



Montana Association of Counties

Serving Montana Counties Since 1909

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FACT SHEET

Political Activity for County Employees and Public Officials

Disclaimer: While this document represents MACo's general guidance and non-legal advice on these issues, please defer to your individual County Attorney for interpretation and advisement.

WHAT IS ALLOWED?

A county employee may:

- Lobby for or against the introduction or enactment of *legislation or policy by legislators or other public agencies or officials*.
- Solicit support for or opposition to a *political committee or a political candidate*:
 - Using their own time, with their own private facilities, equipment, supplies, or funds.
 - Using their employment title, so long as public resources are not being used.
 - On public time or resources, when incidental to their normal course of duties.
- Solicit support for or opposition to a *ballot issue*:
 - Using their own time, with their own private facilities, equipment supplies, or funds.
 - Using their employment title, so long as public resources are not being used.
 - On public time or resources, when determining the impact of passage or failure of the ballot issue on local government operations.

An elected county official may:

- Lobby for or against the introduction or enactment of *legislation or policy by legislators or other public agencies or officials*.
- Solicit support for or opposition to a *political committee or a political candidate*:
 - Using their own private facilities, equipment, supplies, or funds (since the officer is elected, whether or not they are on public time is not a consideration)
 - Using their employment title, so long as public resources are not being used.
 - Using public resources, when incidental to their normal course of duties.
- Solicit support for or opposition to a *ballot issue*:
 - Using their own time, with their own private facilities, equipment supplies, or funds.
 - Using their employment title, so long as public resources are not being used.
 - Using public resources, when determining the impact of passage or failure of the ballot issue on local government operations.

WHAT IS NOT ALLOWED?

- A public employee may not conduct any activities in support or opposition of a candidate or ballot issue: during those hours for which the employee receives compensation from his or her public employer; using public email or computers; or using the employee's work address, email, letterhead, or any other public supplies.

Violations of these ethics laws carry a fine of \$50 to \$1,000, and can be prosecuted by the local ethics panel or county attorney. If those entities decline to act, a person may sue the alleged violator in court.