Hot Topic: Legislators Give Nod to City Employees' Political Activities

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Recommended Citation
Moore, Todd, "Hot Topic: Legislators Give Nod to City Employees’ Political Activities" (1996). MTAS Publications: Hot Topics.
https://trace.tennessee.edu/utk_mtastop/198

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Legislators Give Nod to City Employees' Political Activities

by Todd Moore
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The General Assembly recently passed legislation that gives local government employees the same rights as other citizens of Tennessee to participate in political campaigns and run for elected office. This state general law overrides any local charter provision or ordinance to the contrary. However, under the new law, a city employee may not run for election to the local governing body unless allowed by the city's charter or ordinance.

Prior to Chapter 678, Public Acts of 1996 taking effect, many cities prohibited their employees from being involved in local and state political campaigns. The new law gives all city employees the right to take an active part in local and state campaigns while off-duty. However, it is not specific on what political activities an employee may engage in while at work. The act provides, in part, that every employee of each local government shall have:

"the same rights of other citizens of Tennessee to be a candidate for any state or local political office, the right to participate in political activities by supporting or opposing political parties, political candidates, and petitions to governmental entities; provided the city . . . is not required to pay the employee's salary for work not performed for the government entity."

This language implies that employees do not necessarily have the right to participate in political activities while on-duty and cities may continue to restrict the political activity of employees at work. However, all charter provisions, ordinances or personnel policies regarding employee political activity should be reviewed by the city attorney to determine whether they are in conflict with the statute.

In summary, Chapter 678, Public Acts of 1996 allows all city employees to participate in state and local political elections despite any conflicting charter provision or ordinance. The only exception is that a city employee may not run for election to the local governing body of the city unless authorized by the charter or local ordinance.

Any questions regarding the application of the new law to employees' political activities should be referred to your city attorney or any MTAS consultant.
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By sharing information, responding to client requests, and anticipating the ever-changing municipal government environment, MTAS promotes better local government and helps cities develop and sustain effective management and leadership.

MTAS offers assistance in areas such as accounting and finance, administration and personnel, fire, public works, law, ordinance codification, communications, and wastewater management. MTAS houses a comprehensive library and publishes scores of documents annually.

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