

Hi, this is Chris Micheli, with the Sacramento governmental relations firm of Aprea & Micheli and an adjunct professor at McGeorge School of Law. Today's podcast is a quick look at the political activities of public employees. In California's Government Code, which can be found in Title I, Division 4, Chapter 9.5, there are a number of sections of law that prohibits specified political activities of public employees.

Government Code section 3201 specifies that the Legislature makes a finding that political activities of public employees are of significant statewide concern and that the provisions of this section of the law supersede all other provisions of general law on this topic.

Section 3202 specifies that this area of the law applies to all officers and employees of either a state or a local agency. As you would expect, this section defines those terms of local agency and state agency. Section 3203, with certain exceptions, basically says that no restriction is to be placed on the political activities of any officer or employee of a state or local agency unless it's necessary to meet federal law.

Section 3204 provides that "No one who holds or seeks election, or appointment, to any office or employment in either a state or local agency, to directly or indirectly, to use promise, threaten or attempt to use any office authority or influence to aid or obstruct any individual person in securing or to prevent an individual from securing any position nomination, confirmation, promotion, or change in compensation or position within a state or local agency. Essentially, they need to be free of any political influence or action that might be used on his or her behalf, or even withheld.

Section 3205 essentially prohibits an officer or employee of a local agency from soliciting, directly or indirectly, a political contribution from any officer and employee of that agency or from a person on an employment list, et cetera. Now, this same prohibition applies to candidates for elected office of a local agency, and a violation of this section is punishable as a misdemeanor.

Section 3205.5 prohibits anyone who holds, or is seeking election or appointment to, any office from offering or arranging directly or indirectly for an increase in compensation or any particular salary for an employee of a state or local agency in exchange for or a promise of a contribution or loan to a political committee, seeking election or appointment to an office. Violation of this section is punishable by imprisonment or a fine.

Then section 3206 specifies that no officer or employee of a local agency may participate in political activities of any kind, while he or she is in uniform. Section 3207 provides that any city, county, or a city and county in San Francisco's case, may prohibit or otherwise restrict officers and employees engaging in political activity during working hours, or political activities on the premises of the local agency.

Section 3208 states that the limitations in this area of the law are the only restrictions on the political activities of state employees. Finally, section 3209 of the Government Code, specifies that an officer or employee of a state or local agency is not prohibited from soliciting or receiving political funds, or contributions to promote the passage or defeat of a ballot measure, which would affect the rate of pay or hours of work or retirement, et cetera. Except that the state or local agency can prohibit or limit those

types of activities by its employees during working hours, and of course, utilizing any government offices for purposes of that during their normal working hours.

Again, this was just a brief look at some of the provisions of California's Government Code, limiting the political activities of public employees. Thanks for joining.