MEMORANDUM

TO: All Employees of the Executive Branch
FROM: Governor's Chief Legal Counsel
RE: Restrictions on Political Activities by Compensated State Employees

---

As state employees, we are obliged to understand and comply with the laws concerning political activity by state employees. This memorandum summarizes the key rules governing how and when compensated state employees may participate in political activity.

The memo outlines the generally applicable principles, but cannot address every fact pattern. You are encouraged to contact the General Counsel in your department or agency, or the State Ethics Commission or the Office of Campaign and Political Finance, if you wish to discuss a particular question.

There are two key principles:

Public employees may not engage in political activity on public time and public resources may not be used for political or other personal activities.

Public employees may not solicit or receive, directly or indirectly, any contribution for any political purpose.

More specifically, as a public employee you may not:

1. Use any public resources, including those of any city, town, authority, or subdivision of the Commonwealth, for campaign or other political purposes. "Public resources" means virtually anything that is paid for by the taxpayers, including i-phones, land-line telephones, computers, email accounts, vehicles, office space, equipment and supplies, and the paid time of public employees.
2. Engage in any campaign or political activity during regular work hours. If you wish to engage in political activity during your lunch break, you must schedule the time of your break with your supervisor in advance. This means that during work hours you may not, for example:
    a. hold signs, make telephone calls, write letters or stuff envelopes for campaign purposes;
    b. post politically-related messages on your social media accounts; or
    c. perform advance preparation work for campaign appearances.
    d. You may engage in campaign or political activities on your own time, which would include before or after regular work hours, vacation time or personal time. Your timesheet must reflect such use of any personal or vacation time.
3. Use your official title or the state seal in connection with any political activity, even an activity that you engage in on your own time.

4. Solicit or receive, directly or indirectly, any contribution or anything of value for any political purpose. "Political purpose" includes fundraising activity on behalf of any candidate or political committee, including parties, political action committees and ballot question committees on any level – local, state or federal. You may not, for example:
    a. allow your name to be used on a political committee's stationary if the stationary is used in soliciting funds;
    b. identify or provide names to a political committee to be solicited;
    c. participate in fund-raising committees or fund-raising planning meetings;
    d. distribute or sell tickets to political fund-raising events;
    e. perform any volunteer work that is directly connected with political fund-raising;
    f. host a fund-raising event at your home;1 [1]
    g. be the featured speaker at a political fund-raising event;
    h. serve as treasurer of a political campaign; or
    i. use social media to "like," "follow," "share," or "re-tweet" a political fundraising event or communication.
5. Represent anyone other than the Commonwealth, including a campaign committee, in connection with any matter in which the Commonwealth is a party or has a substantial interest.
6. Solicit campaign assistance from anyone who has a matter pending before you or before any of your subordinates.
7. Require other state employees to contribute to or participate in campaign activities, or penalize state employees who do not contribute to or participate in campaign activities in their spare time.
8. Use confidential information gained by reason of your official position to engage in any political activity, including political fund-raising (or for any other personal interest). Confidential information may include, but is not limited to: databases, names, addresses, telephone numbers, and e-mail addresses.

YOU MAY (subject to the above restrictions):

1. Be a member of a political organization or committee;
2. Make a political contribution, so long as the contribution is given to a campaign committee, and not to another employee;
3. Donate your time to a political campaign outside of working hours, including on vacation time;
4. Attend political fund-raisers, although you may not be used as a "draw" for an event;

[1] 1 OCPF has determined that the spouse of a state employee, under particular circumstances, may host a fund-raising event in his or her home, even if the home is jointly owned by the state employee. However, the state employee must not participate in any way in soliciting or receiving contributions, and OCPF recommends that the state employee does not attend the event.

5. Run for political office, provided a committee is organized to solicit and receive contributions on your behalf. Before you run for office, you must ask your supervisor whether it can be done consistent with your obligations to the Commonwealth. Your committee must ensure that it does not solicit or receive contributions from any person having an interest in any particular matter in which you have participated during the course of your employment or which is the subject of your official responsibility.
6. If you are an appointed policy-maker, you may take certain actions regarding ballot questions to inform and guide public debate on public issues within the scope of your official responsibility. I encourage you, however, to seek guidance before taking such actions to ensure that any use of public resources is appropriate.
7. **These permitted and prohibited activities also apply to the use of social media.** While you may use social media for your personal communications, you should be thoughtful about your postings. It is difficult to separate our professional profiles from our private lives. Additional information regarding the use of social media for public employee political activity can be found through the following Office of Campaign and Political Finance (OCPF) link: Use of Internet and E-mail For Political Campaign Purposes Bulletin.

For further information about how the Conflict of Interest law regulates political activity, consult the State Ethics Commission at (617) 371-9500 or the Commission's Revised Advisory on Political Activity (No. 11-1) website.

For further information about how the Campaign Finance law applies to public employees, consult the OCPF at (800) 462-OCPF or at www.mass.gov/ocpf, or the OCPF's Campaign Finance Guide.