STATE OF KANSAS

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GOVERNOR JEFF COLYER, M.D.
SARAH SHIPMAN, SECRETARY

MEMORANDUM

TO: All State Employees

FROM: Sarah L. Shipman, Secretary
Department of Administration

RE: Political Activities of State Employees

DATE: July 12, 2018

Since it is an election year, please be aware of some "do's and don'ts" concerning political activity by State of Kansas employees.

You are free to take part in any political activity offsite, on your own time. With few exceptions, being a State employee does not prohibit your right to participate in our political process. You are encouraged 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) provides 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 provides, in part, as follows:

> No officer or employee in 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 provides, in part, that the following is grounds for dismissal, demotion, or suspension of a permanent employee for personal conduct detrimental to State service:

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

Please make sure that you follow the provisions of law that apply to you. Solicitation of contributions or expenditures to or on behalf of a candidate for public or political office or political party is not considered performance of official duties for purposes of the Kansas Employment Security Law, see K.S.A. 44-714.

Finally, the federal Hatch Act may prohibit state employees whose salary is paid for completely by federal loans or grants from running for partisan office. If you have questions about the Hatch Act, please send them to hatchact@osc.gov or call (800) 854-2824.

If there is any doubt as to whether a particular act is appropriate, either avoid the act or seek an appropriate legal opinion in advance of taking any action. The following guidelines are suggested in order to be in full compliance 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 any State employees, whether classified or unclassified, 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 or other decal on your own private vehicle.

With few exceptions, State employees may engage in all of 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.

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