

A MESSAGE FROM THE DESIGNATED AGENCY ETHICS OFFICIAL

Reminder of Political Activity Restrictions under the Hatch Act

With the 2020 campaign season underway, it is appropriate for all of us to review the restrictions that apply to the partisan political activities of Federal employees. These restrictions are imposed by the Hatch Act.

PARTISAN POLITICAL ACTIVITY. The Hatch Act restricts certain "partisan political activities" by Federal employees. "Partisan political activity" is defined as activity directed at the success or failure of a:

- Political party;
- Candidate for partisan political office; or
- Partisan political group.

ACTIVITY NOT RESTRICTED. Certain activities are not considered partisan political activity and are not restricted by the Hatch Act. These include:

- Voting;
- Contributing money as a private citizen to a political party or candidate for partisan political office;
- Participating in non-partisan activities of a civic, community, social, labor, or professional organization, such as nonpartisan voter registration efforts;
- Campaigning for or against issues, such as referendum questions, constitutional amendments, or municipal reforms; or
- Serving as an election judge or clerk, or in a similar position, performing non-partisan duties as prescribed by state or local law.
- Running as a candidate in a nonpartisan election. Nonpartisan elections are those in which no candidate may run with a party affiliation, not simply one in which the employee runs as an independent candidate. Employees considering running for office in a nonpartisan election are strongly encouraged to contact the local Chief Counsel's office or the Ethics Specialty Team for advice on this rule prior to becoming a candidate.

RESTRICTED ACTIVITY - The Hatch Act rules vary depending on the type of Federal employee. **NOTE:** This memo does not cover certain Hatch Act restrictions applicable only to Presidentially-Appointed, Senate-Confirmed employees. These individuals should contact the Office of General Counsel for specific guidance. The most restrictive rules apply to career members of the Senior Executive Service (Career SES). Most other employees (e.g., General Schedule (GS), Title 38, Wage Grade (WG), Veterans Law Judge, Schedule C, and Non-Career SES) are subject to fewer restrictions.

Reminder of Political Activity Restrictions under the Hatch Act

- With extremely limited exceptions, **Career SES employees may not engage in partisan political activity** even if they are off duty and outside the Federal workplace.
- Most other employees may engage in partisan political activity **during off duty hours and outside the Federal workplace.**
- Employees may never personally solicit, accept, or receive political contributions in or outside the Federal workplace at any time.

SOCIAL MEDIA. The ease of accessing your Facebook, Twitter, Instagram or other social media accounts at work, either by computer or smartphone, increases the risk of Hatch Act violations. There are many [activities](#) employees can do on social media that do not violate the law. More detailed [guidance](#) about social media and the Hatch Act may be found at the [Office of Special Counsel](#) (OSC) website or you may contact the [OGC Ethics Specialty Team](#) (EST).

PENALTIES. The OSC is the Federal agency with exclusive jurisdiction to investigate and enforce the Hatch Act. An employee who violates the Hatch Act is subject to a range of disciplinary actions. This includes removal from Federal service, reduction in grade, debarment from Federal employment for a period not to exceed 5 years, suspension, reprimand, or a civil penalty not to exceed \$1,000.

MORE INFORMATION. Reference sheets on permitted and prohibited activities for Career SES and most other employees are attached. The OSC [Guide to the Hatch Act for Federal Employees](#), provides additional information. If you have questions or concerns, please contact the [OGC Ethics Specialty Team](#). Central Office employees may call 202-461-7637 or e mail GovernmentEthics@va.gov.

GS, Title 38, WG, Schedule C, Non-Career SES, Veterans Law Judges

May:

- 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
- Travel to political events on personal time
- Attend and speak at political fundraisers off duty, but not solicit contributions
- Take an active part in or manage a partisan political campaign while off duty and off government premises
- Be candidates for public office in nonpartisan elections

- **May NOT:**
 - Engage in political activity while:
 - on duty
 - in a government office
 - wearing an official uniform
 - using a government vehicle
 - Personally solicit, accept or receive political contributions in or outside the Federal workplace
 - Use official authority or influence to interfere with an election
 - Solicit or discourage political activity of anyone with business before VA
 - Be candidates for public office in partisan elections
 - Make calls and set appointments for a political campaign or committee activity during duty hours
 - Wear a political badge or button on government premises
- Write or assist others in writing political speeches on official time
- Attend political meetings while on official time
- Use government facilities, equipment, or supplies for political activities
- Attend political events during duty hours
- Use government office to hold any meetings with campaign staff

- Wear a uniform or official insignia identifying your office or position while participating in political activities

Career Senior Service

MAY:

- Register and vote as they choose
- Express personal opinions at any time or place on partisan candidates and issues
- Assist in non-partisan voter registration drives
- Sign nominating petitions
- Attend but not participate at a partisan convention, fundraising function, or any other such gathering
- Participate in campaigns where none of the candidates represent a political party
- Make a financial contribution to a partisan political party or candidate
- Display a political party picture, sticker, badge, or button at any time (but not on Government premises or in a vehicle used for government business)
- Join political clubs or parties
- Campaign for or against referendum questions, constitutional amendments, municipal ordinances

May NOT:

- Use official authority or influence for the purpose of interfering with or affecting the results of a partisan election
- Solicit votes in support of, or in opposition to, a candidate for public office in a partisan election, or political party office (including from subordinates, clients, customers, patients, etc.)
- Officially endorse or oppose a candidate for public office in a partisan election
- Act as recorder, watcher, challenger, or similar partisan officer at polling places
- Drive voters to the polls on behalf of a political party
- Take an active part in managing a partisan political campaign or event
- Handle funds or promote fundraising for a partisan campaign
- Serve as an officer of a political party or Political Action Committee (PAC)