

**RESTRICTION ON POLITICAL ACTIVITY
OF MUNICIPAL EMPLOYEES**

2000 GENERAL SESSION

STATE OF UTAH

Sponsor: Neil A. Hansen

AN ACT RELATING TO UTAH MUNICIPAL CODE; PROHIBITING CITIES AND TOWNS FROM LIMITING THE POLITICAL ACTIVITY OF EMPLOYEES OCCURRING ON THEIR OWN TIME ^h; AUTHORIZING MUNICIPALITIES TO PROHIBIT AN EMPLOYEE FROM WEARING A UNIFORM OR USING MUNICIPAL EQUIPMENT WHILE ENGAGED IN POLITICAL ACTIVITY; AND AUTHORIZING LEAVE OF ABSENCE FOR A MUNICIPAL EMPLOYEE WHO IS A CANDIDATE FOR MUNICIPAL OFFICE ^h.

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 ^h -- Municipality may prohibit wearing of uniform or using municipal equipment while engaged in political activity -- Leave of absence for employee who is candidate ^h.

(1) For purposes of this section:

(a) "On the employee's own time" means occurring at a time when the employee is not working within the course and scope of the employee's employment with the municipality.

(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 campaign materials, making contact with a potential voter about a candidate or issue, or any other activity related to the political process.

(2) ^h (a) ^h 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.

(b) NOTWITHSTANDING SUBSECTION (2)(a), A MUNICIPALITY MAY PROHIBIT A MUNICIPAL

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24b h EMPLOYEE, WHILE ENGAGED IN POLITICAL ACTIVITY, FROM:
24c (i) WEARING A MUNICIPAL UNIFORM OR OTHER APPAREL IDENTIFYING THE
24d EMPLOYEE AS A MUNICIPAL EMPLOYEE; OR
24e (ii) USING MUNICIPAL EQUIPMENT OR VEHICLES.
24f (3)(a) WITH THE CONSENT OF THE EMPLOYEE'S SUPERVISOR, AN EMPLOYEE OF A
24g MUNICIPALITY WHO HAS FILED A DECLARATION OF CANDIDACY UNDER SECTION 20A-9-203 FOR
24h AN OFFICE IN THE MUNICIPALITY MAY TAKE A LEAVE OF ABSENCE FOR THE PERIOD BETWEEN
24i THE MUNICIPAL PRIMARY ELECTION AND THE MUNICIPAL GENERAL ELECTION.
24j (b) NEITHER THE FILING OF A DECLARATION OF CANDIDACY UNDER SECTION 20A-9-203
24k NOR A LEAVE OF ABSENCE UNDER SUBSECTION (3)(a) MAY BE USED AS THE BASIS FOR ANY
24l ADVERSE EMPLOYMENT ACTION AGAINST THE EMPLOYEE, INCLUDING DISCIPLINE OR
24m TERMINATION. h

Legislative Review Note

as of 9-17-99 11:14 AM

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

Office of Legislative Research and General Counsel