

40 IAC 2-1.7-1 Political activity
40 IAC 2-1-9 Conflict of interest; prohibitions

SEC concluded that although state officers are not bound by the strictures of the Political activity rule, they must still abide by the Conflict of interest rule which would prohibit them from hosting partisan political events in their state business offices during normal business hours.

No. 03-I-1 Appropriate and Permitted Uses of Office Space

Indiana State Ethics Commission

Official Advisory Opinion

March 18, 2003

Background

State ethics rule 40 IAC 2-1-7.1, prohibits state employees from engaging in political activity when on duty or acting in an official capacity. The rule, however, does not prohibit state officers from engaging in political activity under the same circumstances. Rule 40 IAC 2-1-9, the conflict of interest rule, prohibits state employees and officers from using state resources and personnel for non-state business -- such as partisan political events -- unless otherwise permitted by general written agency policy. Because these two rules could be interpreted as being in conflict with respect to a state officer who holds a partisan political event, the Commission will address the question below.

Question

May a state officer hold a partisan political event at his/her state business office during normal business hours?

Relevant Law

40 IAC 2-1-7.1 Political activity

Sec. 7.1. (a) A state employee shall not engage in political activity including solicitation of political contributions from another employee or any other person when on duty or acting in an official capacity.

40 IAC 2-1-9 Conflict of interest; prohibitions

(f) A state officer or employee shall not make use of state materials, funds, property, personnel, facilities, or equipment for any purpose other than for official state business unless the use is expressly permitted by general written agency, departmental, or institutional policy or regulation, considering the cost and the benefit by such use.

(g) A state officer or employee shall not engage in, or direct others to engage in work other than the performance of official duties during working hours, except as permitted by general written agency, departmental, or institutional policy or regulation.

Conclusion

Though exempt from the rule governing political activity, a state officer must still abide by the parameters of the conflict of interest rule. Therefore, a state officer may not hold a partisan political event at his/her state business office during normal business hours. Such an event could be disruptive to the state officer's environs and could interfere with citizens from receiving proper and timely state services.

Timothy J. McClure, Director

Date Signed