

OFFICE RECORDS AND CONFIDENTIALITY

All persons, including any campaign representatives, who request to inspect or copy office records that are “open records” available for public inspection, must comply with the provisions of the policies of each agency concerning the implementation of the Kentucky Open Records Act. [See KRS 61.870, et seq.]. The requester should be required to follow the established processes of government for requesting records. Information that is not part of an “open record” available for public inspection may be considered exempt and confidential from disclosure. An employee shall not divulge such information without other legal authority to do so, such as a court order, law enforcement investigation, or appropriate litigation discovery request. Providing confidential information to assist a political campaign, or any individual for personal reasons, without following the proper procedures could violate the Ethics Code.

CAMPAIGN CONTRIBUTIONS

An employee who is also running as a candidate for office may accept campaign contributions, if accepted by the employee for his or her own campaign. Such donations are not considered a gift prohibited by the Ethics Code as long as the campaign finance laws are properly followed. Furthermore, the employee must ensure that he or she does not make any promises to use his or her public office or influence in exchange for such donations. [See KRS 11A.010(5) and KRS 11A.020(1).]

CAMPAIGN SOLICITATIONS

No one on behalf of a candidate or political committee shall solicit a contribution of money or services from a state employee, whether merit or non-merit. However, a state employee may receive a solicitation directed to him or her as a registered voter in an identified precinct as part of an overall plan to contact voters not identified as state employees. [See KRS 121.150(20)].

GIVING YOUR OPINION

Nothing prohibits you from giving your opinion about politics on your own time. You have a First Amendment right to freedom of speech while on your own time. However, employees are not permitted to engage in issue advocacy on state time, using state resources, or in a manner which conflicts with official duties.

MORE RESTRICTIVE POLICIES

Nothing in these provisions prohibits a state agency from issuing more restrictive policies for its own merit or non-merit employees.

FURTHER RESOURCES:

Kentucky Personnel Cabinet
<https://personnel.ky.gov/Pages/default.aspx>
General Counsel: (502) 564-7430

Kentucky Registry of Election Finance
www.kref.ky.gov
(502) 573-2226

Kentucky State Board of Elections
www.elect.ky.gov
(502) 573-7100

COMMONWEALTH OF KENTUCKY

EXECUTIVE BRANCH ETHICS COMMISSION



POLITICAL ACTIVITIES

Ways to be politically involved without violating the Ethics Code and other laws that apply to you as a public servant.

Executive Branch Ethics Commission
Capital Complex East
1025 Capital Center Drive, Suite 104
Frankfort, Kentucky 40601
(502) 564-7954 or (800) 664-7954
<http://ethics.ky.gov/>

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VOTING LEAVE

You are allowed up to four (4) hours of paid leave to vote at the precinct or for absentee voting during regular working hours. You also may be granted special leave to serve as a poll worker. However, if you take voting leave, you must actually vote. Failure to do so, but still claiming voting leave on your timesheet, could result in a violation of the Ethics Code. **Be sure you sign the precinct signature roster at your precinct.** This is the only evidence that you voted. If you take leave to vote, but are not able to vote, indicate on your timesheet that you took annual or compensatory leave time. [101 KAR 2:102 and 101 KAR 3:015].

FREEDOM OF CHOICE

No person may coerce or direct a state employee how to vote by threat of firing or personnel action. [See KRS 121.310].

MERIT EMPLOYEES

For guidelines related to political activities while being a merit system employee, please see the Employee Handbook, Political Activities, on the Personnel Cabinet's website.

✓ Merit employees are prohibited from certain political activities and are limited in others. [For a full list see KRS 18A.140].

✓ Merit employees may not be solicited to make contributions of money or services to political parties or candidates and may not be targeted for donations by political campaigns.

✓ Merit employees may not be actively involved in partisan political campaigns. [For a full list see Employee Handbook].

✓ A merit employee may run as a candidate for an elected, non-partisan office, as long as the office is not "incompatible" [See KRS 61.080] with the employee's state employment, and the duties for the elected, non-partisan office are not in conflict with the job duties for the employee's existing state employment. An employee shall give notice to his or her appointing authority of his or her intent to run for elective office upon filing to run for office. [See KRS 11A.030 and KRS 18A.140].

NON-MERIT EMPLOYEES

Elected officials and non-merit employees may come into contact with political matters in the course of their official duties. Such employees must exercise great care to ensure their personal involvement in the political process does not evolve into the use of public resources to promote any particular political campaign. Non-merit employees are not prohibited from, or limited in, participating in political campaign activities on their own time. However, non-merit employees must adhere to the following:

Government resources shall not be used for any personal or political activity:

Political activity is considered to be a personal activity for purposes of the Ethics Code and refers to volunteering, fundraising, or working for a political party or campaign. No employee may use official state time or

other state resources, such as state cars, equipment, or personnel for political campaign or personal activities or for any purpose not related to the responsibilities of a state agency. [See 9 KAR 1:025].

Political Activity is not allowed on state time:

Non-merit employees shall not engage in any political campaign related activity while in their offices or on duty. This means that if non-merit employees volunteer to work on campaigns, they must do so after office hours or take leave time through the use of compensatory time, annual leave, or leave without pay. If someone calls or visits you while you are on state time to discuss a political campaign, advise the individual that as a state employee, you cannot engage in political activities while on duty. It is inappropriate for you to be discussing political campaign issues while in a state building or while on state time.

Political Fundraisers or Campaign Events:

Non-merit employees may participate as speakers, panelists, or honored guests at political events including fundraisers. Non-merit employees may sponsor or host a political event as long as their official titles are not used as part of the invitations or solicitations for donations. A non-merit employee may speak at an event and be introduced by his or her official office title, as long as no offers or promises of use of the state office are mentioned to solicit donations. [See KRS 11A.020(1) and 9 KAR 1:025].