



STATE OF KANSAS

*Office of the Attorney General*

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**Curt T. Schneider**  
*Attorney General*

June 23, 1978

ATTORNEY GENERAL OPINION NO. 78- 209

Mr. Patrick Brazil  
Director of Employment  
Department of Human Resources  
401 Topeka Avenue  
Topeka, Kansas 66603

Re: Employment Security--Employees--Political Activity

Synopsis: The prohibition against political activity found at K.S.A. 1977 Supp. 44-714(c1) remains unaffected by 1974 amendments to the Hatch Act. An employee engaged in the administration of the employment security law may not be a member of a political action group, but may serve as a member of an election board upon appointment thereto by the county election officer pursuant to K.S.A. 25-2801 et seq.

\* \* \*

Dear Mr. Brazil:

You inquire concerning K.S.A. 1977 Supp. 44-714(c1), which provides in pertinent part thus:

"No employee engaged in the administration of the employment security law shall directly or indirectly solicit or receive or be in any manner concerned with soliciting or receiving any assistance, subscription or contribution for any political party or political purpose; nor shall any employee engaged in the administration of the employment

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security law participate in any form of political activity, nor shall any employee champion the cause of any political party or the candidacy of any person . . . . No person shall solicit or receive any contribution for any political purpose from any employee engaged in the administration of the employment security law . . . ."

You point out that in 1974, Congress amended provisions of the Hatch Act applicable to state and local employees who are subject to its restrictions, and substantially relaxed the constraints against political activity by such employees. However, our own statute, as quoted above, remains unchanged. You inquire, first, whether the amendments of the Hatch Act affect the quoted prohibition against political activity. In my judgment, they do not. One portion or another of K.S.A. 44-714, of which the quoted language is a part, has been amended in 1974, 1975 and 1976, and the legislature did not see fit to relax its restrictions. I know of no provision which prohibits the state from imposing more restrictive limitations upon the political activities of its employees, including those engaged in the administration of the employment security law, than those imposed by the federal government.

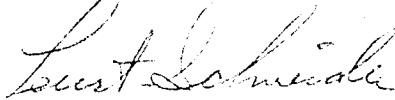
Secondly, you advise that several questions have been raised concerning application of this provision. First, the question is raised whether an employee of the Division of Employment may be a member of a political action group. Although the phrase "political action group" doubtless includes a broad variety of groups, almost by definition membership in such a group necessarily implies participation in political activity, which is prohibited to employees engaged in the administration of the employment security law. Thus, it is my judgment that an employee of the Division of Employment is prohibited from membership in a political action group which entails participation in any political activity whatever.

Thirdly, the question is raised whether an employee of the Division of Employment may serve on an election board. In my judgment, K.S.A. 1977 Supp. 44-714(c1) does not prohibit an employee from serving as a member of an election board pursuant to an appointment by the county election officer pursuant to K.S.A. 25-2801 et seq. Service as a clerk or judge on an election board entails no political activity, but involves only the administration of the election laws of the state concerning the conduct of voting places, the counting of ballots and the like. These duties do

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not constitute "political" activity any more than the act of voting itself, in my estimation, and are not prohibited to such employees.

Yours truly,

A handwritten signature in cursive script, appearing to read "Curt T. Schneider".

CURT T. SCHNEIDER  
Attorney General

CTS:JRM:kj