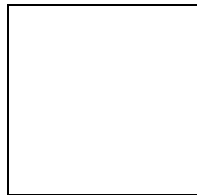


Georgia Public Defender Standards Council

EMPLOYEE POLITICAL ACTIVITY POLICY

(Council Resolution 08-04, Adopted July 23, 2004)



The Georgia Public Defender Standards Council is an independent agency within the judicial branch of the state government of Georgia. The mission of the Georgia Public Defender Standards Council is to ensure, independently of political considerations or private interests, that each client whose cause has been entrusted to a circuit public defender receives zealous, adequate, effective, timely, and ethical legal representation, consistent with the guarantees of the Constitution of the State of Georgia, the Constitution of the United States and the mandates of the Georgia Indigent Defense Act of 2003; to provide all such legal services in a cost efficient manner; and to conduct that representation in such a way that the criminal justice system operates effectively to achieve justice.

GEORGIA PUBLIC DEFENDER STANDARDS COUNCIL

EMPLOYEE POLITICAL ACTIVITY POLICY

Purpose

The Georgia Public Defender Standards Council recognizes the need for a consistent policy with regard to political activity by employees of the agency including, but not limited to, employees of all state-funded public defender offices.

References: Federal Law (5 U.S.C. §1501 - 1508 - Hatch Political Activities Act; State Law (O.C.G.A. §45-10-70 - Holding Office); Rules of the State Personnel Board - Rule 3.

I. Policy

It is the policy of the Georgia Public Defender Standards Council, to encourage all employees of the Georgia Public Defender Standards Council and the employees of all Circuit Defender Offices to fulfill their civic obligations and otherwise engage in the normal political processes of society. It is also the policy of the Georgia Public Defender Standards Council to protect all employees of the Standards Council and the Circuit Defender Offices from undue political pressure, influence or coercion, nevertheless, it is inappropriate for employees of the Standards Council and the Circuit Public Defender Offices to manage or enter political campaigns while performing services for the Council or the Circuit Defender Offices or to hold elective political office at the state or federal level while employed by the Standards Council or Circuit Defender Offices. Therefore, the following policies governing political activities are hereby adopted:

II. Permissible Political Activity: (See Section 3.500 State Merit System Rules) Standards Council Employees and Circuit Defender Employees MAY do the following:

- A. Register and vote in any election.
- B. Promote and encourage other persons to exercise their right to vote.
- C. Express a personal opinion privately and publicly on political candidates and issues, provided that any public expression does not conflict with any laws or policy and is not under color of office or position.

D. Display a political picture, badge or button as long as such display is not under color of office or position or while on duty or on state property.

E. Offer for and hold any elective or appointive office of a political subdivision of the state, political party, or political organization provided the office is not full-time, does not conflict with the performance of the employees' official duties, and is not otherwise prohibited by law.

F. Participate in the non-partisan activities of a civic, community, social, professional, employee or similar organization.

G. Be a member of a political party or other political organization and participate in its activities to the extent permitted by Federal and State laws and/or policy.

H. Attend partisan and non-partisan political meetings and rallies as a spectator.

I. Sign a petition for specific legislative action or to place a candidate's name on an election ballot.

J. Be active in connection with such questions as constitutional amendments, referenda, approval of municipal ordinances or other questions or issues of a similar character.

K. Serve as a non-partisan paid worker at the polls in an election.

L. Participate fully in public affairs in a manner which does not materially compromise their efficiency or integrity as employees, or the neutrality, efficiency or integrity of the Standards Council or the Circuit Defender Offices.

M. Write a personal letter to a newspaper or other publication expressing a personal view on public issues.

N. Contribute to a governmental program for financing Federal, State or local elections as permitted by Federal or State laws.

O. Direct, manage, control participate in, contribute to and accept contributions for their own campaigns for any office permitted by laws and policy.

III. Prohibited Political Activity: (See Section 3.500 State Merit System Rules) Standards Council Employees and Circuit Defender Employees MAY NOT do the following:

A. Be a candidate for nomination, election or appointment to any:

1. Full-time elective public office of a political subdivision of this state or any other state;
 2. Full-time elective office of a political party or political organization;
 3. Elective state office of this state or any other state; or
 4. Elective civil office of the Federal government.
- B. Direct, manage, control or participate in a political campaign except for their own campaign or as otherwise permitted by laws and policy.
- C. Serve as a watcher, challenger or similar partisan worker at the polls in any election.
- D. Seek, use or attempt to use, any coercive political pressure to secure for themselves or any other person an appointment, promotion, increase in pay or any other advantage in employment in a position with the Council or Circuit Defender Office.
- E. Use or promise to use, directly or indirectly, any official authority or influence, whether possessed or anticipated, to influence the political action of any other person or to affect the results of a nomination, campaign or election to any public office, political party office, or an office of a political organization.
- F. Pay or promise to pay an assessment, subscription or contribution for any political organization or purpose, or solicit or take any part in soliciting such assessment, subscription or contribution except as permitted by laws and policy.
- G. Directly or indirectly coerce, attempt to coerce, command or advise any Council or Circuit Public Defender Office employee to pay, lend or otherwise contribute anything of value to any person, party, committee, organization or agency for political purposes.
- H. Participate in any form of political activity while on duty or under color of office or position.
- I. Engage in any political activity in violation of Federal or State laws.
- J. Address a convention, caucus, rally or similar gathering in support of candidates other than themselves or in opposition to candidates other than their opponents for public office or political party office.
- K. Circulate a recall petition.

L. Transport any political campaign literature or matter, or engage in soliciting votes, or transport any person or persons soliciting votes in any election or primary while traveling in a vehicle upon which the State is paying transportation mileage.

IV. Federal Political Activities - The Hatch Act: Council Employees and Circuit Defender Office employees whose activities are being finance in whole or in part by loans or grants made by the United States or a Federal agency are covered by the Federal Hatch Political Activities Act. As a matter of Federal law, such employees are NOT allowed to:

- A. Use official authority or influence for the purpose of interfering with or affecting the result of an election or nomination for office.
- B. Directly or indirectly coerce, attempt to coerce, command or advise a State or local officer or employee to pay, lend or contribute anything of value to a party, committee, organization, agency or person for political purposes.
- C. Be a candidate for public elective office in a partisan election (which may include some part-time offices of local subdivisions of the State).

V. General Policy Provisions Relating to Political Activity: A. Standards Council Employees and employees of the Circuit Defender Offices (Including the Circuit Public Defenders) are personally responsible for understanding the limitations of political activity and for determining if they are eligible for appointment or election to a public office, political party office or an office of a political organization.

Adopted July 23, 2004 and numbered Council Resolution 08-04 for administrative purposes.

Emmet J. Bondurant
Chairperson

Attested:

Natasha Perdue Silas