

POLITICAL ACTIVITIES OF COUNTY EMPLOYEES

Ala. Code § 17-1-4 specifically authorizes county employees to participate in political activities, but it does place certain restrictions on persons seeking political office. However, it is a crime to use public time or property for the political activities. *Ala. Code § 17-17-5*.

Under *§ 17-1-4*, no county employee shall be denied the right to participate in political activities to the same extent as any other citizen of the State of Alabama, including:

- Endorsing candidates and contributing to campaigns
- Joining local political clubs and organizations and state or national political parties
- Publicly supporting issues and petitions in support of referendums

Ala. Code § 17-1-4 (b) does, however, place severe restrictions on employees seeking public office, by requiring that an employee who qualifies to run for a political office *with the governmental entity with which he or she is employed* take an *unpaid* leave of absence from his or her employment. The employee may use accrued overtime or annual leave, but if he or she exhausts that leave, he or she must be on unpaid leave while a candidate.

- Any employee who violates this provision forfeits his or her employment
- This provision does not apply to elected officials
- This provision would not apply if the employee were running for state or municipal office

The leave must be taken from the date the employee qualifies to run for office until:

- The election results are certified *or*
- The employee is no longer a candidate *or*
- There are no other candidates on the ballot

The attorney general's office has held that when a county employee seeking the party's nomination in a primary has no opposition in his party, but there is a candidate for another party's nominee to that office, there are other candidates on the ballot, and the county employee must be on leave during the primary. See, *AG's Opinion # 96-200*. At least one circuit court has disagreed with this opinion.

AG's Opinion # 96-200 also states that there is an exemption to the requirement to be on leave when a county employee wins the party's nomination for a county office, and there is

no opposition in the general election, or when the county employee is the only candidate seeking his or her party's nomination in the primary, and there is no opposition in any other party's primary.

The attorney general's office has also held that if the county's personnel policy allows an employee to continue to receive health insurance benefits during an unpaid leave of absence as long as the employee pays the premiums, a person on unpaid leave to run for office may continue to receive these benefits if he or she pays the premium. ***AG's Opinion # 98-090***. It would appear that a person using accrued annual leave could continue to receive these benefits in the same manner as other employees on leave – in other words, if the county pays all or a portion of the premium for a person on annual leave, these premiums may still be paid on behalf of the person running for office.

Since a deputy is considered an arm of the sheriff who is a constitutional officer, the requirement to take a leave of absence does not apply to a deputy running for local office. *See, e.g., AG's Opinion ## 2006-072; 2002-016*. However, the sheriff may require the deputy to take leave.