



Date: November 1, 2002

In reply refer to: Ethics –10/02

Subject: Political Activity for Federal Employees

To: All NFC Employees

In 1993, Congress passed legislation that significantly amended the Hatch Act (5 U.S.C. §§ 7321-7326) as it applies to Federal and District of Columbia (D.C.) employees. Under the amendments most Federal and D.C. employees are now permitted to take an active part in political management and political campaigns. However, Federal employees are still prohibited from seeking public office in partisan elections. Additionally, Senior Executive Service employees are subject to greater restrictions and continue to be prohibited from engaging in partisan political management and partisan political campaigns.

The following are general guidelines of permitted and prohibited Political Activity for Federal employees of the Executive Branch:

### **Permitted/Prohibited Activities for Non-Senior Executive Employees**

#### 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, and/or 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

#### Employees **may not**:

- Use official authority/influence to interfere with an election.
- Solicit or discourage the political activity of anyone with business before their agency.
- Solicit or receive political contributions (may be done in certain limited situations by employee organizations). *Please contact the National Finance Center's Ethics Office for more information.*

- 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.

**Permitted/Prohibited Activities for Senior Executive Service Employees**

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, and/or municipal ordinances.

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.

Attached are Frequently Asked Question and Answers for Employees Who May Engage in Partisan/Political Activity (Attachment 1) and the Political Activities Quick Reference Chart (Attachment 2).

Inquiries regarding this memorandum should be referred to the immediate supervisor. Supervisors should contact the National Finance Center's Ethics Office at Extension 5-5679 for assistance.

for 

VIRGINIA G. COOK  
Acting Personnel Officer

Attachment

## **FREQUENTLY ASKED QUESTIONS AND ANSWERS FOR EMPLOYEES WHO MAY ENGAGE IN PARTISAN/ 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 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 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 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 allows 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.

## Political Activities Quick Reference Chart

<u><i>Off Duty</i></u>	<b>Political Activity</b>	<i>SESers</i>	<i>Confidential Filers</i>
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**RUNNING FOR/SERVING IN PUBLIC OFFICE**

In a Non-partisan Election	Yes	Yes
In a Partisan Election (Generally)	No	No
Where permitted by OPM as An Independent.	Yes	Yes
Retain Office Won Prior to Federal Appointment	Yes	Yes

**FUNDRAISING**

Attend A Fundraiser.	Yes	Yes
Contribute to Candidate or Party.	Yes	Yes
Give a Political Speech (No Solicitation Involved).	No	Yes
Host, Invite, Others to, or Sponsor a Fundraiser.	No	No
Solicit, Accept, Receive Contribution (Generally)	No	No
In a Non-Partisan Campaign	Yes	Yes
For Labor Organization PAC.*	No	Yes
As an Independent Candidate (locality rules)**	No	Yes
Use/allow Use of Official Title in Invitations.	No	No

\* ***Only to/from organization members if not subordinates.***

\*\* ***May not solicit, only may accept and receive***

**POLITICAL PARTY/CLUB INVOLVEMENT**

Attending as Member of General Public.	Yes	Yes
Joining/Voting on Issues.	Yes	Yes
Holding Office.	No	Yes
Influencing Members on Partisan Issues.	No	Yes
Precinct/Ward Committee Member.	No	Yes
Act as Accredited Checker, Watcher, Challenger, etc.	No	Yes
Serve as Officer of a PAC.	No	Yes

Be Employed or Paid by a Political Committee.	No	Yes
<b>PARTICIPATING IN POLITICAL EVENTS</b>		
Attending as member of General Public:		
Attending Rallies & Meetings	Yes	Yes
Vote on Questions Presented	Yes	Yes
As a Party Member:		
Organize, Manage, Act in Rallies & Meetings.	No	Yes
Play Prominent Role in Primaries, Caucuses, Convention, etc.	No	Yes
Serve as Delegate, Alternate, or Proxy at Party Conventions.	No	Yes
Address Rallies & Meetings on Partisan Matters.	No	Yes
Organize/Participate in Political Parade.	No	Yes
Engage in Activities Using a Government Vehicle	No	No
<b>CAMPAIGN DUTIES</b>		
Organize, manage, Serve as Officer of Campaign.	No	Yes
Make Partisan Campaign Speeches (No Solicitation).	No	Yes
Endorse a Candidate/Oppose a Candidate Publicly or Through a Paid Advertisement.	No	Yes
Be Employed or Paid by Campaign.	No	Yes
<b>VOLUNTEERING</b>		
Distribute Literature, Badges, Button, etc.	No	Yes
Voter Turnout:		
Register and Vote, Yourself	Yes	Yes
Register Voter: In a Non-partisan Effort.	Yes	Yes
For a Party	No	Yes
Drive Voters to Polls: Non-partisan Effort	Yes	Yes

Partisan Effort.	No	Yes
Nominating Petitions:	No	Yes
Circulating a Nominating Petition.	No	Yes
Sign a Nominating Petition.	Yes	Yes
Serve at the Polls:		
Serve as Non-partisan Election Officer.	Yes	Yes
Act for Party at the Polls.	No	Yes
Recruit Others to Work on a Campaign.	No	Yes

**POLITICAL EXPRESSION**

Making Partisan Campaign Speeches (No Solicitation).	No	Yes
Displaying Partisan Buttons or Signs.	Yes	Yes
Expressing One's Personal Opinion Publicly on Issues & Candidates.	Yes	Yes

**ON DUTY                      POLITICAL ACTIVITY**  
**(On Federal Premises, In Uniform, or on Official Time)**

Taking an Active Part in/Managing Campaigns.	No	No
Political Activities.	No	No
Endorse Candidates Publicly In Official Capacity.	No	No
Travel to Campaign/Political Events (At Own Expense).	No	No
Hold Occasional Campaign Meetings In Office.	No	No
Attend Political Events on Official Time.	No	No
Write Political Speeches on Official Time.	No	No
Engage in Political Activities Using Government Vehicle.	No	No
Be Employed By a Campaign.	No	No