

CHAPTER 796

(House Bill 711)

AN ACT to add new Sections 28-1 and 28-2 to Article 33 of the Annotated Code of Maryland (1971 Replacement Volume and 1972 Supplement), title "Election Code," to follow immediately after Section 27-14 thereof and to be under the new subtitle "Political Activities of State Employees," to provide that certain State, county and other local subdivision employees may engage in political activities, except for certain specific activities, under certain circumstances, to repeal, with some exceptions, certain conflicting laws, and generally relating to rights of public employees to free political expression.

SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND, That new Sections 28-1 and 28-2 be and they are hereby added to Article 33 of the Annotated Code of Maryland (1971 Replacement Volume and 1972 Supplement), title "Election Code," to follow immediately after Section 27-14 thereof and to be under the new subtitle "Political Activities of State Employees," and to read as follows:

POLITICAL ACTIVITIES OF STATE EMPLOYEES

28-1.

PARTICIPATION IN POLITICS OR POLITICAL CAMPAIGNS AND THE FREE EXPRESSION OF POLITICAL OPINIONS BY EMPLOYEES OF THIS STATE OR OF ANY COUNTY, MUNICIPAL CORPORATION, CITY, POLITICAL SUBDIVISION, PUBLIC AUTHORITY, BODY POLITICAL OR BOARD OF EDUCATION SHALL NOT BE PROHIBITED, AND EACH EMPLOYEE SHALL RETAIN ALL RIGHTS AND OBLIGATIONS OF CITIZENSHIP PROVIDED IN THE CONSTITUTION AND LAWS OF THE STATE OF MARYLAND, AND IN THE CONSTITUTION AND LAWS OF THE UNITED STATES OF AMERICA; HOWEVER, NO SUCH EMPLOYEE SHALL:

(A) ENGAGE IN POLITICAL ACTIVITY WHILE ON THE JOB DURING WORKING HOURS;

(B) ADVOCATE THE OVERTHROW OF THE GOVERNMENT BY UNCONSTITUTIONAL AND VIOLENT MEANS; OR

(C) BE OBLIGATED TO CONTRIBUTE OR RENDER POLITICAL SERVICE.

28-2.

ALL STATUTES, LAWS, AND ORDINANCES WITHIN THIS STATE, BOTH GENERAL AND LOCAL, WHICH ARE IN CONFLICT WITH THESE SECTIONS ARE HEREBY REPEALED, AND THE LIMITATIONS SET FORTH IN THESE SECTIONS SHALL BE THE ONLY RESTRICTIONS ON THE POLITICAL ACTIVITIES OF SUCH EMPLOYEES, EXCEPTING, HOWEVER, THE PROVISIONS OF ARTICLE 64A, SECTION 9G AND ARTICLE 33, SECTION 2-6, OF THE ANNOTATED CODE OF MARYLAND.