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ROBERT RAMSEY, SR.
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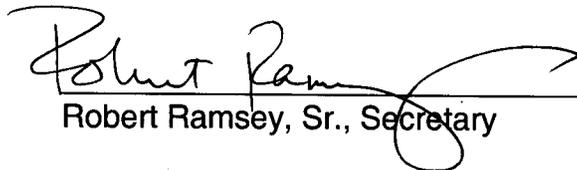
October 7, 2004

PERSONNEL MEMO 04-15

MEMORANDUM

TO: Cabinet Secretaries
Agency Heads
Personnel Executives

FROM:


Robert Ramsey, Sr., Secretary

SUBJECT: Presidential Election and Political Activities

Pursuant to KRS 18A.190 and KRS 2.190, Tuesday, November 2, 2004 is a holiday for state personnel. Due to the presidential election, state offices will be closed and any employee who is required to work shall receive compensatory pay or time off.

Due to this upcoming presidential election, questions have been raised regarding political activities as they affect Classified Merit System Employees. Please find below a set of guidelines based on the interpretation of KRS 18A.140 for your use. The statute and guidelines may also be found in the Employee Handbook and on the - Personnel Cabinet's website at <http://govnet.ky.gov/personnel/emphb/politic.htm>.

As your employer, state government encourages you to register and vote. To protect you from political pressures in your job, the restrictions below have been placed upon your political activities. The KRS 18A.140 lists the political activities you may or may not do as a state merit system employee. Please take time to review the attached statute and the enclosed guidelines regarding your obligations.

Permitted Activities:

1. Registration and Voting: Classified employees may register and vote in any election.
2. Expression of Opinions: All persons subject to the personnel rules have a right to privately express their opinions on all political subjects and candidates, but they may not take an active part in political management or political campaigns.

3. Contributions: It is lawful for classified employees to make voluntary cash contributions to political parties, candidates, or organizations. However, it is unlawful for classified employees to make contributions of goods, services, or labor.
4. Membership in Political Clubs: Classified employees may join a political club and attend its meetings but may not hold office or serve on committees of the club.
5. Attendance at political rallies, conventions, etc. is permitted and classified employees may participate in the selection of committeemen and committeewomen. Classified employees may vote at the lowest level of the selection process for delegates to the party conventions.
6. Political Pictures and Signs: It is lawful for classified employees to display political pictures or signs on their property.
7. Badges, Buttons and Stickers: It is lawful for classified employees to wear political badges or buttons and voluntarily display political stickers on their private automobiles, however, no political badges, buttons or other designations may be worn while on official duty or while the employee is conducting official business for the Commonwealth.
8. Precinct election officers: Classified employees may serve as precinct election officers at the polls.
9. Constitutional amendments, referenda, etc.: Classified employees may work actively for or against constitutional amendments, referenda or municipal ordinances in which they are interested, provided that state time and resources are not used for this purpose.
10. Transporting Voters: Classified employees on their own time may transport friends or relatives to the polls as a civic gesture, but may not transport voters to the polls as part of an organized service to a political party, faction, or candidate.

Prohibited Political Activities:

The following political activities are prohibited whether the employee is on or off duty:

1. Political Party Involvement: Classified employees are prohibited from serving on or for any political committee, party or other similar organization, or serving as a delegate or alternate to a caucus or party convention, but may vote in the selection of delegates to a party convention or in the selection of precinct committeemen or committeewomen.
2. Political Contributions: A classified employee is prohibited from soliciting or handling political contributions.
3. Political Party Tickets: A classified employee is prohibited from soliciting the sale of or selling political party, faction, or candidate items or tickets, but a classified employee may voluntarily purchase such items or tickets.
4. Political club involvement: A classified employee is prohibited from serving as an officer of a political club, as a member or officer of any of its committees, of addressing such a club on any partisan political matters, or of being active in organizing it.

5. Political meetings and rallies: A classified employee is prohibited from serving in connection with preparation for, organizing or conducting a political meeting or rally or addressing such a meeting on any partisan political matter therein except to vote.
6. Partisan activity at election polls: A classified employee is prohibited from engaging in partisan activity at the polls (at primary or regular elections) in the position of checker, challenger, or watcher, or in soliciting votes and assisting voters to mark ballots.
7. Candidacy for office: A classified employee is prohibited from becoming a candidate for nomination or election to any office, federal, state, county, or municipal, which is to be filled in an election in which party candidates are involved or for which compensation is paid (other than a per diem for school district office); or from soliciting others to become candidates for nomination or election to such offices.
8. Campaign literature distribution: A classified employee is prohibited from distributing campaign literature or material.
9. Nominating petitions: A classified employee is prohibited from initiating or circulating partisan political nominating petitions.
10. Solicitation of political support: A classified employee is prohibited from canvassing a district or soliciting political support for a party, faction, or candidate, either in person or in writing.

If you have any questions please contact, Mark D. Honeycutt, General Counsel, Personnel Cabinet at (502) 564-7430.