
APPENDIX 1

Frequently Asked Questions about Permissible Political Activities

I am an employee of the Division of Family and Children's Services; as a state employee, I know I am limited in my political activities, but what exactly does that mean?

There is a wide range of political activities state employees can engage in on their own time. Please keep in mind that most political activities cannot be undertaken when you are working or serving as a representative for your employer.

Note: In Georgia there is a discrepancy between the types of political activities a state employee may engage in depending on whether you are a "classified" or "unclassified" employee. As an employee of DFCS you are a classified employee *IF* you were hired before **July 1, 1996**; otherwise you are an unclassified employee.¹

Can I register and vote in any election?

YES²

Can I encourage my friends, co-workers and family to vote?

YES³

Can I be a member of a political party?

YES⁴

When I am not at work, can I tell my friends at a party my opinion on political candidates?

YES⁵

Can I request for my colleagues to make a contribution to a political campaign?

NO for Classified employees, however YES for Unclassified employees so long as the request does not amount to a command or coercion of another state employee – YES potentially, according to Federal law as well.⁶

Can I request for my colleagues to volunteer for a political campaign?

YES for Unclassified employees. NO for Classified employees.⁷

Can I endorse or oppose candidates in a broadcast, campaign literature, political advertisement, caucus or rally?

NO for Classified Employees – YES for Unclassified Employees⁸

Can I post a yard sign on my lawn endorsing a political candidate?

YES⁹

When I am not working, can I pass out literature about a political issue I find important?

YES¹⁰

When I am not working, can I attend a rally or political meeting as a spectator?

YES¹¹

When I am not working, can I give my opinion on a political issue at a public meeting?

YES; however, classified employees may *NOT* speak at a convention, caucus, rally or similar event for a political candidate.¹²

When I am not working, can I wear or show a political picture, badge or button?

YES¹³

If the state does not pay for my gas mileage, can I display a political bumper sticker on my car?

YES¹⁴

If the state is paying for my gas mileage, can I transport or distribute political campaign literature?

NO¹⁵ (NOTE: violation of this rule is a misdemeanor criminal offense and will result in termination of employment)¹⁶

If not full time and it does not conflict with my duties as a DFCS employee, can I hold an elected or appointed office of a political subdivision of the state, political party, or political organization?

YES¹⁷

When I am not working, can I participate in non-partisan civic, community, social, or professional organizations?

YES¹⁸

When I am not working, can I sign a petition for specific legislative action or to place a candidate's name on an election ballot?

YES¹⁹

When I am not working, can I write an editorial to a newspaper or other publication expressing my personal view on public issues?

YES²⁰

Can I contribute to a political campaign fund?

YES for Unclassified – NO for Classified²¹ (NOTE: The Attorney General has stated that no classified employee “may make any contribution financial or otherwise to any political campaign.”)²²

Can I circulate a recall petition?

NO²³

Can I be paid as a non-partisan worker at the polls during an election?

YES²⁴

All of this information is in line with the rules and regulations of the State Personnel Board (Ga. Comp. R. & Regs. R. 478-1-.01 § 3.100), The State Law of Georgia (O.C.G.A. §§ 45-11-10(a), (c); § 50-19-8, the Federal Hatch Act (5 U.S.C.A. §§ 1501, 1502) and the Hatch Act Reform Amendments of 1993 (5 U.S.C.A. §§ 7321-7326).

¹ GA. CODE. ANN. §§ 45-20-2, 45-20-6 (2002).

² GA. COMP. R. & REGS. r. 478-1-.03, Sec. 3.502(A) (2001).

³ GA. COMP. R. & REGS. r. 478-1-.03, Sec. 3.502(B) (2001).

⁴ GA. COMP. R. & REGS. R. 478-1-.03, Sec. 3.502(H) (2001).

⁵ GA. COMP. R. & REGS. r. 478-1-.03, Sec. 3.502(C) (2001).

⁶ Ga. Op. Atty. Gen. 84-71 (1984) states that employees in the classified service are “prohibited from being involved in a political campaign regardless of whether such involvement occurs during on-duty time or off-duty time.” However, GA. CODE. ANN. § 45-11-10 states that it is only unlawful to “coerce or attempt to coerce or command directly or indirectly any other state officer or employee” to make a contribution. Hence, an unclassified employee may request contributions so long as it does not amount to a command or coercion. 5 U.S.C.A. § 7323(a)(2) states that one may “knowingly solicit, accept or receive a political contribution from any person” so long as that person is “not a subordinate employee.”

⁷ 5 U.S.C.A. § 7323(a)(4) permits the solicitation of political participation of anyone so long as they do not (1) have a pending application for “any compensation, grant, contract, ruling, license, permit or certificate pending before the employing office or (2) are the not the “subject of or a participant in an ongoing audit, investigation, or enforcement action being carried out by the employing office.” See *also* Ga. Op. Atty Gen. 84-71 (1984) prohibiting any involvement in a political campaign by classified employees.

⁸ GA. COMP. R. & REGS. r. 478-1-.03, Sec. 3.501(K) (2001).

⁹ GA. COMP. R. & REGS. r. 478-1-.03, Sec. 3.502(D) (2001). Note – it may be reasonably assumed that a yard sign falls within the definition of a political “picture” as per the wording of the regulation.

¹⁰ GA. COMP. R. & REGS. r. 478-1-.03, Sec. 3.502(H) (2001).

¹¹ GA. COMP. R. & REGS. r. 478-1-.03, Sec. 3.502(I) (2001).

¹² GA. COMP. R. & REGS. r. 478-1-.03, Sec. 3.501(K) (2001).

¹³ GA. COMP. R. & REGS. r. 478-1-.03, Sec. 3.502(D) (2001).

¹⁴ GA. COMP. R. & REGS. r. 478-1-.03, Sec. 3.502(E) (2001).

¹⁵ GA. CODE. ANN. § 50-19-8 (2002).

¹⁶ Ga. Op. Atty. Gen. 84-71 (1984).

¹⁷ GA. COMP. R. & REGS. r. 478-1-.03, Sec. 3.502(F) (2001).

¹⁸ GA. COMP. R. & REGS. r. 478-1-.03, Sec. 3.502(G) (2001).

¹⁹ GA. COMP. R. & REGS. r. 478-1-.03, Sec. 3.502(J) (2001).

²⁰ GA. COMP. R. & REGS. r. 478-1-.03, Sec. 3.502(N) (2001).

²¹ GA. COMP. R. & REGS. r. 478-1-.03, Sec. 3.501(H) (2001).

²² Ga. Op. Atty. Gen. 84-71 (1984).

²³ GA. CODE. ANN. § 21-4-9 (2002).

²⁴ GA. COMP. R. & REGS. r. 478-1-.03, Sec. 3.502(L) (2001).