
By: **Delegates Leopold, Getty, Clagett, Morgan, McIntosh, Montague, and Rudolph**

Introduced and read first time: January 29, 1998
Assigned to: Commerce and Government Matters

A BILL ENTITLED

1 AN ACT concerning

2 **State Personnel Law - Political Activities - Prohibitions and Enforcement**
3 **Procedure**

4 FOR the purpose of establishing an enforcement procedure for violations of the State
5 personnel law relating to employees or public officials who engage in proscribed
6 political activities; defining certain terms; specifying certain penalties for
7 employees or public officials who engage in certain proscribed political
8 activities; authorizing the State's Attorneys of the State and the State
9 Prosecutor to bring enforcement actions against State employees or public
10 officials who engage in certain proscribed political activities; and generally
11 relating to the establishment of certain prohibitions and procedures relating to
12 the enforcement of certain proscribed political activities engaged in by State
13 employees or public officials.

14 BY repealing and reenacting, with amendments,
15 Article - State Personnel and Pensions
16 Section 2-304
17 Annotated Code of Maryland
18 (1997 Replacement Volume)

19 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
20 MARYLAND, That the Laws of Maryland read as follows:

21 **Article - State Personnel and Pensions**

22 2-304.

23 (A) (1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE MEANINGS
24 INDICATED.

25 (2) "EMPLOYEE" MEANS A STATE EMPLOYEE GOVERNED BY THE STATE
26 PERSONNEL MANAGEMENT SYSTEM.

1 (3) "POLITICAL ACTIVITY" MEANS ACTIVITY THAT IS DESIGNED
2 EXPRESSLY TO BRING ABOUT A PARTICULAR ELECTION RESULT.

3 (4) "POLITICAL CONTRIBUTION" MEANS A CONTRIBUTION AS DEFINED
4 IN ARTICLE 33, § 1-1(A)(5) OF THE CODE.

5 [(a)] (B) (1) Employment by the State does not affect any right or obligation
6 of a citizen under the Constitution and laws of the United States or under the
7 Constitution and laws of the State.

8 (2) Except as otherwise provided in this section or by federal law, a State
9 employee:

10 (i) may freely participate in any political activity and express any
11 political opinion; and

12 (ii) may not be required to provide any political service.

13 [(b)] (C) Notwithstanding any other law of the State effective on or before
14 June 30, 1973, the restrictions imposed by subsection [(c)] (D) of this section are the
15 only restrictions on the political activities of an employee, except for:

16 (1) the restrictions imposed on employees of a board of supervisors of
17 elections by Article 33, § 2-6 of the Code; and

18 (2) the restrictions imposed on employees of the Department of
19 Legislative Services by guidelines adopted under § 2-1205 of the State Government
20 Article.

21 [(c)] (D) (1) An employee may not:

22 [(1)] (I) engage in political activity while on the job during working
23 hours; or

24 [(2)] (II) advocate the overthrow of the government by unconstitutional
25 or violent means.

26 (2) A PUBLIC OFFICIAL OR AN EMPLOYEE OF THE STATE MAY NOT
27 REQUIRE ANY STATE EMPLOYEE TO MAKE A POLITICAL CONTRIBUTION.

28 (E) (1) AN EMPLOYEE WHO VIOLATES SUBSECTION (D) OF THIS SECTION IS
29 SUBJECT TO DISCIPLINARY ACTION, INCLUDING TERMINATION OF STATE
30 EMPLOYMENT.

31 (2) (I) IN ADDITION TO THE PENALTY PROVIDED UNDER PARAGRAPH
32 (1) OF THIS SUBSECTION, AN EMPLOYEE WHO VIOLATES SUBSECTION (D) OF THIS
33 SECTION SHALL PAY A CIVIL FINE NOT TO EXCEED \$1,000 IN ACCORDANCE WITH THE
34 PROCEDURES ESTABLISHED UNDER SUBPARAGRAPHS (II) THROUGH (VI) OF THIS
35 PARAGRAPH.

1 (II) WHEN THE STATE'S ATTORNEY FOR A COUNTY OR THE STATE
2 PROSECUTOR DETERMINES THAT A PERSON HAS VIOLATED SUBSECTION (D) OF THIS
3 SECTION, THE STATE'S ATTORNEY OR THE STATE PROSECUTOR SHALL CAUSE TO BE
4 ISSUED A CIVIL CITATION TO THE PERSON WHO COMMITTED THE OFFENSE. THE
5 CITATION SHALL CONTAIN:

- 6 1. THE NAME AND ADDRESS OF THE PERSON CHARGED;
- 7 2. THE NATURE OF THE VIOLATION AND THE TIME, PLACE,
8 AND MANNER IN WHICH THE VIOLATION OCCURRED;
- 9 3. THE MAXIMUM FINE FOR THE VIOLATION THAT
10 OCCURRED;
- 11 4. THE MANNER, LOCATION, AND TIME IN WHICH THE FINE
12 MAY BE PAID; AND
- 13 5. A STATEMENT THAT THE PERSON RECEIVING THE
14 CITATION HAS THE RIGHT TO A TRIAL BY JURY IN THE CIRCUIT COURT FOR THE
15 COUNTY.

16 (III) THE CITATION SHALL BE SERVED UPON THE PERSON NAMED
17 IN THE CITATION BY MAIL OR BY PERSONAL SERVICE BY A SHERIFF OR A
18 COMPETENT PRIVATE PERSON 18 YEARS OLD OR OLDER.

19 (IV) THE SHERIFF OR PERSON WHO SERVES THE CITATION SHALL
20 MAKE A PROMPT RETURN OF SERVICE TO THE COURT THAT SHOWS THE DATE, TIME,
21 AND PLACE OF SERVICE.

22 (V) ON RECEIPT OF THE RETURN OF SERVICE, THE DISTRICT
23 COURT SHALL SCHEDULE THE CASE FOR TRIAL AND NOTIFY THE PERSON NAMED IN
24 THE CITATION OF THE TRIAL DATE.

25 (VI) THE TRIAL IN THE DISTRICT COURT SHALL BE PROSECUTED IN
26 THE SAME MANNER AND TO THE SAME EXTENT THAT IS SET FORTH FOR MUNICIPAL
27 INFRACTIONS UNDER ARTICLE 23A, § 3(B)(8) THROUGH (15) OF THE CODE.

28 [(d) (1) In this subsection, "political contribution" means a contribution as
29 defined in Article 33, § 1-1(a)(5) of the Code.

30 (2) A public official or an employee of the State may not require any
31 State employee to make a political contribution.]

32 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
33 October 1, 1998.