

ASK THE CITY ETHICIST

Political Activities

by
Sung Mo Kim

Question: *I am a City employee. There is a candidate for City-elected office who I think would do a good job for my community. I want to contribute to this person's campaign and volunteer to work on her campaign. My volunteer work would involve passing out leaflets in my neighborhood, attending rallies, and making calls to voters. Am I permitted to engage in such political activities?*



Answer: Contributing to a campaign, passing out leaflets in your neighborhood, attending rallies, and making calls to voters are generally OK. Of course, there are some common sense restrictions. For example, you must perform these activities on your own time, not on City time. And you can't use City resources, such as computers, phones, fax, copiers, letterhead, or personnel. In addition, to ensure that election politics are separate from City employment, you may not even ask your subordinates to participate in or contribute to a campaign.

Question: *I understand that I may not ask my subordinates to contribute to a campaign and that I may not coerce or induce fellow employees to contribute to a campaign. But may I ask other people with whom I have no dealings in my City job to contribute to a campaign?*

Answer: Fundraising on behalf of a candidate is also generally OK, unless you are a high-ranking appointed official, in which case you are prohibited from requesting any person to make a contribution to a campaign for City elective office or for a City-elected official running for any elective office (e.g., a City Councilmember running for the State Assembly).

Question: *What if the campaign offered to pay me for some of my work. Would that be OK? Do I need obtain one of those moonlighting waivers?*

Answer: Working for a campaign, even for one that receives Campaign Finance Board funding, and getting paid for such work is also generally OK, and you don't need to obtain a moonlighting waiver for such work. But you must comply with all the restrictions outlined above about not using City time or resources in connection with this work, and follow any additional rules your own agency may have about outside employment. You must also make sure you do not communicate with any City agency, such as the Campaign Finance Board, on behalf of the campaign for which you work.

Question: *What if I want to run for elective office and still want to keep my City job?*

Answer: The answer here can get a little complicated because, in addition to the City's conflicts of interest law, candidates for elective office may also be subject to Mayoral Directive 91-7 and the federal Hatch Act. Therefore, if you're planning to run for elected office, we suggest you call the Conflicts of Interest Board for further guidance.

Question: *There appears to be more restrictions on high-level public servants. Are there other restrictions that apply to high-level public servants that I should be aware of?*

Answer: Yes, in addition to not being able to fundraise for City elective office or for a City-elected official running for any elective office, high-level public servants may not hold the position of district leader, or be a member of a national or state committee of a political party, or serve on the executive board of a county committee, or have any position higher than these positions.

If you have any questions about whether your political activities would 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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Conflicts of Interest Board.*