



## The Hatch Act and Political Activities **“Further Restricted” Employees**

The Hatch Act (5 United States Code §§ 7321-7326) and related regulations at 5 Code of Federal Regulations Part 734, govern the political activities of most Federal employees. This is a summary of the basic rules. If you have questions, contact your component Ethics Official (email: [EthicsOfficeHQ@hq.dhs.gov](mailto:EthicsOfficeHQ@hq.dhs.gov)) or the U.S. Office of Special Counsel (OSC) ([www.osc.gov](http://www.osc.gov)) for more information. OSC exclusively investigates and prosecutes Hatch Act cases. Violations of the Hatch Act may subject employees to personnel actions up to and including removal from office.

### **GENERAL POLITICAL ACTIVITY RESTRICTIONS**

The Hatch Act prohibits most employees from engaging in political activities<sup>1</sup> in a federal workplace, while on duty, while wearing a Government uniform, badge, or insignia, and while using a government vehicle.

The Hatch Act also prohibits employees from:

Engaging in political fundraising activities (including use of an official title), being a candidate for partisan political office (except in a local election as an independent candidate in certain localities); soliciting or accepting the volunteer services of a subordinate; encouraging or discouraging the political activity of any person who has a matter pending before the Department; using one's official authority to influence the outcome of an election; wearing political buttons on duty; or displaying partisan political paraphernalia in the workplace.

DHS IT policy prohibits the use of Government-issued office equipment, email, and the internet at any time for the purpose of engaging in partisan political activities. Employees may not send or forward political material or messages using government e-mail accounts, while on duty, or while in a government building.

### **ADDITIONAL RESTRICTIONS – “FURTHER RESTRICTED” EMPLOYEES**

**Career employees who are members of the Senior Executive Service, U.S. Secret Service employees, employees of Immigration and Customs Enforcement Homeland Security Investigations, Administrative Law Judges, or Contract Appeals Board Members MAY NOT, even on their own time and away from the office, engage in political activities in concert or coordination with a partisan political party, candidate, or group.** These “Further restricted” employees MAY NOT:

Take an active part in partisan political management or partisan political campaigns; serve as a delegate or proxy to a political nominating convention; engage in grass-roots “get-out-the vote” efforts for a political candidate, party, or group; publicly endorse or oppose a partisan political candidate in concert with a partisan political party, candidate, or group; hold office in a political party or club; take an active role in a partisan political event; campaign for or against a candidate or slate of candidates in partisan elections; make campaign speeches; organize or manage political rallies or meetings; initiate or circulate nominating petitions; act as a recorder, watcher or challenger at a polling place, or drive voters to the polls in concert with a partisan candidate or group; endorse or oppose a partisan political candidate in political materials; invite subordinates to political events or otherwise suggest they engage in any partisan political activity; solicit, accept or receive donations or contributions for a partisan political party or candidate; or distribute campaign or candidate fliers. These activities are also prohibited while using social media outlets such as Facebook and Twitter. For more information on social media use, please visit the [U.S. Office of Special Counsel](http://www.usosc.gov) web site and review the Hatch Act Advisory Opinions & Guidance regarding social media and email.

Nothing in the Hatch Act affects an employee's right, in a personal capacity and on their own time, to vote, join a political party or group, express personal opinions about candidates and issues not in concert with a partisan political candidate, party, or group; passively attend political events; display a political bumper sticker on a personal vehicle; place a political sign at one's home; participate in activities that are non-partisan; engage in activities with civic, community, social, labor, or professional organizations; make a financial contribution to a political party, candidate, or group; or engage in activities related to referendum, or issue-based questions.

<sup>1</sup> “Political activity” is an activity geared towards the success or failure of a partisan political party, candidate for partisan political office, or partisan political group.