

**DOUGLAS COUNTY  
ADMINISTRATIVE POLICIES AND PROCEDURES**

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| <b>TITLE</b><br>Employee Participation in Political Activities | <b>Approval Date</b><br>October 2013 |
| <b>POLICY CUSTODIAN</b><br>County Manager                      | <b>Revision Date</b><br>August 2018  |

**PURPOSE:** To provide guidance to employees regarding appropriate behavior related to political activities.

**DEPARTMENT RESPONSIBLE:** County Manager

**DEPARTMENT(S) AFFECTED:** All

**POLICY:**

In general, employees of Douglas County may not participate in political activities while on-duty. In addition, employees may not use county resources, such as telephones, faxes, computers, email, and bulletin boards for political activities. Part of the purpose of laws and rules on the topic is to ensure that an individual’s political beliefs cannot be interpreted as an official policy, or advocacy, by Douglas County Government. The limitations on political activities in the workplace are found in the Federal Hatch Act and the Fair Campaign Practices Act (FCPA).

**Hatch Act**

Employees MAY, for example:

- Register and vote as they choose
- Assist in voter registration drives
- Express opinions about candidates and issues
- Contribute personal money to political organizations
- Attend political fundraising functions
- Attend and be active at political rallies and meetings
- Join and be active members of a political party or club
- Sign and circulate nominating petitions
- Campaign for or against referendum questions, constitutional amendments and/or municipal ordinances
- Campaign for or against candidates in partisan elections
- Make campaign speeches for candidates in partisan elections

- Distribute campaign literature in partisan elections
- Volunteer to work on a partisan political campaign
- Participate in any activity not specifically prohibited by law or regulation
- Be candidates for public office in non-partisan elections

**While engaging in these activities, employees must be acting in their personal capacity, not their official capacity. For example, they should not identify their official title when engaging in any of these activities.**

Employees may NOT:

- Be candidates for public office in a partisan election if their position is paid for with federal funds\*;
- Use official authority or influence to interfere with, or affect, the results of an election or nomination; or
- directly or indirectly coerce attempt to coerce, command, or advise a state or local officer or employee to pay, lend, or contribute anything of value to a party, committee, organization, agency, or person for political purposes.

### **Fair Campaign Practices Act (FCPA)**

The FCPA sets the parameters for election activities and political subdivisions (the county). Specifically, the county shall not make any contributions in campaigns involving the nomination, retention, or election of any person to any public office, nor shall such entity make any donation to any other person for the purpose of making an independent expenditure, nor shall such entity expend any moneys from any source, or make any contributions, to urge electors to vote in favor of or against state or local ballot issues, referred measures, or recall measures (Political Issues).

A distinction is made between activity as a citizen on one's own time and activity as an employee of the county. See C.R.S. § 1-45-117. As long as an employee is acting as a private citizen, she/he can take part in any political or campaign activities listed above that any other person may take part in. Acting on personal time, any person may expend personal funds, make a contribution in kind and use personal time to lobby in favor of or against any issue before the electorate.

A county employee "on the job" must be careful not to violate the FCPA and has restrictions a non-governmental employee would not have. While elected officials may pass an official resolution or take an official position either in favor of or against Political Issues, county employees generally may not make any contributions or contributions in kind in their official capacity. The county may prepare a factual summary on a Political

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**\* The Hatch Act Modernization Act of 2012 went into effect on January 27, 2013. Now, only state, District of Columbia, or local government employees whose salaries are paid for entirely by federal funds are prohibited from running for partisan office. All other state District of Columbia, and local employees, even if they are otherwise covered by Hatch Act restrictions, are free under the Hatch Act to run for partisan office.**

Issue so long as such summary presents arguments both for and against the Political Issue and so long as the factual summary does not draw a conclusion.

Contributions or contributions in-kind are broadly defined and include, among other things, a donation of time by the employee. Any time spent on the job on Political Issues, including but not limited to, time spent envelope stuffing, preparing literature or contacting electors is prohibited by the FCPA. In addition, any use of materials from the office is also prohibited. The only exception is that an employee who has policy-making responsibility may expend no more than \$50 of public money in the form of letters, telephone calls, or other activities incidental to expressing his or her opinion on a Political Issue. This exception does not apply to most employees of the county. Finally, employees may direct an inquiry to an appropriate source of information or give factual information regarding any Political Issue before the electorate in response to an unsolicited question. Employees should refuse to perform tasks that violate the FCPA and Elected Officials must be careful not to ask or expect employees to engage in activities that constitute a FCPA violation.

The table provided below is a summary of permitted and prohibited activities. Specific questions about political activities should be directed to the County Attorney’s Office.

| ACTIVITY             | PERMITTED   | NOT PERMITTED   |
|----------------------|---|---|
| PUBLIC PRESENTATIONS | <p>During the work day employees may respond to unsolicited questions with strictly factual answers regarding a campaign issue. Those answers should not tend to urge a particular vote.</p> <p>Employees may make presentations that express a position on a ballot issue or candidate off the work site and outside of employee work hours.</p> | <p>It is a violation of state law to campaign or support a political cause while “on the clock.” Staff needs to use good judgment to avoid the perception of championing a cause as a county employee. During work time employees may not work to promote or defeat a candidate or ballot issue. “Work time” includes all times employees are on duty during regular or overtime hours or in attendance as a work requirement beyond regular work hours.</p> <p>Employees may not:<br/> use their official authority or influence to interfere with an election; engage in political activity while wearing an official uniform; engage in political activity while using a county vehicle.</p> |

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| <p>COUNTY OWNED MATERIALS AND EQUIPMENT</p>                  | <p>A county department may expend county resources to create an unbiased factual summary on any issue of official concern before the electorate that includes arguments both for and against a proposal. The summary may not contain a conclusion or opinion in favor of or against any particular issue. The “Blue Book” prepared by Colorado Legislative Council is a good source for this type of information on statewide and local ballot issues.</p> | <p>County-owned materials and equipment cannot be used to prepare, post, sort, or distribute any materials or information advocating a position concerning an election. This includes the use of email, fax machines, copy machines, paper, telephones, bulk mailing permits, etc.</p> |
| <p>COUNTY OWNED FACILITIES</p>                               | <p>Facilities will be provided to outside organizations on a completely neutral basis, with no consideration for or against their activities or message.</p>   |  |
| <p>INTERACTING WITH OTHER EMPLOYEES</p>                      |  | <p>Employees should not advocate for or against a candidate or ballot issue with fellow employees while on duty. Employees shall not distribute to fellow employees any materials that express a position on campaign issues during work time.</p>                                     |
| <p>PHONE CALLS</p>   | <p>Employees may give factual responses about a campaign issue on department phones in response to an unsolicited telephone inquiry. Employees may make phone calls stating their position on a candidate or ballot issue on their own time and on their own personal phone.</p>   | <p>Employees may not work to promote or defeat a candidate or ballot issue while using department phones.</p>  |
| <p>WEARING OF CAMPAIGN BUTTONS, POSTING LITERATURE, ETC.</p> |  | <p>Employees should not wear, display or distribute campaign materials at the work site.</p>   |
| <p>FLIERS</p>  | <p>Employees may distribute campaign materials on their own time outside of the work site as long as the distribution is not done in connection with any official activity.</p>  | <p>On election day, electioneering materials are specifically prohibited from public display in a department facility being used as a polling place.</p>   |

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| VOTING                 | Employees may encourage citizens to register to vote and give them information on registration, absentee voting, and polling locations.   |  |
| CAMPAIGN CONTRIBUTIONS | Employees may make personal contributions to any candidate or organization supporting or opposing a ballot issue.   | Employees may not solicit or accept cash or other campaign contributions during work time.   |
| PUBLIC RECORDS ACT     | Employees should respond to Open Records Act requests from candidates or election organizations in the same manner they would respond to such a request from the public at large. | Employees must not release employees' names, addresses, or telephone numbers unless such information is in response to a request under the Open Records Act. |

Every attempt is made to keep this information updated. This document is a guide, not a contract or legal advice.

**For information on the Colorado Open Records Act (CORA), please refer to the following link on the Douglas County website.**

<https://www.douglas.co.us/government/commissioners/transparency/open-records/>