

A Guide to the Federal Hatch Act

A Guide to the Federal Hatch Act

Adapted from “Federal Hatch Act” on the Web Site of the OSC

By Michele Nicholas

The Hatch Act restricts the political activity of executive branch employees of the federal government, the District of Columbia government and certain state and local agencies. In 1993, Congress passed legislation that substantially amended the Hatch Act, allowing most federal and D.C. employees to engage in many types of political activity. (These amendments did not change the provisions applying to state and local employees.)

With the 1993 amendments, most federal and D.C. government employees are now permitted to take an active part in political management or in political campaigns. However, some federal agencies and categories of employees continue to be prohibited from engaging in partisan political activity.

Ref: 5 US. C chapter 73, subchapter III, as amended; 5 CFR. Part 733; 5 CFR. Part 734

Rules for Federal Employees Who May Engage in Partisan Political Activity (Like Us)

Federal employees may–

- ↪ be candidates for public office in nonpartisan elections register and vote as they choose
- ↪ assist in voter registration drives
- ↪ express opinions about candidates and issues
- ↪ contribute money to political organizations
- ↪ attend political fundraising functions
- ↪ attend and be active at political rallies and meetings
- ↪ join and be an active member of a political party or club
- ↪ sign nominating petitions
- ↪ campaign for or against referendum questions, constitutional amendments, municipal ordinances
- ↪ campaign for or against candidates in partisan elections
- ↪ make campaign speeches for candidates in partisan elections
- ↪ distribute campaign literature in partisan elections
- ↪ hold office in political clubs or parties

Federal employees may not -

- ↪ use official authority or influence to interfere with an election
- ↪ solicit or discourage political activity of anyone with business before their agency
- ↪ solicit or receive political contributions (may be done in certain limited situations by fed labor or other employee organizations)
- ↪ be candidates for public office in partisan elections
- ↪ engage in political activity while:
 - on duty, or
 - in a government office, or

- wearing an official uniform, or
- using a government vehicle
- ☞ wear partisan political buttons while on duty

OSC's Answers to the Questions Federal Employees Most Frequently Ask about Political Activity

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: 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 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 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.

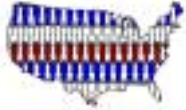
Question: May I distribute brochures for a political party to people arriving at a polling place on Election Day?

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.

Agencies/Employees Who Are Prohibited From Engaging in Partisan Activity

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

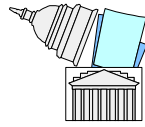
- Administrative Law Judges (positions described at 5 U.S.C. § 5372)
- Central Imagery Office
- Central Intelligence Agency
- Contract Appeals Boards (positions described at 5 U.S.C. § 5372a)
- Criminal Division (Department of Justice)
- Defense Intelligence Agency
- Federal Bureau of Investigation
- Federal Elections Commission
- Merit Systems Protection Board
- National Security Agency
- National Security Council
- Office of Criminal Investigation (Internal Revenue Service)
- Office of Investigative Programs (Customs Service)
- Office of Law Enforcement (Bureau of Alcohol, Tobacco and Firearms)
- Office of Special Counsel
- Secret Service Senior Executive Service (career positions described at 5 U.S.C. § 3132(a)(4))



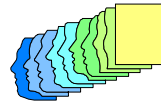
Return to
Table of Contents



Go to AFGE
Glossary



Go to Glossary
of Legislative
Action



Go to
Fundamentals
of Legislative
Action



Go to
5 U.S.C. 7102