



MONTANA UNIVERSITY SYSTEM
OFFICE OF THE COMMISSIONER OF HIGHER EDUCATION

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October 30, 2007

TO: Regents, Campus CEOs & Deans, OCHE Personnel, and Legal Counsel
FROM: Sheila M. Stearns, Commissioner of Higher Education
RE: Political Activity of Public Officers and Employees

Election season is approaching and ballot issues, such as the referendum to continue the 6-mill levy for support of the Montana University System, will be in the news. You and your employees may be requested to support the 6-mill levy, other ballot issues, or candidates for public office. This memo is a request that you remind your employees of the rules governing the involvement of public officers and employees in political activity and ballot issues. The general rules are:

Public officers and employees may not use public time, facilities, equipment, supplies, personnel, or funds to solicit support for or opposition to any political committee, the nomination or election of any person to public office, or passage of a ballot issue. Violations may result in an administrative penalty of up to \$1000 and disciplinary action. § 2-2-121(3), MCA.

It is unlawful for employers to exhibit in the work place handbills or placards containing any threat, promise, or notice intended to influence the political opinions or actions of the employer's employees. § 13-35-226, MCA.

A person may not coerce or require a public employee to support or oppose any political committee, candidate, or the passage of a ballot issue. § 13-35-226, MCA.

The state may not refuse employment or discriminate against a person in a term of employment because of that person's political beliefs. § 49-2-308, MCA.

Montana law prohibits the inducement of a person to vote for or against a candidate or ballot issue by promising something of value, including employment or appointment to a public post. § 13-35-214, MCA.

The exceptions are: First, Montana law does *not* restrict the right of a public employee to express personal political beliefs at work or elsewhere. *As long as public facilities, equipment, supplies, or funds are not involved*, employees may engage in personal political speech; in doing so, an employee may use his or her official title.

Second, public officials and employees are not precluded from informing and explaining the effects and impact of a ballot issue on a public program.

Thank you for ensuring that this important reminder is circulated throughout the campus community.