

## **EMPLOYEE POLITICAL ACTIVITY**

An issue has arisen regarding the political activities of municipal employees in municipal elections. The issue is whether an employee can be prohibited from working for or against or attempting to influence the nomination, election or defeat of any candidate for mayor or the city council. It would be made clear that this shall not prohibit the ordinary exercise of the employee's right to express his/her opinion and to vote.

In Oklahoma there is a restriction on municipal employee's political activity in state law, as well as a 1981 Attorney General's opinion. 11 O.S. Section 22-101.1 allows participation in partisan and nonpartisan political activities and the expression of views at city council meetings. However, the political activity may only be exercised during off-duty hours and while not in uniform. Municipalities may establish employment restrictions requiring municipal employees to refrain from filing as a candidate for public office while employed.

In 1981, an Attorney General's opinion decided that a municipal charter provision prohibiting employees from engaging in partisan political campaigns for municipal office is constitutional. However, it also held that the issue is one of statewide concern and is superseded by Section 22-101.1. See Op.Atty.Gen. No. 81-90 (Oct. 21, 1981). It is believed that in the early 1980's the AG opinion was challenged in district court.

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