

Date: October 1, 2003

In reply refer to: Advisory-0903

Subject: Political Activity for Federal Employees

To: OCFO 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 (DC) employees. Under the amendments, most Federal and DC 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 Agency'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 Questions 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 your immediate supervisor. Supervisors should contact the Agency's Ethics Office at Extension 504-255-5679 or 504-255-5580 for assistance.



LINDA J. SIMMONS  
Agency Ethics Advisor

Attachments 2

**FREQUENTLY ASKED QUESTIONS AND ANSWERS FOR EMPLOYEES WHO MAY ENGAGE IN PARTISAN/POLITICAL ACTIVITIES**

**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 a 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

### OFF DUTY POLITICAL ACTIVITY

	PAS's	SES-C ALJ/CAB Members	All Others
<b>RUNNING FOR/SERVING IN PUBLIC OFFICE</b>			
In a Non-partisan Election	Yes	Yes	Yes
In a Partisan Election (Generally)	No	No	No
Where Permitted by OPM as an Independent	Yes	Yes	Yes
Retain Office Won Prior to Federal Appointment	Yes	Yes	Yes
<b>FUNDRAISING</b>			
Attend a Fundraiser	Yes	Yes	Yes
Contribute to a Candidate or Party	Yes	No	Yes
Give a Political Speech (No Solicitation Involved)	No	No	No
Host/Invite Others to, or Sponsor a Fundraiser	No	No	No
Solicit/Accept/Receive Contributions (Generally)	No	No	No
In a Non-Partisan Campaign	Yes	Yes	Yes
For Labor Organization PAC *	Yes	No	Yes
As an Independent Candidate (locality rules) **	Yes	No	Yes
Use/allow Use of Official Title in Invitations	No	No	No
<b>POLITICAL PARTY/CLUB INVOLVEMENT</b>			
Attending as Member of General Public	Yes	Yes	Yes
Joining/Voting on Issues	Yes	Yes	Yes
Holding Office	Yes	No	Yes
Influencing Members on Partisan Issues	Yes	No	Yes
Precinct/Ward Committee Member	Yes	No	Yes
Act as Accredited Checker, Watcher, Challenger, etc.	Yes	No	Yes
Serve as Officer of a PAC	Yes	No	Yes
Be Employed or Paid by a Political Committee	No	No	Yes

	<b>PAS's</b>	<b>SES-C ALJ/CAB</b>	<b>All Others</b>
<b>As a Member of the General Public:</b>			
Attending Rallies & Meetings	Yes	Yes	Yes
Voting on Questions Presented	Yes	Yes	Yes
<b>As a Party Member:</b>			
Organize/Manage/Act in Rallies & Meetings	Yes	No	Yes
Play Prominent Role in Primaries, Caucuses, Conventions, etc.	Yes	No	Yes
Serve as Delegate, Alternate, or Proxy at Party Conventions	Yes	No	Yes
Address Rallies & Meetings on Partisan Matters	Yes	No	Yes
Organize/Participate in Political Parade	Yes	No	Yes
Engage in Activities Using a Government Vehicle	No	No	No
 <b>CAMPAIGN DUTIES</b>			
Organize/Manage/Serve as Officer of Campaign	Yes	No	Yes
Make Partisan Campaign Speeches (No Solicitation)	Yes	No	Yes
Endorse a Candidate/Oppose a Candidate Publicly or Through a Paid Advertisement	Yes	No	Yes
Be Employed or Paid by a Campaign	No	No	Yes
 <b>VOLUNTEERING</b>			
Distribute Literature, Badges, Buttons, etc.	Yes	No	Yes
<b>Voter Turnout:</b>			
Register and Vote, Yourself	Yes	Yes	Yes
Register Voters: In a Non-partisan Effort	Yes	Yes	Yes
For a Party	Yes	No	Yes
Drive Voters to Polls: Non-partisan Effort	Yes	Yes	Yes
Partisan Effort	Yes	No	Yes
<b>Nominating Petitions:</b>			
Circulating a Nominating Petition	Yes	No	Yes
Sign a Nominating Petition	Yes	Yes	Yes

	<b>PAS's</b>	<b>SES-C ALJ/CAB Members</b>	<b>All Others</b>
Service at the Polls:			
Act for Party at the Polls	Yes	No	Yes
Recruit Others To Work on a Campaign	Yes	No	Yes

## **POLITICAL EXPRESSION**

Making Partisan Campaign Speeches (No Solicitation)	Yes	No	Yes
Displaying Partisan Buttons or Signs (Not at work)	Yes	Yes	Yes
Expressing One's Personal Opinion Publicly on Issues & Candidates	Yes	Yes	Yes

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

\*\* May not solicit; only may accept and receive.

## **Glossary:**

<b>SES-C:</b>	Career Senior Executive Service Employees
<b>PAS:</b>	Political Appointee with advice and consent of Senate
<b>ALJ:</b>	Administrative Law Judge
<b>CAB:</b>	Contract Appeals Board member
<b>All Others:</b>	Career employees below the SES level, non-PAS appointees, and Schedule Cs, and Special Government Employees (SGE).
<b>Schedule Cs:</b>	GS-15 and below Political Appointees
<b>SGE:</b>	An individual retained, designated, appointed, or employed to perform, [with or without compensation, for a period not to exceed 130 days during any period of 365 consecutive days], temporary duties for the Federal Government either on a full-time or intermittent basis.