



State Police Commission

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John Bel Edwards
Governor

Jason Hannaman
Executive Director

General Circular No. 202
(supersedes General Circular No. 191)

Date: November 13, 2019

Subject: Reminder of Political Activity Prohibitions for
Classified Members of the State Police Service

Purpose:

The purpose of this General Circular is to remind those members of the classified state police service that there are provisions in the Louisiana Constitution and rules in the Louisiana State Police Commission Rules which govern "political activity" by classified members of the state police service.

Governing Law:

Louisiana Constitution:

Article 10, Section 47 of the State Constitution:

Prohibitions Against Political Activities:

(A) Party Membership; Elections. **No member** of the commission and no state police officer in the classified service **shall participate or engage in political activity;** be a candidate for nomination or election to public office except to seek election as the classified state police officer serving on the State Police Commission; or be a member of any national, state, or local committee of a political party or faction; make or solicit contributions for any political party, faction, or candidate; or take active part in the management of the affairs of a political party, faction, candidate, or any political campaign, except to exercise his right as a citizen **to express his opinion privately, to serve as a commissioner or official watcher at the polls, and to cast his vote as he desires.**

(B) Contributions. No person shall solicit contributions for political purposes from any classified state police officer or use or attempt to use his position to punish

or coerce the political action of a classified state police officer.

(C) Political Activity Defined. As used in this Part, "political activity" means an effort to support or oppose the election of a candidate for political office or to support a particular political party in an election. The support or opposition of a candidate seeking election as the classified state police officer member of the State Police Commission, issues involving bonded indebtedness, tax referenda, or constitutional amendments shall not be prohibited.

Louisiana State Police Commission Rules:

LSPC Rule 14.2 provides:

Prohibited Political Activity

- (a) Except as provided in subsection (b) (below), no member of the State Police Commission and no classified member of the State Police Service shall:
 - (1) Participate or engage in political activity, including, but not limited to, any effort to support or oppose the election of a candidate for political office or support or oppose a particular political party in an election;
 - (2) Be a candidate for nomination or election to public office;
 - (3) Be a member of any national, state, or local committee of a political party or faction;
 - (4) Make or solicit contributions for any political purpose, party, faction, or candidate;
 - (5) Use or attempt to use his position to influence, punish or coerce the political action of any person, including a classified member of the State Police Service;
 - (6) Take active part in the management of the affairs of a political party, faction, candidate, or any political campaign;

- (7) Take active part in an effort to recall from office an elected public official, or seek, solicit or attempt to influence or coerce any person, including a classified member of the State Police Service or of the State Police Commission, into participating in any such effort or attempt to influence or coerce any person into signing a recall petition; or
 - (8) Directly or indirectly, pay or promise to pay any assessment, subscription, or contribution for any political party, faction or candidate, nor solicit or take part in soliciting any such assessment, subscription or contribution, and no person shall solicit any such assessment, subscription or contribution of any classified employee in the State Police Service.
- (b) Prohibited political activity shall not include:
- (1) Seeking election as the classified state police officer serving on the State Police Commission;
 - (2) Activity in support of or opposition to the election of the state police officer serving on the State Police Commission;
 - (3) The exercise as a citizen of the expression of an opinion privately;
 - (4) Serving as a commissioner or official watcher at the polls for any state or federal election;
 - (5) Casting a vote in any local, state or federal election;
 - (6) Except as provided in subsection (a) (7) (above), activity in support of or opposition to any referendum, including a tax referenda, amendment of the state or federal constitutions or issues involving bonded indebtedness; or
 - (7) Signing a petition to recall from office an elected public official.

LSPC Rule 14.3 (in pertinent part) provides:
Other Prohibited Activity

- (d) No appointing authority, agent, or deputy thereof, or supervisor of any employee shall, directly or indirectly, discipline, influence, coerce or take any other action against any employee in the classified State Police Service for the purpose of influencing his vote, support or other political activity in any general or primary election.

Guidance:

There have been no decisions to date from the First Circuit Court of Appeal or the Louisiana Supreme Court that have interpreted Section 47 of the Louisiana Constitution or Chapter 14 of the State Police Commission Rules.

Any complaint of alleged violations of the constitutional provisions and rules cited above will be investigated by the State Police Commission and/or its Executive Director, and a decision on whether or not there is a violation of the article and/or rules by the Commission will be made on a case by case basis and based on the facts of each case. Therefore, care should be used by all members of the classified state police service to not violate the constitutional provision or rules either directly or acting through others.

What happens if a violation is alleged to have occurred?

When a violation of political prohibitions is alleged to have occurred, the State Police Commission will review the specific circumstances in each case and may vote to take corrective action. Corrective action may range from issuing a letter of admonishment to bringing the violator before the State Police Commission for Investigation by Public Hearing.

Violating constitutionally prohibited activities is serious and could result in significant penalties. The State Police Commission has the authority to order disciplinary action up to and including termination from the classified state police service.

Reporting Political Activity Violations:

Violations of political activity restrictions should be reported to the State Police Commission, P.O. Box 66555, Baton Rouge, LA 70896. Such reports should be made in writing. The complainant should provide as many details as he or she knows, including names, dates, places, witnesses, how to contact witnesses, and other relevant facts.

General Contact Information:

If you still have questions about what political activities you may or may not be involved in as a classified state police service employee, contact the State Police Commission, P.O. Box 66555, Baton Rouge, LA 70896 or by phone at (225) 925-7057.

Sincerely,

s/Jason Hannaman, PHR, SHRM-CP
Executive Director