PHILADELPHIA BOARD OF ETHICS
REGULATION NO. 8
POLITICAL ACTIVITY

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SUBPART A. SCOPE; DEFINITIONS

8.0 Scope. This Regulation, promulgated by the Board pursuant to its authority under Sections 4-1100 and 8-407 of the Philadelphia Home Rule Charter and Chapter 20-600 of The Philadelphia Code, interprets the requirements and prohibitions of Philadelphia Home Rule Charter Subsections 10-107(3) & (4) as applied to appointed City officers and employees, but not to elected officials. The examples and lists of permissible and prohibited behavior provided in this Regulation are for illustration and are not exhaustive.

8.1 Definitions. As used herein, the following words and phrases shall have the meanings indicated.

a. Appointed officer. An individual who is appointed to any position in a City department, agency, office, board, or commission, whether paid or unpaid, but not including elected officials.

b. Board. Board of Ethics.

c. Blog. A website that displays in chronological order the postings of one or more individuals.

d. Candidate. An individual who:
   i. Files nomination petitions or papers for public elective office; or
   ii. Publicly announces his or her candidacy for public elective office.

e. City. City of Philadelphia.

f. Contribution intended for a political purpose.
   i. Money or things having a monetary value received by a candidate or his or her agent for use in advocating for or influencing the election of the candidate; and
   ii. Money or things having a monetary value received by a political committee, political party, political campaign, or partisan political group.

g. Election. Any primary, general, or special election for public elective office.

h. Employee. An employee of the City, including those serving full-time, part-time, or seasonally, and those on leaves of absence with or without pay, but not including:
   i. Elected officials; or
   ii. An employee on unpaid leave to be a full-time elected officer or appointed staff representative of a City employee union.

i. Family member. A parent, spouse, life partner, child, brother, sister, or like relative-in-law.

j. Life partner. An individual who has a long-term committed relationship with another individual of any gender, provided that both individuals meet the same criteria as set out in The Philadelphia Code Section 9-1106(2)(a)(i)-(vi).
Revision to Regulation as proposed
by BOE staff at September 18, 2019 meeting

k. **On duty.** An appointed officer or employee is on duty:
   
   i. During normal working hours, which for those with fixed work schedules includes the time between the start and end of the workday excluding a lunch break;
   
   ii. When performing the duties of his or her City jobs or appointments; or
   
   iii. When acting in his or her official capacity as a City appointed officer or employee.

l. **Partisan political group.** Any committee, club, or other organization whose primary purpose is to promote the success or failure of a political party, candidate, or political campaign.

m. **Political activity.** An activity directed toward the success or failure of a political party, candidate, political campaign, or partisan political group.

n. **Political campaign.** A group of people organized by or on behalf of an individual in order to obtain that individual’s nomination or election to public elective office.

o. **Political party.** Includes any national, state, or local political party, or any affiliate thereof, such as a ward committee.

p. **Public elective office.** Any public office for which candidates are nominated or elected as representing a political party.

q. **Social Media.** Facebook, Twitter, Myspace, Linkedin, Instagram, Reddit, a blog, SnapChat, or any similar website or Internet platform.

8.2 **Applicability.** Except where expressly indicated otherwise, the provisions of this Regulation apply to all appointed officers and employees.
SUBPART B. PROHIBITED ACTIVITY

8.3 No political activity on duty.

An appointed officer or employee shall not engage in political activity while:

a. On duty;

b. In uniform, or while wearing a badge or other insignia that identifies him or her as a City officer or employee;

c. In City Hall or in any other City-owned or City-leased building, property, or office space, except that an appointed officer or employee may, while not on duty, attend a political event held in a City-owned or leased building, property, or office space if the event is open to the public.

Examples for Paragraph 8.3

1) An employee may not display in her City workplace a sticker promoting a political party.

2) An employee may not wear a button promoting a candidate while in his uniform, even if he is not on duty.

3) An employee may not circulate or sign a nominating petition while in City Hall or in a City-owned or City-leased building or office.

8.4 No political activity using City resources.

An appointed officer or employee shall not engage in political activity:

a. Using any City-owned or City-leased resources, such as telephones, smartphones, tablets, vehicles, printers, computers, or other supplies or equipment.

b. Via a City-owned or City-operated social media account or a social media account that presents itself as being for official City business.

Examples for Paragraph 8.4

1) An employee may not send an email that supports a candidate while using the City’s email system, a City computer, or a City-provided smart phone.

2) An appointed officer may not make a post that supports a political party on the official Facebook page for the officer’s department.

3) An employee may not use a City-owned photocopier to copy campaign literature.
8.5 No political activity using City position.

An appointed officer or employee shall not use his or her authority, influence, title, or status as a City officer or employee while engaging in political activity, such as:

a. Using his or her title or status as a City officer or employee while participating in political activity;

b. Using his or her authority or influence to coerce any individual to participate in political activity; and

c. Requesting, directing, or suggesting that a subordinate officer or employee participate in political activity.

Examples for Paragraph 8.5

1) An employee who is not an employee of City Council may write a letter to the editor promoting a candidate for public office so long as he does not make reference to his title or his status as a City employee in that letter.

2) An appointed officer may not send her subordinate employees an email that promotes the success of a political party.

3) An employee who is not an employee of City Council may not reference her title or status as a City employee in a social media post that opposes a candidate.

8.6 No political fundraising.

An appointed officer or employee shall not:

a. Be in any manner concerned in the collection, receipt, or solicitation of contributions intended for a political purpose, either directly or indirectly.

b. Authorize or use a political committee to collect, receive, or solicit contributions intended for a political purpose on his or her behalf.

c. Permit, authorize, or direct others to collect, receive, or solicit contributions intended for a political purpose for the appointed officer or employee’s benefit or on behalf of the appointed officer or employee.

d. An appointed officer or employee of the Police Department shall not make a contribution to a candidate or a political committee affiliated with a candidate.

Examples for Paragraph 8.6

1) An employee may not sell tickets to a candidate’s fundraiser event.

2) An employee may not be a treasurer of a political committee.

3) An employee may not share a candidate’s fundraiser event on Facebook.

4) An employee may not collect from the City Committee a check that is made out to or intended for a ward committee.

* Subparagraph 8.5(a) does not apply to City Council appointed officers and employees. See Paragraph 8.12.
8.7 **No involvement in political campaigns or in management of political parties.**

An appointed officer or employee shall not:

a. Take any part in the management or affairs of any political party.

b. Take any part in any political campaign.

c. Engage in political activity in coordination with a candidate, political party, or political campaign.

d. Republish or distribute any printed campaign literature that was produced or paid for by a candidate, political party, or political campaign.

e. Be a member of any national, state, or local committee of a political party.

f. Be an officer of a partisan political group or a member of a committee of a partisan political group.

**Examples for Paragraph 8.7**

1) An appointed officer may not serve as a delegate to a political party convention.

2) An employee may not participate in get-out-the-vote activities organized or sponsored by a political party.

3) An employee may not be a candidate for public elective office or political party office.

4) An appointed officer may not circulate nomination petitions for a candidate for public elective office.

5) An employee may not distribute campaign posters that she obtains from a political campaign.

6) An employee may not volunteer at a phone bank organized by a candidate’s campaign.

7) An employee may not be a candidate for a position on an election board.

8) An employee may not serve as a committee person or ward leader.

9) A representative of the campaign of a candidate for State Senate sends an appointed officer a direct message on Twitter asking the appointed officer to tweet about the candidate’s upcoming rally. The appointed officer may not make such tweets at the request of the campaign.

* Paragraph 8.7 does not apply to City Council appointed officers and employees. See Paragraph 8.12.
SUBPART C. PERMISSIBLE ACTIVITY

8.8 An appointed officer or employee may register and vote in any election and may be a member of a political party or a partisan political group.

8.9 So long as he or she complies with the restrictions set forth in Subpart B, an appointed officer or employee may:

   a. Publicly express his or her personal opinion on political matters or candidates.

   b. Campaign for or against referendum questions, constitutional amendments, federal or state laws, or municipal ordinances.

   c. Participate in civic, community, labor, or professional organizations, including seeking election to positions within such organizations.

   d. Circulate petitions related to referendum questions, constitutional amendments, federal or state laws, municipal ordinances, or other matters of public interest.

   e. Assist in voter registration drives that are not organized or sponsored by a political party, a candidate, or a political campaign.

   f. Sign a political petition, such as a nominating petition, including those that are circulated by a political party, candidate, or political campaign.

   g. Attend political rallies, conventions, fundraisers, or other political events as a spectator.

   h. Make contributions intended for a political purpose, except that appointed officers and employees of the Police Department may not make contributions to a candidate or to a political committee affiliated with a candidate.

   i. Participate in political activities organized or sponsored by a civic, community, labor, or professional organization or a partisan political group so long as the organization or group has not acted in coordination with a political party, candidate, or political campaign with regard to those activities.

Examples for Paragraph 8.9

1) An employee may place in his yard a sign supporting a candidate.

2) An appointed officer may write a letter to the editor expressing her support for a candidate for City office.

3) An employee may wear a political party button when the employee is not on duty, at her City workplace, or in uniform.

4) An employee may volunteer at a phone bank that promotes a candidate and that is organized by the employee’s union, but not if the union has coordinated with a candidate’s campaign.
Revision to Regulation as proposed
by BOE staff at September 18, 2019 meeting

8.10 Permissible activity involving social media.

So long as he or she complies with the restrictions set forth in Subpart B, an appointed officer or employee may:

a. Use social media to express his or her personal opinion on political matters, including to express support for or opposition to a candidate, political campaign, or political party.

b. Identify in his or her social media profile his or her title or status as a City officer or employee and the political party he or she supports.

c. Share, respond to, or follow the social media account, post, or page of a political party, candidate, or political campaign.

An appointed officer or employee must ensure that his or her City title or status is not referenced, reproduced, or depicted in any social media post he or she makes that expresses support for or opposition to a candidate, political campaign, or political party.

If a social media platform automatically reproduces profile information alongside user actions, appointed officers or employees must choose between including their title or status in the profile for that platform or using that platform to express support for or opposition to candidates, political campaigns, or political parties.

Examples for Paragraph 8.10

1) An off-duty employee using her personal mobile phone and Instagram account may “like” an Instagram post made by a candidate for Mayor.

2) An off-duty employee using his personal mobile phone and Twitter account may retweet a tweet by a candidate for the U. S. Senate.

3) An employee with a personal Linkedin account uses her City title in her profile headline. Because a Linkedin headline automatically accompanies almost every action on that platform, the employee cannot post messages on Linkedin supporting a candidate for public elective office.

4) An employee uses a photo of herself in her uniform as her personal Google account profile photo. The employee cannot send emails in support of a candidate using her Gmail account because her profile photo will appear as part of each such email.

5) The campaign of a candidate for the U. S. House of Representatives publishes a post on Instagram that includes a picture of the candidate with Beyoncé and the statement “Hey everybody! Please share this amazing picture with all your friends!!” A City employee can share the photo on his personal social media accounts.
8.11 Family member of a candidate.

An appointed officer or employee who is the family member of a candidate may appear in photographs of the candidate’s family that appear in a political advertisement, broadcast, campaign literature, or similar material. A family member also may attend political events with the candidate, but may not engage in any other activity that would be prohibited by this Regulation.

Examples for Paragraph 8.11

1) An employee who is the spouse of a candidate may stand in the receiving line and sit at the head table during a political fundraising dinner honoring the spouse, but he may not organize, speak at, distribute invitations to, or sell tickets to the event.

2) An appointed officer who is the daughter of a candidate may appear in a family photograph that is printed in a campaign flier, but she may not distribute the flier at a campaign rally.

8.12 City Council employees.

In addition to activity permitted by Paragraphs 8.8 through 8.11, so long as he or she complies with the applicable restrictions set forth in Subpart B, an appointed officer or employee of City Council may:

a. Take part in the management or affairs of a political party or in a political campaign, including engaging in activity in coordination with a candidate, political party, or political campaign.

b. Republish or distribute printed campaign literature that was produced or paid for by a candidate, political party, or political campaign.

c. Be a member of any national, state, or local committee of a political party or an officer of a partisan political group or a member of a committee of a partisan political group.

d. Use his or her title while engaging in political activity.

Examples for Paragraph 8.12

1) An employee of City Council may be a committeeperson.

2) An employee of City Council may be a candidate for political party office.

3) An employee of City Council may serve as the campaign manager for a candidate for City Council.

4) An employee of City Council may serve as a delegate to a political party convention.
SUBPART D. MEMBERS OF CITY BOARDS AND COMMISSIONS

8.13 Because the following entities exercise significant powers of City government, their members shall be fully subject to the provisions of this Regulation, except as provided in Paragraph 8.16:

a. Air Pollution Control Board
b. Art Commission
c. Board of Building Standards
d. Board of Ethics
e. Board of Health
f. Board of Labor Standards
g. Board of Pensions and Retirement
h. Board of Revision of Taxes
i. Board of Safety and Fire Prevention
j. Board of Surveyors
k. City Planning Commission
l. Civil Service Commission
m. Commission on Human Relations
n. Fair Housing Commission
o. Free Library of Philadelphia, Board of Trustees
p. Historical Commission
q. Historical Commission Architectural Committee
r. Historical Commission Committee on Historic Designation
s. Licenses & Inspections Review Board
t. Living Wage and Benefits Review Committee
u. Philadelphia Gas Commission
v. Police Advisory Commission
w. Sinking Fund Commission
x. Tax Review Board
y. Vacant Property Review Committee
z. Water, Sewer and Storm Water Rate Board
aa. Zoning Board of Adjustment

8.14 A member of a board or commission not listed in Paragraph 8.13 shall only be subject to those provisions of this Regulation that prohibit (a) political activity while on duty (Paragraph 8.3), (b) political activity using City resources (Paragraph 8.4), or (c) the use of City position for political activity (Paragraph 8.5).

8.15 Nominating Panels.

A member of the Educational Nominating Panel, Civil Service Panel, or Finance Panel shall be fully subject to the provisions of this Regulation, but only for those periods of time when the panel is actively convened, as provided in Home Rule Charter Section 3-1003.
8.16 A member of a board or commission who is separately a City officer or employee shall be subject to this Regulation without regard to his or her position on the board or commission.

Examples for Paragraph 8.16

1) An employee of the Water Department is a member of the Commission for Women. The employee is subject to all parts of this Regulation that apply to City employees, even though the Commission is not listed in Paragraph 8.13.

2) An employee of City Council serves on an advisory Board formed by the Mayor. The City Council employee is subject to this Regulation as provided in Subparts B and C, not as provided by Paragraph 8.14.

3) A City of Philadelphia elected official serves on a commission listed in Paragraph 8.13. The elected official is not subject to this Regulation.

SUBPART E. PENALTIES

8.17 The penalties for violations of Home Rule Charter Section 10-107 are set forth at Charter Sections 10-109 and 10-107(6). If an appointed officer or employee engages or participates in prohibited political activity, the Board may seek a maximum civil penalty of $300 for each separate instance of prohibited political activity. The Board shall not seek imprisonment as a sanction if an appointed officer or employee engages or participates in prohibited political activity.