POLITICAL ACTIVITIES UNDER FEDERAL LAW

Federal law (commonly known as the "Hatch Act") provides for regulations with respect to the political activities of State employees. Unlike the State regulations, the Federal law does not distinguish between classified employees and unclassified employees.

In general, an individual employed by a state agency whose principal functions is financed, in whole, or in part, by federal funds is covered by the Hatch Act.

A. Permitted Activities

State employees covered by the Hatch Act are permitted to engage in political activity to the widest extent consistent with the restrictions imposed by the Act. Permitted activity includes candidacy for political party office.

B. Prohibited Activities

State officers and employees, including elected officers and commissioners, covered by the Hatch Act may not use their official authority or influence for the purpose of interfering with or affecting the result of an election or nomination for office, directly, or indirectly, coercing or advising a state or local employee to contribute anything of value to a political party or person for a political purpose, or being a candidate for elective public office in a partisan election. The only exception is that this prohibition on candidacy does not apply to the Governor, Lieutenant Governor or the elected head of an executive department. In Connecticut these include the offices of Secretary of State, Treasurer, Comptroller, and Attorney General.

It is important to point out that it is only candidacy for office that is prohibited, not holding office. An individual who first enters state service while holding local office is not affected by the Act. However, running for election, or reelection, while a State employee would pose a problem.

D. Enforcement

The federal agency responsible for enforcement of the Hatch Act is the Merit Systems Protection Board. Charges may be instituted by the Board's Special Counsel by providing notice to the employee involved and to the State.

After holding a hearing, at which both the employee and the State are entitled to be heard, the Board determines whether the Hatch Act was violated and whether that violation warrants removal from employment. Determinations are appealable to the United States District Court.

A determination that there is no violation or that a violation does not warrant removal ends the matter. A determination that there is a violation warranting removal may have consequences for the State. If the Board makes the determination that the violation warranted removal and the employee was not removed within thirty (30) days, or finds that the employee was removed and rehired within eighteen months, the State will lose federal funding equivalent to the annual salary of the employee.

POLITICAL ACTIVITIES UNDER STATE LAW

State law regulates political activities of State employee through Connecticut General Statute § 5-266a. These provisions apply to all employees in classified service and the judicial department.

A. Permitted Activities

A person employed in classified service or the judicial department may vote as he/she chooses, express opinions on political subjects and candidates and participate actively in political management and campaigns. This can include membership and holding office in a political party, participation in campaigning for a candidate by making speeches, soliciting votes in support of or opposition to a candidate and making contributions of time or money to a party or candidate. Under State law an employee can even be a candidate for state or local office. An employee who is a candidate for state or full-time municipal office is required by virtue of Connecticut General Statute § 5-266a(c) to notify his/her appointing authority within thirty (30) days of nomination.

B. Prohibited Activities

No person employed in classified service or the judicial department may use his/her official authority or influence for the purpose of interfering with, or affecting the result of an election or a nomination for office, or directly, or indirectly, coercing or advising a state or local officer or employee to contribute anything of value to a party or person for political purposes. Furthermore, no permitted activity may be conducted on State time or with State resources.

C. Candidacy for Office and Holding Office

As noted above, State employees may be candidates for state or local office. There are, however, some restrictions on holding office.

(1) Municipal Office

A State employee may not hold a municipal office where there is a conflict of interest. The State Ethics Commission has promulgated § 5-266a-1 of the state regulations which defines conflicts of interest.

Conflicts of interest include situations where the agency in which the employee/municipal office holder works has the authority to remove the municipal office holder from office, approve the accounts of actions for penalties against the incumbent of the municipal office, regulate the emoluments of the municipal office or affect state grants and subsidies for which the municipality is eligible.

Additional conflicts of interest include circumstances in which state statute, or local charter or ordinance, prohibits the State employee from holding local office or when a State employee's job includes assisting him/herself as a municipal office holder.

(2) State Office

State employees are allowed to be candidates for state office. However, Connecticut General Statue § 5-226a(c) requires that classified State employees or judicial department employees who accept an elective state office resign from their employment upon taking office. Furthermore, it is important to note that Connecticut Constitution Article III, § 11 prohibits a legislator, and, therefore, a State employee elected to the General Assembly, from holding an appointed position in the executive or judicial branches.

D. Enforcement

Violation of the provisions of the state law regarding political activity to State employees is just cause for discipline. While disciplinary action may be taken by the appointing authority, the Commissioner of the Department of Administrative Services is also authorized to take direct disciplinary action in this case.

Disciplinary action may take the form of dismissal or suspension of the employee for a period not less than thirty (30) days or more than six (6) months.

Any possible violation of state law regarding political activity should be reported to the Commissioner of Administrative Services who will then conduct an investigation and determine the appropriate action.

Violations of state law governing political activity may also lead to criminal sanctions. Under Connecticut General Statute § 5-268 these may include a fine of up to $1,000 and/or imprisonment of up to one year.