

KANSAS

OFFICE OF THE GOVERNOR

KATHLEEN SEBELIUS, GOVERNOR

MEMORANDUM

To: All State Employees
From: Governor Kathleen Sebelius
Re: Political Activities of State Employees
Date: Tuesday, July 01, 2008

Because it is an election year, I want to remind you of a few items concerning political activity by state employees.

You are free to take part in any political activity off-site, on your own time. With few exceptions, being a state employee does not restrict your right to free speech or to participate in our democratic process. I encourage you to support the candidates of your choice, and to vote on Election Day.

At work, however, it is important to keep several Kansas laws in mind.

First, it is illegal for a state employee to use his or her position of authority to influence another state employee to perform any political act. K.S.A. 75-2953(a) states as follows:

No officer, agent, clerk or employee of this state shall directly or indirectly use their authority or official influence to compel any officer or employee in the unclassified and the classified services to apply for membership in or become a member of any organization, or to pay or promise to pay any assessment, subscription or contribution, or to take part in any political activity. Any person who violates any provisions of this section shall be guilty of a class C misdemeanor, and, upon conviction, shall be punished accordingly. If any officer or employee in the classified service is found guilty of violating any provision of this section, such officer or employee shall be automatically separated from the service.

Second, it is illegal for a state employee to use state property or his or her time on the job for campaign purposes. K.S.A. 25-4169a states, in part, as follows:

No officer or employee of the state of Kansas ... shall use or authorize the use of public funds or public vehicles, machinery, equipment or supplies of any such governmental agency or the time of any officer or employee of any such governmental agency, for which the officer or employee is compensated by such governmental agency, to expressly advocate the nomination, election or defeat of a clearly identified candidate to state office or local office.

In addition, K.S.A. 75-2949f states, in part, as follows:

Grounds for dismissal, demotion, or suspension of a permanent employee for personal conduct detrimental to state civil service include:

(o) use of the employee's state position, use of the employee's time on the state job, or use of state property or facilities by the employee in connection with a political campaign.

Please be careful to follow the provisions of the law that apply to you. If there is any doubt that an act is appropriate, either avoid the act or seek an appropriate legal opinion in advance. The following guidelines are suggested to comply with state law and to avoid any question of impropriety:

- Supervisors or members of their immediate families should not solicit for political contributions or participation in political activities from classified or unclassified employees under their supervision.
- Solicitation for political contributions or political activities should not occur on state property or during regular hours of employment.
- To the extent solicitations for funds or activities are lawful and appropriate, they should not be made with expressed or implied offers of special favor or threats of penalty.
- Campaign literature or other paraphernalia should not be brought onto state property or transported in or displayed on state vehicles. You may have a bumper sticker on your car, however.

With few exceptions, state employees may engage in all the normal activities of an election year. For example, you may:

- Be a member of the political party of your choice.
- Actively engage in campaigning for the party and candidates of your choice.

- Contribute to the political party and candidates of your choice.
- Solicit funds for the political party and candidates of your choice.

There are special restrictions on the political activity of those state employees who administer employment security law. Please consult K.S.A. 44-714(c)(2) for further guidance.

Please ensure that all officers and employees are made aware of this information regarding appropriate political activity.