

Public Servants' Participation in  
Voter Registration Activities  
Charter Sections 2604(b)(2), (b)(3)  
2604(b)(9)

Advisory Opinion No. 95-24

The City Council has requested an opinion from the Conflicts of Interest Board (the "Board") as to whether, consistent with the conflicts of interest provisions of Chapter 68 of the City Charter, Council Members may conduct non-partisan voter registration drives using City employees and resources. For the reasons discussed below, the Board has determined that the Council Members may use City employees and resources in conducting non-partisan voter registration drives. Such determination is, however, conditioned on the requirement that no partisan political activity is conducted during the drives, which would promote the interests of a particular Council Member, elected official or candidate for elective office, including the distribution of political campaign materials.

Background

In an effort to increase voter registration,

several Council Members would like to engage in certain voter registration activities. These activities would include setting up non-partisan voter registration tables; distributing registration forms; and assisting potential voters in the completion of such forms. It is anticipated that these activities would be conducted on weekends in populated areas of the City, and at district events such as street fairs. Councilmanic aides would be asked to work at the voter registration tables. Any councilmanic aide who worked at a table on a weekend would be entitled to a day off during the week. No partisan political activity would be conducted at these drives, which would take place during a year in which there are no Council seats up for election.

#### Discussion

As part of their official responsibilities, Council Members and their aides have a duty to provide services to the public. In addition, they are expected to use the powers of their elected office to promote the goals of existing legislation or to propose new legislation benefiting the public. Both the State's

Election Law and the City Charter contain provisions which express the legislative intent to increase voter registration. See Election Law § 5-211 and Charter Section 1055(4). The proposed voter registration drive would thus be within the scope of the Council Members' official responsibilities and would not conflict with these duties. See Charter Section 2604(b)(2), which prohibits public servants from engaging in conduct which is in conflict with the proper discharge of their official duties. Furthermore, since the official duties of a councilmanic aide include assisting the Council Member in discharging the official duties of his or her office, it would not violate Charter Section 2604(b)(2) for the Council Member to request that his or her councilmanic aide work at a voter registration drive either on weekends or during official working hours.

The voter registration drive must be conducted in a way which makes it clear that none of the activities associated with the drive are designed to promote the private political interests of the individual Council Members or other elected officials or candidates for elective office. See Charter Section 2604(b)(2), cited

above; and 2604(b)(3), which provides that a public servant shall not use or attempt to use his or her official position to obtain any private or personal advantage, direct or indirect, for the public servant or any person or firm associated with the public servant. Further, if the voter registration drives were to be used to promote the political campaign of Council Members or others, it would constitute a conflict of interest for the Council Members to ask their aides to participate in such drives. See Charter Sections 2604(b)(9)(a) and (b), which prohibit a public servant from coercing or attempting to coerce any public servant to engage in political activities and from requesting a subordinate to participate in a political campaign.<sup>1</sup> Accordingly, the public servants who participate in the voter registration drive are required to refrain from distributing political campaign materials or otherwise engaging in partisan

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<sup>1</sup> For the purposes of Charter Section 2604(b)(9)(b), "participation in a political campaign shall include managing or aiding in the management of a campaign, soliciting votes or canvassing voters for a particular candidate or performing any similar acts which are unrelated to the public servant's duties or responsibilities."

political activity on behalf of any individual Council Member, elected official or candidate for elective office.

Conclusion

It is the opinion of the Board, for the reasons discussed in this opinion, that Council Members may use City employees and resources in conducting non-partisan voter registration drives. Such determination is, however, conditioned on the requirement that no partisan political activity is conducted during the drives, which would promote the interests of a particular Council Member, elected official or candidate for elective office, including the distribution of political campaign materials.

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Advisory Opinion No. 95-24  
October 30, 1995  
Page 6