

ETHICS IN INDIANA STATE GOVERNMENT: POLITICAL ACTIVITY



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THE CODE OF ETHICS

POLITICAL ACTIVITY RULE

42 IAC 1-5-4 Political Activity

a. A state employee or special state appointee shall not engage in political activity including solicitation of political contributions from:

1. another employee or special state appointee; or
2. any other person;

when on duty or acting in an official capacity.

a. This section does not prohibit a state employee or special state appointee from engaging in such activity when not on duty.

b. A state employee or special state appointee shall not solicit political contributions at any time from:

1. persons whom the employee or special state appointee knows to have a business relationship with the employee's or the special state appointee's agency; or
2. state employees or special state appointees directly supervised by the employee or the special state appointee.

c. The appointing authority of an agency and all employees or special state appointees with purchasing or procurement authority on behalf of the state shall not solicit political contributions on behalf of any candidate for public office, unless that individual is a candidate for public office himself or herself.



POLITICAL PURPOSES

IC 4-2-7-5 Code of ethics; use of state property for political purpose; filing ethics complaint

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(b) The code of ethics must, except as provided in subsection (c), prohibit the following:

(1) A state officer, an employee, or a special state appointee from using state materials, funds, property, personnel, facilities, or equipment for a political purpose.

(2) Adoption of policies or regulations that authorize a state officer, an employee, or a special state appointee to use state materials, funds, property, personnel, facilities, or equipment for a political purpose.

For purposes of this section, "political purpose" does not include the handling or disposing of unsolicited political communications.

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(c) A state officer or an individual designated by the state officer may use state materials, funds, property, personnel, facilities, or equipment for the following:

- (1) To coordinate the state officer's official, personal, and political calendars.
- (2) To provide transportation and security for:
 - (A) the state officer; and
 - (B) any employee or special state appointee who accompanies the state officer.
- (3) Incidental or de minimus political communications or activity involving the state officer.

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POLITICAL ACTIVITY

State employees and State Appointees may not engage in certain political activities, including the solicitation of political contributions, when on duty or acting in their official capacities.

Further, even when off duty, they cannot solicit political contributions from:

- Employees they supervise; or
- A person who has a business relationship with their agency



POLITICAL ACTIVITY

- Agency Appointing Authorities and
- All State Employees and State Appointees with purchasing or procurement authority on behalf of the State:

Are prohibited from soliciting political contributions on behalf of any candidate for public office, unless that individual is a candidate for public office him/herself.



POLITICAL ACTIVITY

The Code does not prevent state employees from doing any of the following:

- Voting in an election;
- Working the polls on election day;
- Serving as a candidate for public office if you follow all the rules;
- Attending a political event on your own time;
- Making a personal donation to a candidate or cause you support;
- Holding a position as a precinct committee person;
- Placing a bumper sticker on your personal vehicle; or
- Assisting in voter registration.



RUNNING FOR OFFICE



USE OF STATE PROPERTY

IC 4-2-6-17 Use of state property for other than official business; exceptions; violations

Sec. 17. (a) Subject to IC 4-2-7-5, a state officer, an employee, or a special state appointee may not use state materials, funds, property, personnel, facilities, or equipment for purposes other than official state business unless the use is expressly permitted by a general written agency, departmental, or institutional policy or regulation that has been approved by the commission. The commission may withhold approval of a policy or rule that violates the intent of Indiana law or the code of ethics, even if Indiana law or the code of ethics does not explicitly prohibit that policy or rule.

(b) An individual who violates this section is subject to action under section 12 of this chapter.



OTHER ETHICS RULES TO KEEP IN MIND

- Ghost Employment
- Conflicts of Interests
- Confidential Information



HATCH ACT

The Federal Hatch Act prohibits federal employees from running for partisan political office.

The Hatch act also prohibits state and local government employees from running for partisan political office if the employee's salary is entirely paid by federal loans or grants.

The Federal Office of the Special Counsel provides advisory opinions and can be contacted at hatchact@osc.gov.



QUESTIONS ABOUT YOUR POLITICAL ACTIVITIES? GET ADVICE:

1. Agency Ethics Officer
2. Inspector General's Informal Advisory Opinion
3. State Ethics Commission's Formal Advisory Opinion



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