

**Senator D. Edgar Allen** proposes to substitute the following bill:

**RESTRICTION ON POLITICAL ACTIVITY  
OF MUNICIPAL EMPLOYEES**

2000 GENERAL SESSION

STATE OF UTAH

**Sponsor: Neil A. Hansen**

AN ACT RELATING TO THE UTAH MUNICIPAL CODE; LIMITING CERTAIN POLITICAL  
ACTIVITIES OF MUNICIPAL EMPLOYEES; ALLOWING LEAVE OF ABSENCE UNDER  
CERTAIN CIRCUMSTANCES; AND PROHIBITING ADVERSE EMPLOYMENT ACTION  
BY A MUNICIPALITY UNDER CERTAIN CIRCUMSTANCES.

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. Political activity of municipal officer or employee.**

(1) For purposes of this section, "hours of employment" means occurring at a time when an officer or employee is acting within the course and scope of employment, but excludes a lunch break afforded to the officer or employee.

(2) Except as otherwise provided by federal law:

(a) the partisan political activity, political opinion, or political affiliation of an applicant for a position with a municipality may not provide a basis for denying employment to the applicant;

(b) an officer or employee's partisan political activity, political opinion, or political affiliation may not provide the basis for the officer or employee's employment, promotion, disciplinary action, demotion, or dismissal;

26           (c) a municipal officer or employee may not § ENGAGE IN POLITICAL CAMPAIGNING OR §  
26a solicit political contributions § [from employees  
27 of the municipality] § during hours of employment;

28           (d) a municipal officer or employee may not use municipal equipment while engaged in  
29 political activity;

30           (e) a municipal officer or employee may not directly or indirectly coerce, command, or  
31 advise another municipal officer or employee to pay, lend, or contribute part of the officer or  
32 employee's salary or compensation, or anything else of value to a political party, committee,  
33 organization, agency, or person for political purposes; and

34           (f) a municipal officer or employee may not attempt to make another officer or employee's  
35 personnel status dependent on the officer or employee's support or lack of support of a political  
36 party, affiliation, opinion, committee, organization, agency, or person engaged in political activity.

37           (3) A municipal employee who has filed a declaration of candidacy may:

38           (a) be given a leave of absence for the period between the primary election and the general  
39 election; and

40           (b) use any vacation or other leave available to engage in campaign activities.

41           (4) If a municipal officer or employee is elected to a § [partisan or full-time nonpartisan  
42 political] PUBLIC § office, the employee may:

43           (a) be given a leave of absence without pay for the time during which the employee  
44 receives compensation for service in the § [political] PUBLIC § office; and

45           (b) use any vacation or other leave available to serve in the § [political] PUBLIC § office.

46           (5) Neither the filing of a declaration of candidacy nor a leave of absence under this  
47 section may be used as the basis for an adverse employment action, including discipline and  
48 termination, against the employee.

49           (6) Nothing in this section may be construed to:

50           (a) prohibit a municipal officer or employee's voluntary contribution to a party or candidate  
51 of the officer or employee's choice; or

52           (b) permit a municipal officer or employee's partisan political activity that is prohibited  
53 under federal law.