

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1409 Session of  
2005

INTRODUCED BY GERGELY, BASTIAN, BEBKO-JONES, BUXTON,  
CALTAGIRONE, FABRIZIO, FRANKEL, FREEMAN, GOODMAN, HERSHEY,  
JAMES, KOTIK, LEACH, McILHATTAN, PALLONE, PISTELLA, PRESTON,  
ROBERTS, SIPTROTH, SOLOBAY, TIGUE, WANSACZ AND YOUNGBLOOD,  
APRIL 20, 2005

REFERRED TO COMMITTEE ON STATE GOVERNMENT, APRIL 20, 2005

AN ACT

1 Amending the act of August 5, 1941 (P.L.752, No.286), entitled  
2 "An act regulating and improving the civil service of certain  
3 departments and agencies of the Commonwealth; vesting in the  
4 State Civil Service Commission and a Personnel Director  
5 certain powers and duties; providing for classification of  
6 positions, adoption of compensation schedules and  
7 certification of payrolls; imposing duties upon certain  
8 officers and employees of the Commonwealth; authorizing  
9 service to other State departments or agencies and political  
10 subdivisions of the Commonwealth in matters relating to civil  
11 service; defining certain crimes and misdemeanors; imposing  
12 penalties; making certain appropriations, and repealing  
13 certain acts and parts thereof," further providing for  
14 political activity.

15 The General Assembly of the Commonwealth of Pennsylvania  
16 hereby enacts as follows:

17 Section 1. Section 905.2 of the act of August 5, 1941  
18 (P.L.752, No.286), known as the Civil Service Act, added June  
19 26, 1989 (P.L.47, No.10) and amended November 27, 2002  
20 (P.L.1129, No.140), is amended to read:

21 Section 905.2. Political Activity.--(a) No person in the  
22 classified service shall use his official authority or influence

1 for the purpose of interfering with or affecting the result of  
2 an election.

3 (b) No person in the classified service shall take an active  
4 part in political management or in a political campaign.

5 Activities prohibited by this subsection include, but are not  
6 limited to, the following activities:

7 [(1) Serving as an officer of a political party, a member of  
8 a National, State or local committee of a political party or an  
9 officer or member of a committee of a partisan political club,  
10 or being a candidate for any of these positions.

11 (2) Organizing or reorganizing a political party  
12 organization or political club.]

13 (3) Directly or indirectly soliciting, receiving,  
14 collecting, handling, disbursing or accounting for assessments,  
15 contributions or other funds for a partisan political purpose.

16 (4) Organizing, selling tickets to, promoting or actively  
17 participating in a fund-raising activity of a candidate in a  
18 partisan election or of a political party, or political club.

19 (5) Taking an active part in managing the political campaign  
20 of a candidate for public office in a partisan election or a  
21 candidate for political party office.

22 (6) Becoming a candidate for, or campaigning for, an  
23 elective public office in a partisan election.

24 [(7) Soliciting votes in support of or in opposition to a  
25 candidate for public office in a partisan election or a  
26 candidate for political party office.]

27 (8) Acting as recorder, watcher, challenger or similar  
28 officer at the polls on behalf of a political party or a  
29 candidate in a partisan election.

30 (9) Driving voters to the polls on behalf of a political

1 party or a candidate in a partisan election.

2 (10) Endorsing or opposing a candidate for public office in  
3 a partisan election or a candidate for political party office in  
4 a political advertisement, a broadcast, campaign, literature or  
5 similar material.

6 (11) Serving as a delegate, alternate or proxy to a  
7 political party convention.

8 (12) Addressing a convention, caucus, rally or similar  
9 gathering of a political party in support of or in opposition to  
10 a partisan candidate for public office or political party  
11 office.

12 [(13) Initiating or circulating a partisan nominating  
13 petition.]

14 (14) Soliciting, paying, collecting or receiving a  
15 contribution at or in the workplace from any employee for any  
16 political party, political fund or other partisan recipient.

17 (15) Paying a contribution at or in the workplace to any  
18 employee who is the employer or employing authority of the person  
19 making the contribution for any political party, political fund  
20 or other partisan recipient.

21 (c) An employee or individual to whom subsection (a) or (b)  
22 applies retains the right to vote and to express an opinion on  
23 political subjects and candidates, and may engage in the  
24 following activities:

25 (1) Register and vote in any election.

26 (2) Express an opinion as an individual privately and  
27 publicly on political subjects and candidates.

28 (3) Display a political picture, sticker, badge or button  
29 when not on duty and at locations other than the workplace.

30 (4) Participate in the nonpartisan activities of a civic,

1 community, social, labor or professional organization, or of a  
2 similar organization.

3 (5) Be a member of a political party or other political  
4 organization or club and participate in its activities to the  
5 extent consistent with this section.

6 (6) Attend a political convention, rally, fund-raising  
7 function or other political gathering.

8 (7) Sign a political petition as an individual.

9 (8) Make a financial contribution to a political party or  
10 organization.

11 (9) Be politically active in connection with a question  
12 which is not specifically identified with a political party,  
13 such as a constitutional amendment, referendum, approval of a  
14 municipal ordinance or any other question or issue of a similar  
15 character.

16 (9.1) Be a member of a political party or other political  
17 group and participate in its activities.

18 (9.2) Serve as an officer of a political party or other  
19 political group, a member of a national, State or local  
20 committee of a political party, an officer or member of a  
21 committee of a political group, or be a candidate for any of  
22 these positions.

23 (9.3) Organize or reorganize a political party organization  
24 or political group.

25 (9.4) Initiate or circulate a nominating petition for a  
26 candidate for partisan political office.

27 (9.5) Canvass for votes in support of or in opposition to a  
28 partisan political candidate or a candidate for political party  
29 office.

30 (10) Otherwise participate fully in public affairs, except

1 as prohibited by law, in a manner which does not materially  
2 compromise efficiency or integrity as an employee or the  
3 neutrality, efficiency or integrity of a Commonwealth agency.

4 (d) Notwithstanding anything in this section or any other  
5 act to the contrary, no person shall be deemed ineligible for  
6 the office of school director solely on the basis that such  
7 person is a member of the classified service under this act.

8 (e) Subsection (c) does not authorize an employee to engage  
9 in political activity while on duty or while in a uniform that  
10 identifies him as an employee. The head of an agency may prohibit  
11 or limit the participation of an employee or class of employees of  
12 the agency in an activity permitted by subsection (c), if  
13 participation in the activity would interfere with the efficient  
14 performance of official duties or create a conflict or apparent  
15 conflict of interests.

16 (f) A person in the classified service who violates this  
17 section shall be removed from employment and funds appropriated  
18 for the position from which removed thereafter may not be used  
19 to pay the employee or individual: Provided, That, the commission  
20 at its discretion may impose a penalty of suspension without pay  
21 of not more than one hundred twenty working days, if it finds  
22 that the violation does not warrant termination.

23 (g) As used in this section, the following words and phrases  
24 shall have the meanings given to them in this subsection:

25 (1) "Agency" means an agency employing persons in the  
26 classified service.

27 (2) "Contribution" means any gift, subscription, loan,  
28 advance, deposit of money, allotment of money or anything of  
29 value given or transferred by one person to another, including  
30 in cash, by check, by draft, through a payroll deduction or

1 allotment plan, or by pledge or promise, whether or not  
2 enforceable, or otherwise.

3 (3) "Election" means a primary, municipal, special and  
4 general election.

5 (4) "Employee" means a person in the classified service.

6 (5) "Employer" or "employing authority" means the immediate  
7 employing agency head, agency principals or an employee's  
8 supervisor.

9 (6) "Partisan" when used as an adjective refers to a  
10 political party.

11 (7) "Political fund" means any fund, organization, political  
12 action committee or other entity that, for purposes of  
13 influencing in any way the outcome of any partisan election,  
14 receives or expends money or anything of value or transfers  
15 money or anything of value to any other fund, political party,  
16 candidate, organization, political action committee or any other  
17 entity.

18 Section 2. This act shall take effect in 60 days.