



The Hatch Act and Political Activities “Less Restricted” Career 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 (EthicsOfficeHQ@hq.dhs.gov) or the U.S. Office of Special Counsel (OSC) (www.osc.gov) for more information. OSC exclusively investigates and prosecutes Hatch Act cases. Employees who violate the Hatch Act may be subject to personnel actions.

GENERAL POLITICAL ACTIVITY RESTRICTIONS

The Hatch Act prohibits most employees from engaging in political activities¹ 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; and wearing 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 partisan political material or messages using government e-mail accounts, while on duty, or while in a government building.

PERMITTED ACTIVITIES FOR “LESS RESTRICTED” CAREER EMPLOYEES²

The Hatch Act does not limit 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; participate in activities that are non-partisan; display a political sticker on a personal vehicle; place a political sign at one's home; 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, ordinance, or issue-based questions to the extent not expressly prohibited by the Hatch Act or other law.

Less restricted career employees may, on their own time and away from the office, take an active part in partisan political management; be a candidate for public office in a nonpartisan election; assist in voter registration drives; attend political fundraising events; attend and be active at political rallies and meetings; serve as an officer of a political party or other political group, a member of a national, State, or local committee of a political party, an officer or member of a committee of a political group, or be a candidate for any of these positions; organize or reorganize a political party organization or political group; attend and fully participate in the business of nominating caucuses of political parties; participate in a political convention, rally, or other political gathering; initiate, circulate, and sign nominating petitions; serve as a delegate or proxy to a political nominating convention or caucus; engage in grass-roots “get-out-the vote” efforts (except fundraising); endorse or oppose a partisan political candidate, party, or group; act as a recorder, watcher, challenger, or similar officer at polling places; serve as an election judge or clerk, or in a similar position; drive voters to polling places; display a political bumper sticker on a personal vehicle; and place a political sign at their residence.

The Hatch Act applies when 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 website and see FAQs for Social Media as well as Hatch Act Advisory Opinions & Guidance regarding social media and email.

¹ *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.

² “Less restricted” employees are career employees who are not career members of the Senior Executive Service, employees of the U.S. Secret Service, Administrative Law Judges, Contract Appeals Board Members, or employees of Immigration and Customs Enforcement Office of Homeland Security Investigations. Uniformed members of the U.S. Coast Guard are bound by DoD Directive 1344.10 and should seek further guidance from the USCG Ethics Official at (202) 372-3737.