



Office of General Counsel

Political activity and gifts

During an election year, many individuals are considering which candidates to support or possibly running for public office themselves. This document addresses a few important points to keep in mind when considering political activity issues many individuals are considering which candidates to support or possibly running for public office themselves.



Political Activity Rule (42 IAC 1-5-4)

The political activity rule prohibits state employees and special state appointees from engaging in political activity, including the solicitation of political contributions from anyone, when on duty or while acting in an official capacity for the state.

This rule also prohibits state employees and special state appointees from soliciting political contributions at any time, whether on duty or not, from persons with whom their agency has a business relationship or from state employees or special state appointees they directly supervise. If a state employee or special state appointee has purchasing or procurement authority on behalf of the state, he or she would be restricted from soliciting political contributions on behalf of any candidate for public office unless the employee or special state appointee is a candidate for public office himself or herself.

Other rules in the Code of Ethics

Questions on acceptable political activity also often implicate Outside Employment (42 IAC 1-5-5), Use of State Property (42 IAC 1-5-12) and Ghost Employment (42 IAC 1-5-13).



This information is intended to provide a brief overview of ethics laws applicable to state employees and special state appointees regarding political activity. This is not an exhaustive statement of law. This information should not be considered a substitute for statutory or regulatory language. For informal advice, contact the FSSA ethics officer at FSSA.Ethics@fssa.in.gov or the Office of Inspector General for information and opinions.

POLITICAL ACTIVITY DO'S AND DON'TS

CAN AN EMPLOYEE RUN FOR OFFICE?

Yes, so long as the employee:

- Does not engage in political activity while on duty or acting in their official capacity;
- Refrains from using their official title on campaign materials;
- Does not solicit political contributions for their campaign from direct reports or from anyone who has a business relationship with the state;
- Did not use their official position to secure unwarranted privileges or exemptions of substantial value;
- Did not participate in decisions or votes in which the state legislature would have a financial interest in;
- Did not use state property for non-official work performance during work hours; and
- Did not benefit from or divulge confidential information.

The employee may:

- Accept *unsolicited* political contributions from those with whom the state had a business relationship; however, the State Ethics Commission recommends that the employee add a disclaimer to their campaign materials and website regarding unsolicited political contributions.

YES

NO

CAN I WORK THE POLLS ON ELECTION DAY?

Yes, because it is a state holiday, working the polls would not be done on state time or using state materials.

YES

NO

CAN I PARTICIPATE IN A POLITICAL PROTEST OR OTHER EVENT DURING BUSINESS HOURS?

No, this could be a violation of the ghost employment rule.

YES

NO

CAN I ATTEND A POLITICAL RALLY IN SUPPORT OF A CANDIDATE?

Yes, so long as you are not doing so on state time or acting in your official capacity.

YES

NO

CAN I MAKE A DONATION TO A POLITICAL CANDIDATE OR CAUSE I SUPPORT?

Yes, so long as you do so on your own time and without the use of state property.

YES

NO

CAN I SOLICIT CAMPAIGN CONTRIBUTIONS FOR A CANDIDATE I SUPPORT?

Yes, you may solicit campaign contributions on your own time. However, you may *never* solicit campaign contributions from those you supervise or those you know have a business relationship with your agency. You may not do so if you have purchasing authority for the state.

YES

NO

CAN I VOTE?

Yes.

YES

NO

