

## RULE 7 – Political Activity

This policy covers all employees in the classified and unclassified service as defined in the Gila County Merit System Rules and Policies Manual without regard to regular, temporary, part-time, probationary or emergency status, although nothing in this policy waives the at will status of an unclassified employee.

7.1 Statement of Policy. Gila County employees have the right to vote as they choose and to entertain and express personal opinions about political candidates. When performing their duties on behalf of Gila County, employees must refrain from political activity while on duty or at public expense. This policy covers all employees in the classified and unclassified service as defined in the Gila County Merit System Rules and Policies Manual without regard to regular, temporary, part-time, probationary or emergency status.

7.2 Scope.

- A. Prohibitions and Exceptions. No employee of Gila County shall:
  - 1. Use any political endorsement in connection with any appointment to a position in County service; or
  - 2. Use or promise to use any official authority or influence for the purpose of influencing the vote or political action of any person for any consideration; or
  - 3. Be a candidate for nomination or election to any paid partisan public office, or take any part in the management of any political campaign or recall effort; or
  - 4. Except for expressing his/her opinion or pursuant to A.R.S. §16-402, engage in activity permitted by this order while on duty, or at public expense.
- B. When an employee, as defined by this policy, publicly declares himself a candidate, allows himself to be held out as a candidate, or circulates nomination petitions or allows nomination petitions to be circulated on his or her behalf, (s)he must resign his position from County employment. Public declaration or announcements means making a statement in the print or electronic media, or at a public meeting or gathering.
- C. Any employee during off duty hours may:
  - 1. Attend meetings for the purpose of becoming informed concerning the candidates for public office and the political issues.
  - 2. Make, solicit, or encourage contributions to candidates, political parties or campaign committees contributing to candidates or advocating the election or defeat of candidates.
  - 3. Sign and/or circulate candidate nomination or recall petitions.

- D. Nonpartisan Political Activity. County employees may be a candidate for and may serve in a nonpartisan elected or appointed public office, whether paid or not, including, but not limited to school boards, community college district governing boards and city or town councils, subject to A.R.S. §38-501 et seq. However, a County employee shall be prohibited from engaging in any activity resulting from the nonpartisan election or appointment to public office that is in any way adverse to or in conflict with the policies or interests of Gila County.
- E. Penalties. A County employee who violates any provision of these policies shall be subject to suspension of not less than seven (7) days nor more than thirty (30) days or dismissal from County service.
- F. Protection of Civil Liberties. Nothing contained in these policies shall be construed as denying any County employee their civil or political liberties as guaranteed by the United States and Arizona Constitutions.
- G. Employees not Qualified for Exemption. Employees subject to the Hatch Act are prohibited from taking active part in political management or in political campaigns; this includes the holding of the office of precinct committeemen, ward committeemen, etc., or service on or for any committee of a political party organization. An employee is subject to the Hatch Act if his/her salary is paid in whole or part through federal grants or federal monies other than revenue sharing funds.
- H. Precinct Committeemen. Employees in both the classified or unclassified service who are not subject to the Hatch Act may hold the office of precinct committeeman or any derivative office.
- I. Retaliatory Conduct Prohibited.
  - 1. A person shall not solicit any employee to engage or not engage in activities permitted by this order with the direct or indirect use of any threat, intimidation or coercion including threats of discrimination, reprisal, force or any other adverse consequence including the loss of any benefit, reward, promotion, advancement or compensation.
  - 2. A person shall not subject any employee engaging in activity permitted by this order to any direct or indirect discrimination, reprisal, force, coercion, intimidation or any other adverse consequences including the loss of any benefit, reward, promotion, advancement or compensation.
  - 3. A person shall not subject any employee who chooses not to engage in any activity permitted by this order to any direct or indirect discrimination, reprisal, force, coercion or intimidation or any other adverse consequence including the loss of any benefit, reward, promotion, advancement or compensation.
- J. Use of County Resources.
  - 1. No County expenditure (direct or indirect) may be used to influence the outcome of an election. A.R.S. §11-410(A). This prohibition includes any use of County resources, including but not limited to personnel, equipment, material, building or other resource on behalf of one candidate vs. another candidate, or for or against a proposition or measure.

2. No public resources may be expended or directed for private benefit. (Const. Art. IX, Sec. 7). A partisan campaign is a personal or private endeavor. Aid, whether by direct or indirect use of County funds or resources, to any private or partisan campaign is in violation of the Constitution. Such a use of County funds or resources directly or indirectly for a partisan campaign is not within any of the County's powers granted by the State. (e.g., A.R.S. §11-251 et seq).
- K. Electioneering or influencing the outcome of an election.
1. Arizona Revised Statutes do not offer specific definitions, but rely on common sense interpretations of these words and applying them to the specific fact situation to determine if political activity or electioneering has occurred, or if the outcome of an election has been influenced. Nevertheless, even neutral activities can be perceived as advocacy instead of informational. Neutral activities must be examined on a case by case basis and may be considered to be political activity or electioneering depending on the nature, tenor and timing of the activity, the audience being targeted, and whether or not the activity may bestow an unfair advantage on one of several competing interests.
  2. Only neutral, factual information on the election may be provided on duty or using any County resource (including but not limited to telephone, copiers, vehicles, office, fax, signs, etc.) Bumper stickers related to an election may be placed on private vehicles but not on County vehicles.
  3. The County will restrict its public information and advertising (on the internet web site or telephone voice mail systems) to neutral information and may distribute 1) the official action of the Board of Supervisors documenting their actions on the question, calling the election and canvass of returns; 2) publicity pamphlet; 3) sample ballots; 4) early voting requests. All of these communication tools will be scripted for neutral messaging and advising citizens if they are interested in how they can request any of these materials.
  4. No County offices, resources or property will be used to influence the outcome of an election.
  5. No petitions for the purpose of collecting signatures will be displayed or circulated on any County property.
  6. No campaign signs will be placed on any County property.
  7. No advertising or flyers pro or con about an election, candidates or ballot issues will be available or distributed at any County facility. Advertising, flyers or campaign signs displayed on any County property or displayed within 75 feet of the main entrance of an early voting site may be removed and disposed of without prior notification to any individuals or parties. The County is not obligated to notify any individuals or parties of the removal or disposal of advertising, flyers or campaign signs after the removal has taken place. The County is not obligated to return any removed advertising, flyers or campaign signs to any individual or party.