

POLITICAL ACTIVITY AND THE FEDERAL EMPLOYEE

BY
THE U.S. OFFICE OF SPECIAL COUNSEL

The Hatch Act governs the political activity of government employees at the federal, state and local levels. Under the Hatch Act, as amended (5 U.S.C. Section 7321, et seq.), most federal and D.C. government employees may take an active part in partisan political management and campaigns. These federal employees:

<p>may be candidates for public office in nonpartisan elections; <i>EXAMPLE: An employee may run for school board in the District of Columbia because school board elections in the District are nonpartisan.</i></p>	<p>may join and be an active member of a political party or club; <i>EXAMPLE: An employee may serve as a delegate, alternate or proxy to a state or national party convention.</i></p>
<p>may register and vote as they choose; <i>EXAMPLE: An employee may register to vote Republican and vote for a Republican candidate even though his boss is a Democratic political appointee.</i></p>	<p>may sign and circulate nominating petitions; <i>EXAMPLE: An employee may collect signatures for the nominating petitions of individuals who are running for public office.</i></p>
<p>may assist in voter registration drives; <i>EXAMPLE: An employee may assist in a voter registration drive sponsored by the League of Women Voters.</i></p>	<p>may campaign for or against referendum questions, constitutional amendments, and municipal ordinances; <i>EXAMPLE: An employee may be politically active in connection with a referendum question that seeks to ban smoking in eating establishments.</i></p>
<p>may express opinions about candidates and issues; <i>EXAMPLE: An employee may write a letter to the editor at the Washington Post which expresses her personal opinion on a candidate or political issue.</i></p>	<p>may campaign for or against candidates in partisan elections; <i>EXAMPLE: An employee may walk around his neighborhood and introduce a candidate, who is running in a partisan election, to his neighbors</i></p>
<p>may contribute money to political organizations; <i>EXAMPLE: An employee may make a monetary contribution to any candidate, political party, club or organization of her choosing.</i></p>	<p>may distribute campaign literature in partisan elections; <i>EXAMPLE: An employee may stand outside of a polling place on election day and hand out brochures on behalf of a partisan political candidate or political party.</i></p>
<p>may attend and give a speech at a political fundraiser, rally or meeting; <i>EXAMPLE: When an employee is off duty she may attend and give a speech or keynote address at a political fundraiser.</i></p>	<p>may hold office in political clubs or parties; <i>EXAMPLE: An employee may serve as a vice-president of a political action committee, as long as the position does not involve personal solicitation, acceptance, or receipt of political contribution.</i></p>

There continue to be important restrictions on employees' political activity. Whether on or off duty, federal employees:

<p>may not use official authority or influence to interfere with an election; <i>EXAMPLE: An employee who signs a letter seeking volunteer services from individuals may not identify himself by using his official title.</i></p>	<p>may not engage in political activity while on duty, in a government office, while wearing an official uniform or while using a government vehicle; <i>EXAMPLE: An employee may not display a political poster, bumper sticker or campaign button in his or her office or in the common areas of a federal building.</i></p>
<p>may not solicit or discourage political activity of anyone with business before her agency; <i>EXAMPLE: An employee with agency wide responsibility may address a large, diverse group to seek support for a partisan political candidate as long as the group has not been specifically targeted as having matters before the employing agency.</i></p>	<p>may not become a candidate in a partisan election; <i>EXAMPLE: An employee may not become a candidate in an election where any of the candidates are running as representatives of political parties, usually the Democratic or Republican parties.</i></p>
<p>may not solicit, accept or receive political contributions (may be done in certain limited situations by federal labor or other employee organizations); <i>EXAMPLE: An employee may not host a fundraiser at his home or solicit funds at any other fundraiser for a partisan candidate.</i></p>	

Employees Who Are Prohibited From Engaging in Political Activity:

Federal employees in the following agencies, divisions or positions are prohibited from engaging partisan political campaigns or partisan political management:
Federal Election Commission; Federal Bureau of Investigations; Secret Service; Central Intelligence Agency; National Security Council; National Security Agency; Defense Intelligence Agency; National Imagery and Mapping Agency; Merit Systems Protection Board; Office of Special Counsel; Office of Criminal Investigations of the IRS; Office of Investigative Program of the U.S. Customs Service; Office of Law Enforcement of the Bureau of Alcohol, Tobacco, and Firearms; Criminal Division of the Department of Justice; Career members of the Senior Executive Service; Administrative Law Judges; Contract Appeals Board Members

The U.S. Office of Special Counsel and the Hatch Act

The U.S. Office of Special Counsel (OSC) is authorized by law to provide Hatch Act advisory opinions. These opinions respond to questions from government employees and others about whether or not they may engage in specific political activities under the Act.

The OSC also enforces Hatch Act provisions on permissible and impermissible political activity by government employees. It is the only agency authorized to prosecute violations of the Act, which are adjudicated by the Merit Systems Protection Board (MSPB).

Penalties:

The Special Counsel may ask the MSPB to impose any penalty ranging from a 30-day suspension without pay to removal from federal service.

How to File a Hatch Act Complaint:

Individuals may report suspected Hatch Act violations to the OSC. Complaints of such activities should be submitted to the OSC in writing.

How to Obtain a Hatch Act Advisory Opinion:

Individuals may request oral and written opinions advice about activities which are permitted or prohibited by the Hatch Act, and receive an oral or written opinion, as appropriate, from the OSC. Requests may be submitted to:



HATCH ACT UNIT
U.S. Office of Special Counsel
1730 M Street, NW (Suite 300)
Washington, DC 20036-4505
Tel: (800) 85-HATCH
(202) 653-7143
Fax: (202) 653-5151

E-mail: hatchact@osc.gov
Web site: <http://www.osc.gov>