



# The Hatch Act And Federal Employees

## Permitted and Prohibited Activities for Employees Who May Engage in Partisan Activity

- May be candidates for public office in nonpartisan elections
- May register and vote as they choose
- May assist in voter registration drives
- May express opinions about candidates and issues
- May contribute money to political organizations
- May attend political fundraising functions
- May attend and be active at political rallies and meetings
- May join and be an active member of a political party or club
- May sign nominating petitions
- May campaign for or against referendum questions, constitutional amendments, municipal ordinances
- May campaign for or against candidates in partisan elections
- May make campaign speeches for candidates in partisan elections
- May distribute campaign literature in partisan elections
- May hold office in political clubs or parties including serving as a delegate to a convention
- May not use their official authority or influence to interfere with an election
- May not solicit, accept or receive political contributions unless both individuals are members of the same federal labor organization or employee organization and the one solicited is not a subordinate employee
- May not knowingly solicit or discourage the political activity of any person who has business before the agency
- May not engage in political activity while on duty
- May not engage in political activity in any government office
- May not engage in political activity while wearing an official uniform
- May not engage in political activity while using a government vehicle
- May not be candidates for public office in partisan elections
- May not wear political buttons on duty

For additional questions, contact:

U.S. Office of Special Counsel  
1730 M Street N.W. Suite 201 · Washington DC 20036-4505  
Phone: 1-800-85-HATCH · Web Site: [www.osc.gov](http://www.osc.gov)

This list does not apply to federal employees in the following agencies, divisions or positions: Federal Election Commission; Federal Bureau of Investigations; Secret Service; Central Intelligence Agency; National Security Agency; National Security Council; 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 Programs 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 Staff; Administrative Law Judges; Contract appeals board members.

# 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><b>may be candidates for public office in nonpartisan elections;</b> <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><b>may join and be an active member of a political party or club;</b> <i>EXAMPLE: An employee may serve as a delegate, alternate or proxy to a state or national party convention.</i></p>
<p><b>may register and vote as they choose;</b> <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><b>may sign and circulate nominating petitions;</b> <i>EXAMPLE: An employee may collect signatures for the nominating petitions of individuals who are running for public office.</i></p>
<p><b>may assist in voter registration drives;</b> <i>EXAMPLE: An employee may assist in a voter registration drive sponsored by the League of Women Voters.</i></p>	<p><b>may campaign for or against referendum questions, constitutional amendments, and municipal ordinances;</b> <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><b>may express opinions about candidates and issues;</b> <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><b>may campaign for or against candidates in partisan elections;</b> <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><b>may contribute money to political organizations;</b> <i>EXAMPLE: An employee may make a monetary contribution to any candidate, political party, club or organization of her choosing.</i></p>	<p><b>may distribute campaign literature in partisan elections;</b> <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><b>may attend and give a speech at a political fundraiser, rally or meeting;</b> <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><b>may hold office in political clubs or parties;</b> <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><b>may not use official authority or influence to interfere with an election;</b> <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><b>may not engage in political activity while on duty, in a government office, while wearing an official uniform or while using a government vehicle;</b> <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><b>may not solicit or discourage political activity of anyone with business before her agency;</b> <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><b>may not become a candidate in a partisan election;</b> <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><b>may not solicit, accept or receive political contributions (may be done in certain limited situations by federal labor or other employee organizations);</b> <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](mailto:hatchact@osc.gov)  
Web site: <http://www.osc.gov>



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The Hatch Act restricts the political activity of executive branch employees of the federal government, District of Columbia government and some state and local employees who work in connection with federally funded programs. In 1993, Congress passed legislation that significantly amended the Hatch Act as it applies to federal and D.C. employees ([5 U.S.C. §§ 7321-7326](#)). (These amendments did not change the provisions that apply to state and local employees. [5 U.S.C. §§ 1501- 1508](#).) Under the amendments most federal and D.C. employees are now permitted to take an active part in political management and political campaigns. A small group of federal employees are subject to greater restrictions and continue to be prohibited from engaging in partisan political management and partisan political campaigns.

OSC has developed a number of booklets, posters and fact sheets that explain the application of the Hatch Act. Copies of the booklets and posters can be ordered from the [Government Printing Office](#). The fact sheet may be downloaded or emailed directly from the OSC website. Additionally, OSC has created a PowerPoint presentation - "[Political Activity and the Federal Employee](#)" - which covers the rules and regulations of the Hatch Act.

- [Permitted/Prohibited Activities for Employees Who May Participate in Partisan Political Activity](#)
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Federal employees should also be aware that certain political activities may also be criminal offenses under title 18 of the U.S. Code. See [18 U.S.C. §§ 210, 211, 594, 595, 600, 601, 602, 603, 604, 605, 606, 607, 610](#).

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### **Permitted/Prohibited Activities for Employees Who May Participate in Partisan Political Activity**

These federal and D.C. 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

These federal and D.C. 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 federal labor or other employee organizations)
- be candidates for public office in partisan elections
- engage in political activity while:
  - on duty
  - in a government office
  - wearing an official uniform
  - using a government vehicle
- wear partisan political buttons on duty

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### **Agencies/Employees Prohibited From Engaging in Partisan Political Activity**

Employees of the following agencies (or agency components), or in the following categories, are subject to more extensive restrictions on their political activities than employees in other Departments and agencies:

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))

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### **Permitted/Prohibited Activities for Employees Who May Not Participate in Partisan Political Activity**

These federal employees ***may***-

- register and vote as they choose
- assist in voter registration drives
- express opinions about candidates and issues
- participate in campaigns where none of the candidates represent a political party
- contribute money to political organizations or attend political fund raising functions
- attend political rallies and meetings
- join political clubs or parties
- sign nominating petitions
- campaign for or against referendum questions, constitutional amendments, municipal ordinances

These federal employees ***may not***-

- be candidates for public office in partisan elections
- campaign for or against a candidate or slate of candidates in partisan elections
- make campaign speeches
- collect contributions or sell tickets to political fund raising functions
- distribute campaign material in partisan elections
- organize or manage political rallies or meetings
- hold office in political clubs or parties
- circulate nominating petitions

- work to register voters for one party only
- wear political buttons at work

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**Hatch Act Regulations**

Date	Title	Format
1/1/01	Political Activity - Federal Employees Residing in Designated Localities [5CFR733]	 
1/1/01	Political Activities of Federal Employees [5CFR734]	 

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**Penalties for Violating the Hatch Act**

An employee who violates the Hatch Act shall be removed from their position, and funds appropriated for the position from which removed thereafter may not be used to pay the employee or individual. However, if the Merit Systems Protection Board finds by unanimous vote that the violation does not warrant removal, a penalty of not less than 30 days' suspension without pay shall be imposed by direction of the Board.

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**Advisories for Federal Employees**

Date	Title	Format
3/12/09	Employees of Fanny Mae and Freddy Mac are not covered by the Hatch Act	
12/12/08	Supplemental Advisory Opinion about Wearing or Displaying Presidential Campaign Items after the Election	
11/5/08	Wearing or Displaying Presidential Candidate items after the Election	
11/3/08	Example of E-mail that Constitutes Prohibited Political Activity	
10/31/08	Miscellaneous (e.g., bumper stickers, candidate photographs, social networks, agency news clips, use of official title)	
10/30/08	Employees of the National Disaster Medical System, Disaster Mortuary Operation Response Team (DMORT)	
10/30/08	Fundraising for an organization that has a Political Action Committee	
10/30/08	Canvassing residents of Government Housing Units	
10/30/08	Candidacy in a nonpartisan election and fundraising for such candidacy	
10/30/08	DC Board of Zoning Adjustment and Hatch Act coverage	
2007	Federal employee on a temporary work assignment to an elected official's office is still covered by the Hatch Act.	
2007	Wearing an official uniform while driving a personal vehicle with a political bumper sticker	
2007	Soliciting funds to pay for party membership fees	

2007	Employees of Amtrak	
2007	Contacting Members of Congress	
2006	Voter Registration Drives	
2006	Voter Registration D-rives	
2006	Stafford Act Employees	
2006	Running or serving as chair of a partisan organization	
2006	Petitions for Ballot Initiatives	
2006	Serving as election officials	
2006	Americorps Vista Volunteers	
2006	Posting Candidates' Positions on Issues in a Federal Building	
2006	Establishing or Holding Office Within a PAC	
8/9/04	Candidate Visits to Federal Agencies	 
5/3/04	D.C. Employee Serving as an Officer of a Campaign Committee	 
4/30/04	Federal Reserve Bank Board of Directors Not Covered	 
5/25/04	Voter Registration Drives in the Workplace(2)	 
4/14/04	Voter Registration Drives in the Workplace	 
3/18/03	Wearing Antiwar or Nonpartisan Buttons in the Workplace	 
6/04/02	Running for Political Party Office	 
4/30/02	Appointment to Public Office	 
4/30/02	Candidacy in a Non Partisan Election	 
1/18/02	Designated Localities and Independent Candidacy Transforms to a Partisan Candidacy	 
1/16/02	Non-Partisan Election Transformed to Partisan Election	 
6/27/01	Temporary, Part-Time and Emergency Employees	 
4/23/01	Write-In Candidacy	 
2/14/01	Retirement of campaign debt	 
1/10/01	When does candidacy begin (2)	 
7/19/00	Irregularly Scheduled Employee Running for Public Office	 
2/25/00	Reimbursement of de minimis expenses for PAS employees	 

2/11/00	Serving as an officer for an organization that has a PAC	 
3/19/99	When does candidacy begin	 
12/30/98	Elected official accepting federal employment	 
5/20/98	Candidacy in a partisan election	 
3/2/98	Working for a partisan campaign	 
12/17/97	Nonappropriated fund employees	 
11/25/97	Candidacy for regularly scheduled employees	 
11/25/97	Displaying political signs in federal housing	 
11/18/97	Serving as a treasurer of a campaign	 
10/16/97	Restricted employee becoming a member of a partisan political group	 
3/28/97	Receipt of political material at work	 
10/16/96	Solicitation of services from subordinate employees	 
7/8/96	Salary allotments	 
5/8/96	Taking a leave of absence to work on a campaign	 
3/20/96	Restricted employee working on a campaign	 
2/13/96	Testing the waters	 
2/9/96	Serving as a delegate to a party convention	 

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### **Frequently Asked Questions and Answers For Employees Who May Engage in Partisan Political Activity**

Listed below are answers to some of the most frequently asked questions received by OSC about political activity by federal employees.

**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.*

Answers to other questions about allowable political activity by federal employees can also be found in Hatch Act regulations in title 5 of the Code of Federal Regulations. Questions not answered above, or in the regulations, can be submitted to OSC for an [advisory opinion](#).

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