



DEPARTMENT OF ADMINISTRATIVE SERVICES

450 Columbus Boulevard, Suite 1501, Hartford, CT 06103

DATE: May 8, 2023

RE: General Letter No. 214-D – Political Activity

PURPOSE

The purpose of this General Letter is to update the statutes, regulations and policies concerning political activity of employees in the classified service. There are no substantive changes to state statutes on this subject. However, this letter is revised to incorporate a change in federal law that relates to an employee's ability to run for state or municipal office. This General Letter supersedes the previous General Letter dated August 2014.

POLICY

Federal law no longer prohibits employees whose positions were federally funded "in whole or in part" from running for state or municipal office. Rather, as a result of the Hatch Act Modernization Act of 2012, it prohibits only those employees whose positions are completely funded by federal funds from running for such offices.

REQUIREMENTS

Section 5-266a. Political Activities of Classified State Employees and Judicial Department Employees.

(a) No person employed in the classified state service or in the Judicial Department may (1) use his official authority or influence for the purpose of interfering with or affecting the result of an election or a nomination for office; (2) 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. (b) A person employed in said classified service or Judicial Department retains the right to vote as he chooses and to express his opinions on political subjects and candidates and shall be free to participate actively in political management and campaigns. Such activity may include but shall not be limited to membership and holding of office in a political party, organization or club, campaigning for a candidate in a partisan election by making speeches, writing on behalf of the candidate or soliciting votes in support of or in opposition to a candidate and making contributions of time and money to political parties, committees or other agencies engaged in political action except that no such employee shall engage in such activity while on duty or within any period of time during which such employee is expected to perform services for which he receives compensation from the state, and no such employee shall utilize state funds, supplies, vehicles, or facilities to secure support for or oppose any candidate, party or issue in a political partisan election. Notwithstanding the provisions of this subsection, any person employed in the classified state service or in the Judicial Department may be a candidate for a state or municipal office, in any political partisan election. No person seeking or holding municipal office or seeking state office in accordance with the provisions of this subsection shall engage in political activity or in the performance of the duties of such office while on state duty or within any period of time during which such person is expected to perform services for which such person receives compensation from the state. The State Ethics Commission shall establish by regulation definitions of conflict of interest which shall preclude persons in the classified state service or in the Judicial Department from

holding elective office. (c) Any person employed in the classified state service or in the Judicial Department who leaves such service to accept a full-time elective municipal office shall be granted a personal leave of absence without pay from his state employment for not more than two consecutive terms of such office or for a period of four years, whichever is shorter. Upon reapplication for his original position at the expiration of such term or terms of office, such person shall be reinstated in his most recent state position or a similar position with equivalent pay or to a vacancy in any other position such person is qualified to fill. If no such positions are available, such person's name shall be placed on all reemployment lists for classes in which he has attained permanent status. Any person employed in the classified state service or in the Judicial Department who accepts an elective state office shall resign from such employment upon taking such office. In either event, such person shall give notice in writing to his appointing authority that he is a candidate for a state elective office or a full-time elective municipal office within thirty days (30) after nomination for that office.

Section 5-266b. Permitted activity. Nothing contained in sections 5-266a to 5-266d, inclusive, prohibits political activity by such persons in the classified service in connection with (1) an election and the campaign preceding such election if none of the candidates is to be elected at that election as representing a party any of whose candidates for presidential elector received votes in the last preceding election at which presidential electors were selected; or (2) a question which is not specifically identified with a national or state political party. For the purpose of this section, questions relating to constitutional amendments, referenda, approval of municipal ordinances, and others of a similar character, are deemed not specifically identified with a national or state political party.

Section 5-266d. Dismissal or suspension of employee. Appeal. If, upon the complaint of any citizen of the state, the Commissioner of the Department of Administrative Services finds that any employee in the classified service has violated any provision of section 5-266a, said commissioner may dismiss such employee from state service. If said commissioner finds that the violation does not warrant removal, he may impose a penalty on such employee of suspension from his position without pay for not less than thirty days (30) or more than six months. Any employee aggrieved by any action of the Commissioner under the provisions of this section may appeal as provided in Section 5-202.

Sec. 5-267. Officers appointing authorities and employees to comply with law. All officers, appointing authorities and other state employees shall conform to, comply with, and aid in carrying into effect the provisions of this chapter and the regulations issued hereunder. When any order is made under the provisions of this chapter or in accordance with the regulations hereunder, any officer or other person to whom such order is directed shall forthwith comply with the terms and provisions thereof.

Sec. 5-268. Penalty. Any person who, willfully or through culpable negligence, violates or who conspires to violate, any provision of this chapter shall be fined not more than one thousand dollars or imprisoned not more than one year or both. Prosecutions for violations of this chapter may be instituted by the state's attorney for the judicial district in which the offense is alleged to have been committed.

The State Ethics Commission has established regulations defining conflicts of interests which can preclude persons in the classified service from holding elective office. These are as follows:

Definitions of Conflicts of Interest

Regulations of Conn. State Agencies Section 5-266a-1. Conflicts of Interests

(a) There is a conflict of interest which precludes a person in State service from holding or continuing to hold elective municipal office when one or more of the following applies:

(1) The Constitution or a provision of the General Statutes prohibits a classified state employee or a person employed in the Judicial Department from seeking or holding the municipal office.

(2) The classified State employee has an office or position which has discretionary power to:

- (A) Remove the incumbent of the municipal office
- (B) Approve the accounts or actions of the municipal office;
- (C) Institute or recommend actions for penalties against the incumbent of the municipal office incident to the incumbent's election or performance of the duties of said office;
- (D) Regulate the emoluments of the municipal office;
- (E) Affect any grants or subsidies administered by the State, for which the municipality in which the municipal office would be held is eligible.

PLEASE NOTE ALSO THAT PERSONNEL ENGAGED IN WORK SUBJECT TO THE PROVISIONS OF THE HATCH ACT ARE STILL COVERED BY THIS FEDERAL LAW.

Individuals principally employed by a state or local executive agency (except for employees of higher education and research institutions) in connection with a program financed in whole by federal funds or grants are covered by the Hatch Act and may not: (1) be candidates for public office in a partisan election; (2) use official authority or influence for the purpose of interfering with or affecting the results of an election or nomination for office; and (3) directly or indirectly coerce contributions from subordinates in support of a political party or candidate. These employees, however, may: (1) be candidates for public office in a nonpartisan election; (2) campaign for and hold elective office in political clubs and organizations; (3) actively campaign for candidates for public office in partisan and nonpartisan elections; (4) contribute money to political organizations or attend political fund-raising functions; and (5) participate in any activity not specifically prohibited by law or regulation.

With the exception of the Hatch Act, all of the statutory references quoted above are in the State Personnel Act. The sections are included in this General Letter for your information and guidance.

OTHER

Please contact the assigned DAS HR Business Partners or HR Policy and Information Systems Unit for questions regarding this policy.