

IN THE SUPREME COURT OF THE STATE OF KANSAS

FILED

Administrative Order

May 13, 2022

2022-PR-025

DOUGLAS T. SHIMA  
CLERK OF APPELLATE COURTS

**Re: Amendment of the Rules Relating to Kansas Court Personnel**

The attached Rule 5.16 Political Activity in the Rules Relating to Kansas Court Personnel is amended effective the date of this order.

Dated this 13th day of May 2022.

FOR THE COURT



MARLA LUCKERT  
Chief Justice

Attachment

## 5.16 Political Activity

- a. Employees ~~shall~~must not directly or indirectly use their authority or official position or an express or implied offer of special favor to compel or persuade any person to apply for membership in or become a member of any organization, to pay or promise to pay any assessment, subscription, or contribution, or to take part in any political activity. An employee must not use their official authority or influence for the purpose of interfering with or affecting the result of an election or a nomination for office.
- b. An employee ~~may~~must not use the employee's official position, Judicial Branch work time, state or county property, communication or information systems or other resources or facilities in connection with any political activity unless such activity is authorized by the Supreme Court or reasonably related to the employee's official duties.
- c. ~~No s~~Solicitations for political contributions should occur~~made~~ on state or county premises used by the Judicial Branch~~, or during regular hours of employment, are prohibited.~~ An employee must not directly or indirectly coerce, attempt to coerce, command, or advise a State or local officer or employee to pay, lend, or contribute anything of value to a party, committee, organization, agency, or person for political purposes. Literature advocating political activity or other political activity paraphernalia ~~shall~~must not be brought into Judicial Branch offices~~, or transported in or displayed on Judicial Branch vehicles.~~
- d. Supervisors or members of their immediate families must not solicit for political contributions or for participation in political activities from any Judicial Branch employees under their supervision.
- ~~d.~~e. Employees subject to the Kansas Court Personnel Rules (KCPRs) must~~may~~ not hold an elective office while employed with the Judicial Branch except precinct committee person or a nonpartisan elective office. An elective office is deemed outside employment and subject to provisions of KCPR 5.11. ~~Employees are deemed to have resigned from employment with the Judicial Branch upon filing as a candidate for holding an elective office unless the elected office filed for is nonpartisan or is that of precinct committee person. In addition, an elective office is deemed outside employment and subject to provisions of KCPR 5.11.~~
- f. An employee may file as a candidate for a nonpartisan office, a partisan judicial office, or a precinct committee person. Filing as a candidate for elective office beyond these three areas will be deemed a resignation from employment with the Judicial Branch.
- g. An employee who files to run for elective office must abide by the Supreme Court Rules (including the KCPRs, the Kansas Rules of Professional Conduct, and the Kansas Code of Judicial Conduct, as applicable), and state and federal law. OJA

staff cannot provide legal advice to candidates or potential candidates regarding the legal or employment ramifications of filing or running for elective office.

h. Employees must not engage in political or campaign activity that is inconsistent with the independence, integrity, or impartiality of the judiciary.

e.i. For purposes of this subsection, "political activity" means contacting, or urging another person or persons to contact, members of a legislative body for the purpose of proposing, supporting, or opposing legislation; advocating the adoption or rejection of legislation; or recruiting, supporting, or hindering political candidates. "Legislative body" includes any federal, state, and local government entity with statute, rule or policy making authority. "Legislation" includes any action by Congress, by any state legislature, by any local council or governing body, by any executive agency, by the public in a referendum, initiative, constitutional amendment, or similar procedure.

f.j. Subject to the above restrictions, employees may exercise all rights of citizenship while not on duty and while clearly acting as an individual and not an employee or representative of the Judicial Branch.