

Ask the City Ethicist

#17: Political Activities

by

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Question: *I am full-time public servant and I heard there might be restrictions on my personal political activities. Could you explain these restrictions?*

Answer: It's great that you want to be involved in political activities, but you are correct, there are some restrictions imposed on a public servant's political activity by the City's conflicts of interest law. These restrictions, contained in Chapter 68 of the City Charter, exist to ensure that your political activities do not cause a conflict of interest with your City job responsibilities. More particularly, these restrictions exist to protect public servants from actual or perceived pressure to respond to a request from a superior to engage in political activities and to separate party politics from City employment. We will discuss these restrictions in more detail below.



Engaging in political activities involves a lot of different things but they fall generally within one of the following categories: volunteering for or contributing to a campaign, working for a campaign, fundraising on behalf of a candidate, and running for elective office.

Volunteering for a campaign or contributing to a campaign is generally OK. Of course, as with any non-City activity, your volunteer work must be done during your own time and without using City resources, which includes, for example, City computers, phones, fax, copiers, letterhead, and personnel. In addition to the restrictions mentioned above, you may not ask your subordinates to participate in or contribute to a campaign. Moreover, you may not coerce or induce fellow employees to participate in or contribute to a campaign by, for example, threatening their job or promising them a raise or promotion.

Working for a campaign and getting paid for such work is also generally OK. However, you must comply with all the restrictions stated above about not using City time or resources in connection with this work, follow any additional rules your own agency may have about outside employment, and make sure you do not communicate with any City agency on behalf of the campaign for which you work. Also, employees who work in City agencies that have dealings with campaigns, namely, the Campaign Finance Board and the Board of Elections, should contact the Conflicts of Interest Board before taking any position in a local political campaign.

Fundraising on behalf of a candidate is generally OK, unless you are a high-ranking appointed official, who are prohibited from requesting any person to make a contribution to a campaign for City elective office. Even if you are not a high-ranking appointed official, keep in mind that you may not ask your subordinates to contribute to a campaign and may not coerce or induce fellow employees to contribute to a campaign.

Running for elective office is a little bit trickier than the other issues discussed above. This is because, in addition to the City's conflicts of interest law, candidates for elective office are also subject to Mayoral Directive 91-7 and the federal Hatch Act. As with the other political activities mentioned above, the conflicts of interest law prohibits you from using City time or resources in connection with your non-City activity, including running for elective office. Also, since the City's conflicts of interest law prohibits high-ranking appointed officials from requesting any person to make a contribution to a campaign for City elective office, they are effectively barred from running for City office while keeping their City positions.

In addition, Mayoral Directive 91-7 requires certain public servants who work in exempt, provisional, and non-competitive positions, to use annual leave or take a leave of absence from their jobs in order to run for elective office. Moreover, the federal Hatch Act bars public servants who work in agencies that receive federal funding from running for elective office in a partisan election, that is, an election in which any candidate represents, for example, the Democratic or Republic party.

If you are unsure whether your political activities create a conflict of interest, call the Conflicts of Interest Board at 212-442-1400 and ask for the attorney of the day. You can also email us through our website (<http://www.nyc.gov/ethics>) by clicking on "Contact COIB." All calls and emails are confidential, and you may contact us anonymously.

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