



City of Atlanta Board of Ethics
Formal Advisory Opinion 2008-5
Use of City Property in Campaign Endorsements

Opinion Summary

City employees may not endorse candidates, participate in political advertisements, or engage in political activity while on duty, wearing an official uniform, or using a city vehicle.

Question Presented

May city employees use their uniforms, badges, vehicles, or other city property in political advertisements or endorsements of candidates for local, state, or federal elective office?

Facts

During election years, the Ethics Office has received telephone inquiries from candidates, employees, and citizens about the use of city property in political advertisements and endorsements. Specifically, the Ethics Office has been asked whether city employees may appear in uniform on behalf of a candidate and whether city vehicles can be used in political advertisements. Because this year is an election year for federal and state office and next year is an election year for local municipal office, the Ethics Officer has requested that the Board address in a written opinion whether city employees may use city property, including uniforms, badges, and vehicles, to endorse candidates for elective office or in a candidate's political advertisement.

Discussion

Although city employees have the same political freedoms as other citizens, city law places some restrictions on their political activities while on duty with the City. The Board of Ethics has jurisdiction over political activities primarily through the code provision that prohibits city officials and employees from using city property for the private advantage of the official or employee. Section 2-811 states:

No official or employee shall request, use or permit the use of any publicly owned or publicly supported property, vehicle, equipment, labor or service for the private advantage of such official or employee or any other person or private entity. However, no official or employee is prohibited from requesting, using or permitting the use of any city-owned or city-supported property, vehicle, equipment, material, labor or service which as a matter of city policy is made available to the public at

large or which is provided as a matter of stated public policy for the use of officials and employees in the conduct of official city business.

In addition, the Personnel Code has standards of conduct that govern employees who offer for an elective office and regulate the political activity of employees in the civil service. See Atlanta, Ga. Code § 114-2.

The Board has interpreted “official city business” as excluding political campaign activities or other similar events done solely for the personal benefit of an individual official or employee. FAO2004-1 (defining “official city business”). During the last municipal election, the Board established guidelines on the use of city property for election campaign activities. See FAO2005-7 (addressing candidates’ use of city property). These guidelines state that city officials and employees may not use city funds, facilities, computers, emails, telephones, vehicles, copiers, or staff to promote a candidate for elective office.

Consistent with these guidelines, the Board concludes that city employees may not endorse candidates for elective office or participate in political advertisements while on duty, in a government office, wearing an official uniform or badge, or using a city vehicle. City employees are also prohibited from putting up campaign signs, bumper stickers, or fundraiser invitations on city walls, bulletin boards, vehicles, or websites, or wearing partisan political buttons while on duty. These activities are prohibited because they use city property for the private advantage of the individual seeking political office.

Numerous jurisdictions have adopted similar rules that prohibit government employees from engaging in political activity while performing city duties or services for pay. The Federal Hatch Act, for example, prohibits federal employees from engaging in political activity while on duty, in a government office, wearing a uniform or official insignia, or using a government vehicle. See 5 U.S.C. § 7324 (prohibition against political activities on duty). As one local ethics commission explained, its employees could not use their official uniforms in connection with campaign activities because the uniform implies the official endorsement of the agency or city. See <http://www.co.honolulu.hi.us/ethics/campaign.htm>.

City employees retain their right to participate in political activities and campaigns in several meaningful ways. They have the right to vote, express their opinions on political issues and candidates, work or volunteer in political campaigns, attend political meetings after working hours, and hold political office. See, e.g., § 114-2 (k) (standards in Personnel Code). Moreover, nothing in this opinion is intended to prevent employees from endorsing candidates in their individual capacity or as a member of a union. In those situations, employees may use their official titles or identify their positions so long as they make clear that they are expressing their own views and not the views of the City.

Approved July 17, 2008

City of Atlanta Board of Ethics

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