

169.18 POLITICAL ACTIVITY.

(a) Definitions.

- (1) "Political party" means a National political party, a State political party, a County political party and an affiliated organization.
- (2) "Election" includes a primary, special, and general election.
- (3) "Nonpartisan election" means an election at which none of the candidates is to be nominated or elected as representing a political party any of whose candidates for Presidential elector receives votes in the last preceding election at which Presidential electors were selected.
- (4) "Partisan" when used as an adjective refers to a political party.
- (5) "Elective office" means any office which is voted upon at an election as defined in subsection (a)(2), above, but does not include political party office.

(b) Covered Employees. Employees in the classified service are prohibited from engaging in partisan political activity to the extent defined in this section.

(c) Permitted Activities. The following activities are permissible for employees in the classified service:

- (1) Registration and voting;
- (2) Expression of opinions, either oral or written;
- (3) Voluntary financial contributions to political candidates or organizations;
- (4) Circulation of nonpartisan petitions or petitions stating views on legislation;
- (5) Attendance at political rallies;
- (6) Signing petitions in support of individuals, legislation or issues;
- (7) Display of political materials in the employee's home or on the employee's property;
- (8) Wearing political badges or buttons, or the display of political stickers on private vehicles;
- (9) Serving as a precinct election official under Section 3501.22 of the Revised Code; and
- (10) Campaign activities not expressly prohibited by subsection (d).

(d) Prohibited Activities. The following activities are prohibited for employees in the classified service:

- (1) Candidacy for public office in a partisan election;
- (2) Candidacy for public office in a nonpartisan general election if the nomination to candidacy was obtained in a partisan primary or through the circulation of nominating petitions identified with a political party;
- (3) Filing of petitions meeting statutory requirements for partisan candidacy to elective office;
- (4) Circulation of official nominating petitions for any candidate participating in a partisan election;
- (5) Service in an elected or appointed office in any partisan political organization or political action committee which supports partisan activity;
- (6) Acceptance of a party-sponsored appointment to any office normally filled by partisan election;
- (7) Solicitation, either directly or indirectly, of any assessment, contribution or subscription, either monetary or in-kind, for any political party or political candidate;
- (8) Solicitation of the sale, or actual sale, of political party tickets;
- (9) Partisan activities at the election polls, such as solicitation of votes for other than nonpartisan candidates and nonpartisan issues;
- (10) Service as witness or challenger for any party or partisan committee;
- (11) Participation in political caucuses of a partisan nature; and

(e) Enforcement.

- (1) Appointing authorities shall be primarily responsible for enforcement of this section and upon receipt of a complaint, shall investigate whether there is a violation of this section. The appointing authority may also request investigation by the review panel as noted below.
- (2) There shall also be a review panel that shall have the authority to investigate a potential violation of this section and recommend action to the Appointing Authority. The panel shall include a representative from the following offices; Executive, Fiscal Office, Engineer, Clerk of Courts, Sheriff, Prosecutor, County Council, and the Human Resource Commission. The office in which the employee works who is alleged to have violated this section shall not participate in the review. When a complaint is filed with the Human Resource Commission, it shall refer the complaint to the review panel for investigation.

(f) Penalties. An employee in the classified service who engages in any of the activities prohibited by subsection (d) is subject to discipline up to and including termination. The appointing authority may initiate such discipline in accordance with the procedures established in Chapter 169 and the appointing authority's personnel procedures.

(g) Effective Date. This section shall become effective immediately for all employees including those currently seeking partisan elected office. Employees currently holding partisan elective office shall be permitted

to finish their current term.
(Ord. 2011-207. Adopted 8-29-11; Ord. 2022-183. Adopted 6-27-22.)

169.18A EMPLOYEES SERVING AS SUMMIT COUNTY PRECINCT ELECTION OFFICIALS.

(a) Upon certification by the Executive's Director of Finance and Budget, that funds are available and appropriated, for any general, primary, or special election in all or part of the County, employees of any appointing authority may volunteer to be assigned to work as precinct election officials under the supervision of the Summit County Board of Elections. Additionally, for any general, primary, or special election in all or part of the County, appointing authorities may, in their sole discretion, assign employees to work as precinct election officials under the supervision of the Summit County Board of Elections. To be eligible to serve as a precinct election official, the employee shall meet the qualifications to serve as a precinct election official as defined in Section 3501.22 of the Ohio Revised Code and the Summit County Board of Elections must authorize and/or permit such service as a precinct election official. Each appointing authority shall permit employees to volunteer and/or assign employees, as the case may be, based on the seniority of similarly situated employees and operating needs of the agency. Employees who volunteer and/or are assigned by their appointing authority, as the case may be, under this section, shall be deployed by the Summit County Board of Elections as replacement precinct election officials and shall only be used to fill in for precinct election officials in the event a shortage of precinct election officials exists for any general, primary, or special election in all or part of the County.

(b) Under Section 3501.28(F) of the Ohio Revised Code, any employee may volunteer or be assigned to work as a precinct election official on the day of an election, and, in addition to other compensation set forth in this Section, shall receive their ordinary rate of pay for the ordinary number of hours scheduled to work on that day. All such compensation shall be paid from the County General Fund or reimbursed by the General Fund when paid from a non-general fund. Additionally, employees volunteering for or assigned to work as precinct elections officials, regardless of whether they are exempt or non-exempt under the Fair Labor Standards Act, shall qualify for overtime as defined in Section 169.06(c) of these Codified Ordinances, in the form of 1.5 hours of compensatory time for all hours worked on the day of the election in excess of their ordinarily scheduled hours.

(c) Employees assigned to work as precinct elections officials shall additionally be permitted to receive compensation under Subsections 3501.28(B) to (D) of the Ohio Revised Code for the time worked on the day of the election and any pre-election training required by the Summit County Board of Elections.

(d) During such time that employees are assigned to work as precinct election officials, such employees shall work under the supervision of the Summit County Board of Elections and shall be subject to the policies and procedures established by the Summit County Board of Elections for the conduct of precinct elected officials, including disciplinary action for failure to properly carry out the duties of a precinct election official. While subject to such policies and procedures, any discipline for violation of the same shall be at the discretion of the employee's ordinary Appointing Authority. Furthermore, such employees are subject to Subsection 3501.28(G) of the Ohio Revised Code for failure to obey the instructions of the Summit County Board of Elections or failure to comply with Ohio law regarding the duties of a precinct election official.

(e) All employee job classification specifications shall include the duties of precinct election officials when assigned under this section.

(f) Nothing contained in this Section is intended to negate nor supersede the provisions of any collective bargaining agreement to which the County is a party.

(Ord. 2020-059. Adopted 3-16-20.)