

3-205. RESTRICTIONS ON POLITICAL ACTIVITIES.

AN EMPLOYEE MAY NOT:

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

(2) ADVOCATE THE OVERTHROW OF THE GOVERNMENT BY UNCONSTITUTIONAL OR VIOLENT MEANS.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 33, § 28-1(1) and (2), as those items related to State employees.

In item (2) of this section, the conjunction "or" is substituted for "and" to clarify that advocating the overthrow of the government by either unconstitutional or violent means is prohibited.

3-206. REQUIRING POLITICAL CONTRIBUTIONS PROHIBITED.

(A) "POLITICAL CONTRIBUTION" DEFINED.

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

(B) PROHIBITIONS.

AN EMPLOYEE MAY NOT REQUIRE ANOTHER EMPLOYEE TO MAKE A POLITICAL CONTRIBUTION.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 41, § 1-302(a) and (c).

In subsection (a) of this section, the cross-reference to the definition of "contribution" in Art. 33, § 1-1(5) is substituted for former Art. 41, § 1-302(c), which contains a definition substantively identical to Art. 33, § 1-1(5). The substitution is made to avoid unintended language variations if the definition in Art. 33, § 1-1(5) is amended in the future.

In subsection (b) of this section, the former phrase "whether in an exempt or nonexempt position" is deleted as unnecessary in light of § 3-201 of this subtitle, which applies these provisions to all employees.

Former Art. 41, § 1-302(b), which provided for the construction of that section, is deleted as unnecessary in light of § 3-202 of this subtitle.

The State Personnel Article Review Committee notes, for consideration by the General Assembly, that it is unclear whether the prohibition against "employees" requiring political contributions from other employees is intended to or should include "public officials". Compare § 13-107 of this article, which prohibits both an "employee" and a "public official" from using influence in certain personnel matters.