

1 AMENDMENT TO HOUSE BILL 3157

2 AMENDMENT NO. _____. Amend House Bill 3157 by replacing
3 everything after the enacting clause with the following:

4 "Section 1. Short title. This Act may be cited as the
5 Public Employee Candidacy Act.

6 Section 5. Definitions. As used in this Act:

7 "Candidacy for elected public office" means affirmative
8 conduct taken by a public employee to establish himself or
9 herself to members of the public as a candidate for elected
10 public office. Affirmative conduct shall include, but is not
11 limited to, conducting name recognition polls in the
12 geographic area covered by the elected public office,
13 creating or allowing the creation of a campaign committee in
14 the public employee's name, engaging in strategy meetings
15 with non-family members, or obtaining or filing the requisite
16 candidate filing forms with the local or State election
17 authority. Affirmative conduct shall not include a public
18 employee's private discussions about his or her candidacy
19 with family members or contact made by the public employee
20 with his or her public employer pursuant to this Act.

21 "Public employer" means the State, an agency or
22 department thereof, a unit of local government, a school

1 district, or an instrumentality or political subdivision
2 thereof.

3 "Public employee" means an employee of the State, an
4 agency or department thereof, a unit of local government, a
5 school district, or an instrumentality or political
6 subdivision thereof.

7 Section 10. Public employee candidacy. A public
8 employer may not terminate the employment of, force the
9 resignation of, invalidate the transfer of, demote,
10 reprimand, or in any other way penalize a public employee as
11 a consequence of the public employee's candidacy for elected
12 public office. This Section shall not apply if a public
13 employee fails to comply with Section 15 and remains subject
14 to the federal Hatch Act (5 U.S.C. Sections 1501 through
15 1508).

16 Section 15. Notice to the public employer. At least 90
17 days before a public employee shall seek candidacy for
18 elected public office, the public employee shall provide his
19 or her public employer with written notice of his or her
20 intent to run for elected public office.

21 Within 7 days of receiving the public employee's written
22 notice, the public employer shall contact the United States
23 Office of Special Counsel in writing for an advisory opinion
24 on whether the requesting public employee occupies an
25 employment position covered under the federal Hatch Act (5
26 U.S.C. Sections 1501 through 1508). If the United States
27 Office of Special Counsel's advisory opinion reveals that the
28 public employee is subject to the federal Hatch Act, then the
29 public employer shall offer in writing to transfer the public
30 employee to or make available to the public employee an
31 equivalent employment position that is not subject to the
32 federal Hatch Act within 5 days after receiving the advisory

1 opinion. The public employee shall be entitled to a copy of
2 the decision and shall have 15 days to decide upon and accept
3 the equivalent employment position made available by his or
4 her public employer.

5 All public employers shall make a public posting in the
6 workplace that informs public employees of the provisions of
7 this Act. All public employers shall inform new employees of
8 this Act upon hiring as well as provide all public employees
9 with informational literature concerning this Act at least
10 annually. The public employer may utilize informational
11 literature prepared by the United States Office of Special
12 Counsel.

13 Section 20. Working hours. Nothing in this Act
14 prohibits a public employer from penalizing a public employee
15 for any activity conducted during regular working hours in
16 connection with a candidacy for elected public office.

17 Section 99. Effective date. This Act takes effect upon
18 becoming law."