



# City of Phoenix

<b>ADMINISTRATIVE REGULATION</b>	A.R. NUMBER 2.16 Revised
	FUNCTION Human Resources and Payroll Page 1 of 6
<b>EMPLOYEE POLITICAL ACTIVITY</b>	EFFECTIVE DATE October 31, 2017
	REVIEW DATE

## Summary of Changes

This Administrative Regulation (AR) was last revised in 2016. This revision modifies the title, adds language to Section II, "Public Policy", and clarifies language in Section VII.A, "Candidate for Elective Office". Additionally, information regarding time off to vote has been moved to a new AR titled "Time Off to Vote", AR 2.17.

### I. PURPOSE

The purpose of this AR is to define allowable and prohibited political activities for City employees.

### II. PUBLIC POLICY

It is the public policy of the City, reflected in this AR, that:

- City programs be administered in an unbiased manner and without favoritism for or against any political party or group or any member in order to promote public confidence in government, governmental integrity, and the efficient delivery of governmental services;
- All employees be free from any express or implied requirement or any political or other pressure of any kind to engage or not engage in any activity permitted by this AR; and,
- Employees not engage in activities that are inconsistent, incompatible, in conflict with, or are harmful to their duties as City employees.
- Employees may not be a candidate for election to Mayor or City Council of the City of Phoenix or be appointed to serve as Mayor or a member of the City Council. If an employee applies to be appointed as a City Council member to serve on an interim basis, the employee must take an unpaid leave of absence beginning no later than the date on which they apply.
- Employees may only run as a candidate for partisan political office or hold a non-City of Phoenix elected position if it is determined that the elective office is not inconsistent, incompatible, in conflict with, or harmful to duties as a City employee.

This AR shall be construed according to this public policy statement.

Nothing contained in this AR shall be construed as denying employees of their civil or political liberties as guaranteed by the United States and Arizona Constitutions.

### III. LAWS

Limitations on the political activities of City employees can be found in Chapter XXV, section 11 of the Phoenix City Charter, Phoenix City Code §§ 2-221, 12-217 and 12-218, Personnel Rules 4b and 4c, and A.R.S. 16-402. This AR explains permitted and prohibited activities and is based on those provisions.

### IV. COVERAGE

The provisions of this AR extend to all full-time, part-time, and temporary employees and officers in both classified and unclassified positions.

Employees whose pay is fully-funded by federal funds are covered by the Hatch Act (5 USC §§1501-1508), a federal statute that sets forth specific limitations on the political activities of some public employees. Departments or employees who have questions regarding whether an employee is covered by the Hatch Act should contact the Human Resources Department at (602) 495-5700. The Law Department should be consulted with questions about the specific limitations of the Hatch Act for covered employees.

### V. PERMITTED ACTIVITIES

#### A. City Elections

Activities listed in this section apply to City of Phoenix elections, including recall elections, elections for Mayor and City Council, and elections for charter amendments, bond issues, referenda, or issues of similar character. These activities are permitted for an individual on his or her own time but are not permitted while on duty, on City property, in City uniform, using City resources, or in any context that implies an employment relationship with the City. However, in some cases, a polling location may be on City property. In this instance, uniformed employees may vote at this location with supervisory approval.

All City of Phoenix employees may register and vote in any City election. With the exception of the limited and specific City staff who conduct or give advice concerning City elections, City of Phoenix employees **may**:

1. Express a private opinion on candidates for Mayor and City Council, including:
  - a. Signing nomination or recall petitions for City elections;
  - b. Posting private opinions on personal or nongovernmental social media accounts;
  - c. Displaying a sign on nongovernmental property; and,
  - d. Communicating with another person or group of people regarding City elections when the employee does not do so in an official capacity.

2. Be politically active in connection with a charter amendment, bond issue, referendum, or issue of similar character.

Limited and specific City staff who conduct or give advice concerning City elections include: City Manager; Assistant City Manager; Special Assistant to the City Manager; City Attorney; the Assistant City Attorney assigned to elections; City Clerk; City Clerk Management Assistant II; Deputy City Clerk; Election Coordinators; Election Specialists; Election Aides; the Accuracy Certification Board; and ballot scanning staff, for a total of approximately 34 staff members.

**B. National, State, County Elections**

Activities listed in this section apply to national, state, and county elections, and to municipal elections outside the City of Phoenix. They are permitted for an individual on his or her own time but are not permitted while on duty, on City property, in a City uniform, using City resources, or in any context that implies an employment relationship with the City. However, in some cases, a precinct polling place may be located on City property. In those instances, uniformed employees may vote at those locations with supervisory approval.

Subject to the information described in the paragraph above, City of Phoenix employees, including employees in activities financed through federal funds, **may**:

1. Register and vote in any election;
2. Solicit votes in support of or in opposition to a political candidate or issue;
3. As an individual, express an opinion on political subjects and candidates;
4. Sign, initiate, or circulate a political nomination or recall petition;
5. Take an active part in the management of political campaigns;
6. Display bumper stickers, posters, or pamphlets on private property for the endorsement of candidates or issues;
7. Be politically active in connection with a constitutional amendment, bond issue, referendum, or issue of a similar character;
8. Directly or indirectly solicit, receive, or account for funds for a political purpose except as prohibited by this AR;
9. Make a financial contribution to a political party or candidate;
10. Be a member of a political party and participate in its activities consistent with this AR;
11. Serve as a delegate, alternate, or proxy to a political party convention;

12. Serve as an officer of a political party; a member of a national, state, or local committee of a political party; an officer or member of a committee of a partisan political club; or be a candidate for any of these positions;
13. Endorse or oppose a candidate for public office or political party office in a political advertisement, broadcast, campaign literature, or similar material; and
14. Drive voters to the polls on behalf of a political party or candidate.

## VI. PROHIBITED ACTIVITIES

- A. Activities permitted in the section entitled Permitted Activities above are prohibited when an employee is on duty, including break periods. They are also prohibited on City property, in a City uniform, using City resources, or in any context that implies an employment relationship with the City. However, in some cases, a precinct polling place may be located on City property. In those instances, employees may vote at those locations with supervisory approval.

Certain activities **are prohibited**. City employees:

1. **May not** use any official City authority or influence for the purpose of interfering with or affecting the results of an election.
  2. **May not** participate in the management or affairs of any City candidates' campaign for Mayor of Phoenix or Phoenix City Council including, but not limited to, soliciting or making financial contributions to candidates.
  3. **May not** display bumper stickers and posters on City vehicles or display bumper stickers, posters, literature, buttons, or other campaign material on City property or at their individual work sites.
  4. **May not** use an official City title or designate employment with the City in political advertisements, endorsements, or speeches.
- B. Activities prohibited for an individual employee are also prohibited for groups or organizations of employees, even if the specific activities are being performed by a non-employee as a representative of the employee group.
- C. The use of City resources or employees to influence the outcome of elections is prohibited by state law. A.R.S. § 9-500.14. This prohibition has been interpreted to prohibit the use of *any* City funds or resources to advocate for or against a measure that will be on the ballot. The obvious exception to this general prohibition is when the City Council proposes a measure that will appear on the ballot. But even then, the use of City funds and resources is limited to informing the public of this action. City funds and resources cannot be used to "campaign" in support of the measure.

- D. Moreover, while the City is permitted to respond to citizen inquiries, it must do so in a neutral manner that does not urge support or opposition to the measure. The information provided by the City must therefore be “full and impartial” and cannot “amount to improper campaign activity.” Ariz. Op. Atty Gen. No. I00-020 (09/11/2000).

## VII. CANDIDATE FOR ELECTIVE OFFICE

- A. An employee **may not** be a candidate for election to Mayor or City Council of the City of Phoenix. An employee may not be appointed to serve on an interim basis while they are still employed with the City. If an employee applies to be appointed as a City Council member to serve on an interim basis, the employee must take an unpaid leave of absence beginning no later than the date on which they apply. During this leave of absence, the employee will be relieved of all duties. The leave of absence will continue until the Council makes the appointment between 12-15 days after the vacancy occurs (Phoenix City Charter Ch. III, Sec. 5). If the employee is appointed, they must resign or retire from their position with the City no later than the date on which they are sworn into office.
- B. An employee covered by the Hatch Act **may not** be a candidate for election to a partisan political office. Such employee **may not** be granted a leave of absence for the purpose of becoming a candidate for election.
- C. An employee may be a candidate for a partisan political office not covered by paragraphs A and B in this section and maintain his or her City employment under certain circumstances. He or she must notify the director of his/her department in writing of the candidacy and the political office sought no later than date that nomination papers for candidacy are filed. Consideration will be given to the circumstances of the election and whether such office is inconsistent, incompatible, in conflict with, or is harmful to his/her duties as a City employee. The department head will forward this information to the City Manager’s Office for review. The City Manager’s Office will determine the impact of the candidacy on the City.
1. If the City Manager’s Office finds the partisan political office is not inconsistent, incompatible, in conflict with, and is not harmful to duties of the employee, the City Manager’s Office may allow the employee to be a candidate for the partisan office and maintain his City employment. The employee may not use an official City title in political campaigning, nor should official authority be used to affect the result of the election.
  2. If the candidacy or the partisan political office is inconsistent, incompatible, in conflict with, or is harmful to the employee’s duties, the City Manager will determine whether the employee can continue City employment.
- D. Except for City of Phoenix elections, an employee may be a candidate for a non-partisan elective position, such as a school board.

## VIII. ELECTED POSITIONS

An employee may be elected to a political office and maintain his or her City employment unless it is determined by the City Manager that such elective office is inconsistent, incompatible, in conflict with, or is harmful to duties as a City employee. Consideration shall be given to the circumstances of the election and whether such office is inconsistent, incompatible, in conflict with, or is harmful to his duties as a City employee. The City Manager may require that the employee be placed on a leave of absence, or lesser restrictions be imposed. If the public policy concerns of the City are undermined, the employee may be required to terminate City employment prior to assuming the elected position.

## IX. QUESTIONS

Questions regarding this AR should be directed to the Human Resources Department at (602) 495-5700.

ED ZUERCHER, City Manager

By: Toni Maccarone  
Toni Maccarone  
Special Assistant to the City Manager



## City of Phoenix

### Elected Positions Acknowledgement Form (Refer to A.R. 2.16)

I hereby acknowledge that I have reviewed this form below in its entirety and understand that as an employee elected to a non-city political office or an applicant for appointment to the Phoenix City Council, I am prohibited from engaging in the following activities as they are considered inconsistent, incompatible, or present a conflict of interest or have the appearance of a conflict of interest with my duties as a City employee.

1. Using official City authority or influence for the purposes of interfering with or affecting the results of an election.
2. Using an official City title or designated employment with the City in political advertisements, endorsements, or speeches.
3. Conducting any political business related activities on City time and using City funds, equipment, facilities, supplies, or other City staff members' time.
4. Displaying bumper stickers and posters on City vehicles or displaying bumper stickers, posters, literature, buttons, or other campaign material on City property or at your individual worksites.
5. Performing work which the employee or his immediate associates will subsequently be required to act upon in an official City capacity.
6. Performing research, investigative, consultative, or other work in which the City employee has access to City records or correspondence which is not otherwise generally available to the public
7. Performing work that results in excessive employee absences, tardiness, a general decline of City job performance, or reduced usefulness or efficiency of the employee on the City job.

Signature: \_\_\_\_\_

Print Name: \_\_\_\_\_

Date: \_\_\_\_\_