

(b) Volunteering to work for a partisan candidate, campaign committee, political party, or nominating convention of a political party;

(c) Serving at the polls for an election;

(d) Campaigning for a candidate in a partisan election by making speeches, writing on behalf of the candidate, or soliciting voters to support or oppose a candidate.

(e) Attending a political meeting or rally including committee meetings of political organizations, and serving on a committee that organizes or directs activities at a partisan campaign meeting or rally;

(f) Signing nominating petitions for candidates in a partisan election for public office, and originating or circulating such petitions; and

(g) Making financial contributions to a political party, candidate or organization.

6. Be granted a leave of absence without pay (at the discretion of the appointing authority) to run for any office at the State, national, or local level; or to act in any such capacity, if elected, subject to the operating needs of any agency, conflict of interest restrictions, other legal barriers as may be determined by the attorney general, the Hatch Act, or other applicable law.

7. Fundraise among non-state employees.

Signed by Justin Johnson, Date

11/6/2015

Approved, Secretary of Administration