

Any public employee, acting in her official capacity and using public resources, and acting in a neutral and non-partisan manner, may notify the public that a state, county or federal election will be held on a certain date and encourage all voters to vote. A public employee may also neutrally notify the public generally that a town meeting will be held on a certain date and neutrally encourage all voters or members to attend. Public resources may not be used to notify only a subset of voters in order to influence the outcome of the vote or meeting. For example, notifying only the parents of school children of a ballot question whether to fund a new public school, and not notifying childless homeowners, would be prohibited, because it would not be neutral.

2. May Not Do: Political Activities by Public Employees That Generally Are Prohibited by the Conflict of Interest Law

In general, a public employee may not use his public position to engage in political activity. Section 23(b)(2)(ii) of the conflict of interest law prohibits the use of one's public position to engage in political activity, because a public employee who does so is using his official position to secure for himself or others (such as a candidate or a ballot question committee) unwarranted privileges of substantial value that are not properly available to similarly situated persons.

There are two exceptions to this general rule. First, elected officials, and public employees who hold policy-making positions, have more leeway to make statements about and take action concerning ballot questions, while using their public positions and public resources, than do appointed public employees who do not hold policy-making positions. Second, elected officials have greater latitude than non-elected public employees to engage in certain other election-related political activities. These exceptions are discussed in more detail below in sections 3 and 4.

Subject to these exceptions, a public employee **may not** engage in political activity, whether election-related or non-election related, on his public work time; while acting in his official capacity or while in his official uniform; in a public building (except where equal access for such political activity is allowed to all similarly situated persons); or with the use of other public resources, such as staff time, public office space and facilities, public office equipment such as computers, copiers, and communications equipment, public websites and links to public websites, or public office supplies such as official stationery.

A public employee who engages in such political activity, unless the activity is of truly minimal duration or significance (such as wearing a political campaign button to work in a public office), violates the conflict of interest law.

Example: A state employee sends out a blast email urging all her contacts to vote for a particular candidate for Governor. This is a violation of the conflict of interest law, because she is using public resources to support a particular candidate.