

**RESTRICTIONS ON POLITICAL
ACTIVITIES OF CERTAIN PUBLIC
EMPLOYEES**

1999 GENERAL SESSION

STATE OF UTAH

Sponsor: Neil A. Hansen

AN ACT RELATING TO CITIES AND TOWNS; PROHIBITING CITIES AND TOWNS FROM
LIMITING THE POLITICAL ACTIVITY OF EMPLOYEES OCCURRING ON THEIR OWN
TIME.

This act affects sections of Utah Code Annotated 1953 as follows:

ENACTS:

10-3-1108, Utah Code Annotated 1953

Be it enacted by the Legislature of the state of Utah:

Section 1. Section **10-3-1108** is enacted to read:

10-3-1108. Municipality may not limit employee's political activity on employee's own time.

(1) For purposes of this section:

(a) "On the employee's own time" means occurring ~~h~~ [:] h

~~h~~ [(+)] h at a time when the employee is not working within the course and scope of the
employee's employment with the governmental entity h [; and

~~(ii) under circumstances that would lead a reasonable person to conclude that the employee
is not acting on behalf of the governmental entity] h .~~

(b) "Political activity" means any activity in which an employee engages related to the
political process at the federal, state, or local level, including soliciting or receiving a campaign
contribution for a candidate or issue, distributing written campaign materials, making contact with
a potential voter about a candidate or issue, or h [another] ANY OTHER h activity related to the
political process.

(2) Except as otherwise provided by federal law, no municipality may limit or prohibit an
employee of the municipality from participating in a political activity on the employee's own time.

H.B. 338

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Legislative Review Note
as of 2-10-99 6:47 AM

A limited legal review of this legislation raises no obvious constitutional or statutory concerns.

Office of Legislative Research and General Counsel