

POLITICAL ACTIVITY (HATCH ACT)

The following is a discussion of political activity by federal government employees under the Hatch Act. Information obtained from the Office of the Special Counsel (OSC) Website at www.osc.gov. You may contact that office or Peggy Moran-Gicker, (202) 208-2762, with specific questions.

Federal Hatch Act

Under the 1939 Hatch Act, federal employees faced significant restrictions on their ability to participate in political activities. Congress amended the Hatch Act in 1993 to permit more political activity by federal employees.

With the 1993 amendments, many federal employees are now permitted to take an active part in political management or in political campaigns. However, certain federal agencies and categories of employees continue to be covered by important restrictions on political activities (including partisan candidacy, solicitation of contributions, and on-duty political activity). Employees in the covered agencies and categories continue to be subject to Hatch Act provisions in effect before the 1993 amendments.

Ref: 5 U.S.C. chapter 73, subchapter III, as amended; 5 C.F.R. Part 733; 5 C.F.R. Part 734, as amended (61 Fed. Reg. 35088 (July 5, 1996))

Agencies/Employees Subject to Pre-1993 Restrictions

Employees of the following agencies (or agency components), or in the following categories, are prohibited from engaging in partisan political activity:

[List edited to show only the following category is applicable to OSM employees and subject to pre-1993 restrictions.]

Senior Executive Service (career positions described at 5 U.S.C. § 3132(a)(4))

Ref: 5 U.S.C. chapter 73, subchapter III, as amended; 5 C.F.R. Part 734, as amended (61 Fed. Reg. 35088 (July 5, 1996); Pub.L. 103-359, § 501(k) (1994)

Recent Regulations

On August 5, 1996, final regulations applicable to political activities of federal employees took effect. The regulations, published by the Office of Personnel Management amended the previous, interim regulation published at 5 C.F.R. Part 734 (1996).

Ref: 61 Fed Reg. 35,088 (1996) (to be codified at 5 C.F.R. Part 734)

Federal Hatch Act Do's

- Federal employees covered by the 1993 amendments *may--*
- o be candidates for public office in nonpartisan elections
 - o register and vote as they choose
 - o assist in voter registration drives
 - o express opinions about candidates and issues
 - o contribute money to political organizations
 - o attend political fundraising functions

- o attend and be active at political rallies and meetings
- o join and be an active member of a political party or club
- o sign nominating petitions
- o campaign for or against referendum questions, constitutional amendments, municipal ordinances
- o campaign for or against candidates in partisan elections
- o make campaign speeches for candidates in partisan elections
- o distribute campaign literature in partisan elections
- o hold office in political clubs or parties

Federal Hatch Act Don'ts

Federal employees covered by 1993 amendments may ***not***--

- o use official authority or influence to interfere with an election
- o solicit or discourage political activity of anyone with business before their agency
- o solicit or receive political contributions (may be done in certain *limited* situations by federal labor or other employee organizations)
- o be candidates for public office in partisan elections
- o engage in political activity while--
 - on duty
 - in a government office
 - wearing an official uniform
 - using a government vehicle
- o wear political buttons on duty

Frequently Asked Questions

Listed below are some of the most frequently asked questions received by the Office of Special Counsel (OSC) about political activity by federal employees, followed by the answers:

Question: Can I make a contribution to the campaign of a partisan candidate, or to a political party or organization?

Answer: Yes. A federal employee may contribute to the campaign of a partisan candidate, or to a political party or organization.

Question: I use my personal car to deliver mail for the Postal Service. Can I have a political bumper sticker on the car?

Answer: Yes. A Postal Service employee who uses his/her private vehicle to deliver mail can have a political bumper sticker on the vehicle, as long as the bumper sticker is covered while the employee is on duty.

Question: If I have a bumper sticker on my personal car, am I allowed to park the car in a government lot or garage, or in a private lot/garage if the government subsidizes my parking fees?

Answer: Yes. An employee is allowed to park his or her privately owned vehicle with bumper sticker in a government lot or garage. An employee may also park the car with a bumper sticker in a private lot or garage for which the employee receives a subsidy from his or her agency.

Question: Can I help organize a political fundraiser?

Answer: An employee is allowed to organize a fundraiser, including by supplying names for the invitation list, as long as he or she does not personally solicit, accept, or receive contributions.

Question: Can my name appear on invitations to a political fundraiser as a sponsor or point of contact?

Answer: No. An employee's name may not be shown on an invitation to such a fundraiser as a sponsor or point of contact.

Question: Can I speak at a political fundraiser?

Answer: An employee is allowed to give a speech or keynote address at a political fundraiser, as long as he or she is not on duty, and the employee does not solicit political contributions.

Question: If I'm going to speak at a political fundraiser, what information about me can be printed on the invitations?

Answer: An employee's name can be shown as a guest speaker. However, the reference should not in any way suggest that the employee solicits or encourages contributions. Invitations to the fundraiser may not include the employee's official title; although an employee who is ordinarily addressed with a general term of address such as "The Honorable" may use, or permit the use of, that term of address on the invitation.

Question: Can I attend a state or national party convention? If so, in what capacity?

Answer: Yes. A federal employee may serve as a delegate, alternate, or proxy to a state or national party convention.

Question: If I run as a candidate for public office in a nonpartisan election, does the Hatch Act allow me to ask for and accept political contributions?

Answer: An employee who is a candidate for public office in a nonpartisan election is not barred by the Hatch Act from soliciting, accepting, or receiving political contributions for his or her own campaign.

Question: May I distribute brochures for a political party to people arriving at a polling place on Election Day?

Answer: Yes. An employee may stand outside a polling place on Election Day and hand out brochures on behalf of a partisan political candidate or political party. (Reminder: Local ordinances frequently specify required distances from polling places.)