

New York State Employees and Political Activity

State officers and employees are often interested in seeking elected political office or volunteering for political campaigns. However, in doing so, they must ensure that they do not violate the Law, including the code of ethics, contained in Public Officers Law §74. In general, State officers and employees are charged to pursue a course of conduct that will not raise suspicion among the public that they are likely to be engaged in acts in violation of the public trust.

For those planning to participate in campaigns, the following is offered as a guide to help candidates (although all of the items listed may not be applicable to those who currently hold a State office and are seeking reelection) and political workers avoid violations of law.

For candidates:

1. Consider whether the office sought might conflict with your State position. While a prospective candidate, you should seek an opinion from your employing agency and the State Ethics Commission. Should an incompatibility be found, you may be prohibited from seeking office.¹

2. Campaign on your own time. Depending on the amount of time you will devote to the campaign, you should discuss requesting a leave of absence with your supervisor.

3. Avoid using your State position to gain any special advantage over a political opponent.

4. Form a separate entity to receive campaign contributions. Take care in soliciting and accepting contributions. If they come from individuals or entities that do business with your agency, they might constitute illegal gifts or give rise to actual or apparent conflicts of interest.

5. Refrain from using any State resources to aid the campaign. This rule applies to telephones, office supplies, postage, photocopying machines, computers or support staff assistance.

6. Do not in any way indicate in your campaign literature or speeches that the State or your agency endorses your candidacy or positions. You may, however, use the name of your employing agency and description of your State position in a campaign biography.

¹ If you have been designated as a policymaker by your appointing authority and currently hold a non-State public office for which approval has not been obtained, you should seek such approval as soon as possible.

For others participating in campaigns:

1. You may serve on campaign or fundraising committees of political candidates, but must be careful not to create suspicion among the public that you are violating your public trust by improperly soliciting or accepting contributions from individuals or entities under your agency's jurisdiction. Questions about such contributions should be directed to the Ethics Commission, which has addressed some of these issues in Advisory Opinion Nos. 92-16 and 98-12.

2. Follow Civil Service Law §107. It protects State employees from discriminatory practices based on their political affiliations.

- Such employees' appointments, selections to or removals from office or their employment status may not be affected or influenced by political opinions or affiliations.

- Your State authority or official position may not be used to coerce, intimidate or otherwise influence other State employees to give money or service for any political purpose, to influence the political action of any person or entity, or to interfere with any election. A State officer or employee may not be compelled or induced to pay any political assessment or contribution.

- State offices may not be used for soliciting or collecting any political contributions.

3. Abide by Election Law §17-158. It prohibits those who hold public office—or those nominated or seeking a nomination—from corruptly using or promising to use, directly or indirectly, any official authority or influence to secure or help secure any office or public employment. Restrictions include making offers to procure any nomination or appointment for any public office.

4. Comply with the Hatch Act. If you are employed by the State and your principal employment is in connection with an activity that is financed in whole or in part by loans or grants made by the United States or a federal agency, you must not violate the Federal Hatch Act. This Act restricts the political activity of government employees to a greater degree than does State law. Opinions concerning the Hatch Act may be obtained from the U.S. Office of Special Counsel at 800-85-HATCH.

If you have any questions about the ethics law, contact the New York State Ethics Commission at 800-87-ETHICS or at 518-432-8207. The Commission interprets and enforces the ethics law as it pertains to State officers and employees of the executive branch of State government, public authorities, public benefit corporations, many State commissions, the State University of New York and the City University of New York.