

Date: May 3, 2004

In reply refer to: Advisory-0504

Subject: Political Activities Advisory

To: All OCFO Employees

Employees must be vigilant to ensure that their participation in political activities does not create real or apparent conflicts of interest with regard to the performance of their official duties. Under the Hatch Act, Executive Branch employees are subject to rules that limit their involvement in political activities.<sup>1</sup> Additional statutory restrictions apply to career members of the Senior Executive Service (SES). Before participating in political activities, please read the relevant part of this memorandum. Guidance applicable to most employees is set forth in Part I; guidance applicable to career SES officials is set forth in Part II.

### **Part I: Rules Applicable to Non-SES Employees**

#### **PROHIBITED Political Activities**

Employees *may not* use their official authority or influence to interfere with or affect the results of an election, which includes:

- Using their official titles while participating in a permitted political activity;
- Using their authority to coerce anyone into participating in a political activity;
- Soliciting or receiving uncompensated volunteer services from a subordinate;
- Soliciting or discouraging the participation in a political activity of anyone with official matters before the United States Department of Agriculture.
- Participating in the following political fundraising activities:
  - ❖ Soliciting or receiving political contributions (except under limited circumstances in relation with certain local elections or Federal labor organizations);  
***[Employees may not solicit contributions anonymously over the telephone.]***
  - ❖ Allowing the use of their official titles in relation to political fundraising; and
  - ❖ Hosting or sponsoring a political fundraiser.  
***[An employee's spouse may host or sponsor a fundraiser, and the employee may attend.]***
- Running for partisan office (except as independent candidates in certain local elections).

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<sup>1</sup> The Hatch Act of 1939, as amended in 1993, is published in Title 5 United States Code §§ 7321-7326, and its implementing regulations are published in Title 5 Code of Federal Regulations parts 733-734.

- Participating in a permitted political activity while on duty, while in a Government office or building, or while using a Government vehicle.

### **PERMITTED Political Activities**

Non-SES employees **may** participate in political activities to the extent not expressly prohibited above.

These employees **may** participate in the following political organization activities:

- Serve as members and/or officers of a political party or partisan group;
- Attend and participate in a political convention, caucus, or rally;
- Serve as delegates to a political party convention.
- Take an active part in a political campaign, which includes:
  - ❖ Displaying a political sign, sticker, button, or similar material (but not while on duty, in a Government office or building, or using a Government vehicle);  
*[Employees may place political stickers on their privately owned vehicles even if they park in a Government lot or occasionally drive themselves to attend meetings at other agencies.]*
  - ❖ Initiating or circulating a partisan nominating petition;
  - ❖ Canvassing for votes;
  - ❖ Endorsing or opposing a candidate in a political advertisement, broadcast, or campaign literature;
  - ❖ Addressing a political convention, caucus, or rally on behalf of a candidate;
  - ❖ Managing a political campaign; and
  - ❖ Distributing campaign literature.
- Participate in the following election-related activities:
  - ❖ Voting;
  - ❖ Acting as recorders, watchers, or challengers at a polling place;
  - ❖ Serving as election judges or clerks;
  - ❖ Driving voters to a polling place; and
  - ❖ Running for non-partisan office (an office to which political parties may not designate candidates).  
*[Employees who run for non-partisan office may not seek the endorsement of a political party or print partisan campaign literature.]*
- Participate in the following political fundraising activities:
  - ❖ Making a financial political contribution;
  - ❖ Attending, addressing, or being featured guests at a political fundraiser (but refraining from soliciting contributions personally);  
*[Invitations to a fundraiser may list employees as guests or speakers but may not include their official titles.]*

- ❖ Soliciting or receiving uncompensated volunteer services (but not from a subordinate or anyone with official matters before the United States Department of Agriculture); and
- ❖ Managing or organizing a political fundraiser hosted or sponsored by others (but refraining from soliciting contributions personally).

## **Part II: Rules Applicable to Career SES Officials**

### **PROHIBITED Political Activities**

Career SES officials *may not* :

- Participate in a permitted political activity while on duty, while in a Government office or building, or while using a Government vehicle.
- Use their official authority or influence to interfere with or affect the result of an election, which includes:
  - ❖ Allowing the use of their official titles in relation to a political activity;  
[*A general form of address (such as “The Honorable”) may be used.*]
  - ❖ Using their authority to coerce anyone into participating in a political activity; and
  - ❖ Soliciting or discouraging political activity participation.
- Participate in the following political organization activities:
  - ❖ Serving as officers of a political party or partisan group;
  - ❖ Serving as delegates, alternates, or proxies to a political party convention; and
  - ❖ Addressing a political convention, caucus, or rally in support of or in opposition to a candidate, if done in concert with a candidate, political party, or partisan group.  
[*In their official capacity, employees may brief a political party or partisan group (but not at a partisan meeting conducted as a fundraiser) or a non-partisan policy conference (such as an official town-hall meeting sponsored by a Member of Congress) on issues of National defense or Foreign policy.*]
- Participate in the following political fundraising activities:
  - ❖ Soliciting or receiving political contributions (except under limited circumstances in relation with certain local elections or Federal labor organizations); and  
[*Employees may not solicit contributions anonymously over the telephone.*]
  - ❖ Hosting, sponsoring, managing, organizing, selling tickets to, promoting, addressing, or being featured guests at a political fundraiser.  
[*An employee’s spouse may host, sponsor, manage, or organize a fundraiser, and the employee may be present solely as an attendee.*]
- Take an active part in a political campaign, which includes:
  - ❖ Managing a political campaign (except for an independent candidate in certain local elections);
  - ❖ Canvassing for votes in concert with a candidate, political party, or partisan group;  
[*Employees may not canvas anonymously over the telephone.*]

- ❖ Endorsing or opposing a candidate in a political advertisement broadcast, or campaign literature, in concert with a candidate, political party, or partisan group;
  - ❖ *At their expense, employees may purchase airtime to express their individual political opinions but may not appear in a program sponsored by a campaign committee.]*
  - ❖ Initiating or circulating a partisan nominating petition;
  - ❖ Providing volunteer services to a political campaign (such as writing a speech, doing clerical work at a campaign office, or participating in a phone bank); and
  - ❖ Distributing campaign literature printed by or in concert with a candidate, political party, or partisan group.  
*[At their own expense, employees may print and distribute fliers that express their individual political opinions but may not distribute fliers printed by a campaign committee.]*
- Participate in the following election-related activities:
- ❖ Running for partisan office (except as independent candidates in certain local elections).
  - ❖ Acting as recorders, watchers, or challengers at a polling place for a candidate, political party, or partisan group; and
  - ❖ Driving voters to a polling place for a candidate, political party, or partisan group.

### **PERMITTED Political Activities**

Career SES officials may participate in political activities to the extent not prohibited above. These employees *may*:

- Express their political opinions publicly (but not in concert with a candidate, political party, or partisan group), which includes:
- ❖ Signing a political petition; and
  - ❖ Displaying a political sign, sticker, button, or similar material (but not while on duty, in a Government office or building, or using a Government vehicle)  
*[Employees may place political stickers on their privately owned vehicles even if they park in a Government lot or occasionally drive themselves to attend meetings at other agencies.]*
- Be politically active in connection with a question that is not specifically identified with a political party (such as a constitutional amendment or municipal ordinance).
- Participate in the following election-related activities
- ❖ Voting;
  - ❖ Serving as election judges or clerks when the law requires them to perform non-partisan duties; and
  - ❖ Running for non-partisan office (that is, an office to which political parties may not designate candidates).  
*[Employees who run for non-partisan office may not seek the endorsement of a political party or print partisan campaign literature.]*

- Participate in the following political organization activities:
  - ❖ Being members of a political party or partisan group; and
  - ❖ Attending a political convention, caucus, or rally solely as spectators.
  
- Participate in the following political fundraising activities:
  - ❖ Making a financial political contribution; and
  - ❖ Being present at a political fundraiser solely as attendees.

The above information is provided exclusively to ensure that employees fully understand their limitations under the guidelines of the Hatch Act. It is not provided to encourage or discourage employees' participation in political activities.

If you have questions or encounter situations not covered by this advisory, please contact your supervisor. Supervisors with inquiries should contact the Agency Ethics Office at 504-426-0308 or 504-426-0307.



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