



State of New York
Governor's Office of Employee Relations
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David A. Paterson
Governor

Gary Johnson
Director

MEMORANDUM

August 25, 2008

TO: All State Department and Agency Heads

FROM: Gary Johnson 

SUBJECT: Political Campaign Activities
by State Employees

In light of the current political campaign season, this memorandum revisits the State's policy regarding the need to separate political campaign activities by state employees from the conduct of official state business.

While employees are not discouraged from participating in the political campaign process, they must keep their political campaign activities separate from the discharge of their duties as state employees. For the purposes of these guidelines, "political campaign activities" include any act, activity, or event designed to communicate a political endorsement, urge voters to vote for a particular candidate, support a political party, or raise funds for a political candidate or party.

Political campaign activities – such as campaigning, coordinating volunteers, and soliciting or receiving campaign contributions – are not within the scope of the official duties of executive branch employees and they may not conduct campaign activities on state time. Performing political campaign activities on state time may subject employees to criminal prosecution and the loss of employment.

In addition, and in furtherance of the Governor's Executive Order Number 7, all state vehicles, offices, equipment, and resources, including telephones, computers, fax machines, office supplies, postage, photocopying machines and support staff assistance, are the property of the State, and employees may not use that property or assistance for political campaign activities. In those limited circumstances where employees are permitted personal use of state property – for example, vehicles assigned to individuals for both business and personal use – employees must make an appropriate accounting of the use of that property for political campaign activity.

Employees are also reminded they are prohibited from engaging in the political activities stated in Section 74 of the Public Officers Law, Section 107 of the Civil Service Law, and Sections 17-156 and 17-158 of the Election Law.

Section 74 of the Public Officers Law states a Code of Ethics for state employees. Information on the restrictions that Section 74 places on political activities of state employees may be found at www.nyintegrity.org/pubs/political_activities.html.

Section 107 of the Civil Service Law protects state civil service employees from discriminatory practices based on political affiliations. Under this provision, covered individuals may not be asked to reveal their political affiliations or opinions in order to determine fitness for office. In addition, the appointment, selection, or removal of civil service employees to or from state employment may not be affected or influenced by political opinions or affiliations. Section 107 further prohibits state employees from using their official positions to compel state employees to give political contributions, and from using state offices to collect such contributions. Finally, Section 107 prohibits state employees from using or promising to use their official authority to coerce or persuade the vote or political action of any individual.

Section 17-156 of the Election Law prohibits any officer or employee of the State from directly or indirectly using his or her authority or official influence to compel or induce any other officer or employee of the State to pay or promise to pay a political contribution.

Section 17-158 of the Election Law similarly prohibits those who hold or are seeking public office from corruptly using or promising to use, directly or indirectly, any official authority to aid any person in securing public employment in return for the political vote or influence of that person. In addition, public employees may not accept or request the payment or contribution of any valuable consideration in return for a promise of a public appointment.

In addition, the federal "Hatch Act," 15 USC §1501, et seq., applies to any state employee whose principal employment is in connection with an activity financed in whole or in part by federal loans or grants. State employees subject to the provisions of the Hatch Act may not: (1) be candidates for elective office; (2) use official authority or influence for the purpose of interfering with or affecting the results of an election or a nomination for office; or (3) directly or indirectly coerce, attempt to coerce,

command, or advise a state or local officer or employee to pay, lend, or contribute anything of value to a party, committee, organization, agency, or person for political purposes.

Please make sure that your agency employees are made aware of these restrictions. If you have any questions, please contact your agency counsel or your agency liaison at the Governor's Office of Employee Relations.

/jpc

cc: Directors of Human Resources