

Political Activity Guide for Department of the Interior Employees

The law, commonly referred to as the *Hatch Act*, governs the political activities of Executive branch employees of the Federal government, the District of Columbia government and certain state and local agencies. The law is contained in 5 U.S.C. 7321-7326, and implemented by regulations in 5 CFR parts 733 and 734.

While the Hatch Act allows most Federal employees to take an active part in partisan political management and partisan political campaigns, the Act also provides special considerations for employees who are appointed by the President by and with the advice and consent of the Senate (PAS), and employees paid from an appropriation for the Executive Office of the President.



In contrast, the Act also provides specific restrictions to certain groups of Federal employees: employees in the Senior Executive Service; employees in the Department of the Interior, employees who are holding career positions in the Senior Executive Service; on the Contract Appeals Boards; or as Administrative Law Judges, are restricted from engaging in certain partisan political campaign or management activities. The restrictions for these employees are summarized later in this reference.

Permitted and Restricted Activities for all PAS, non-career SES, Schedule C, full time, part time, General Schedule, Wage Grade and Special Government employees.

These employees . . .

- may* be candidates for public office in nonpartisan elections.
- may* register and vote as they choose.
- may* express personal opinions about candidates and issues.
- may* contribute money to political organizations.
- may* attend political fund raising functions.
- may* assist in voter registration drives.
- may* attend and be active at political rallies and meetings.
- may* be paid for political work they do on their own time.
- may* join and be an active member of a political party or club.
- may* sign nominating petitions.
- may* campaign for or against referendum questions, constitutional amendments, municipal ordinances, etc.
- may* campaign for or against candidates in partisan elections.
- may* distribute campaign literature in partisan elections.
- may* make campaign speeches for candidates in partisan elections.
- may* hold office in political clubs or parties including serving as a delegate to a convention.

Note: Senate confirmed Presidential Appointees, and employees paid from an appropriation for the Executive Office of the President, may engage in political activity while on duty; in any government room or building; or while wearing a uniform or official insignia. However, the cost associated with such political activities may not be paid for by money derived from the Treasury of the United States.

Except for PAS employees, all permitted political activities must be pursued on the Federal employee's own time.

may not be granted leave without pay to work on a political campaign.

may not be candidates for public office in partisan elections.
may not use official title, authority or influence to interfere with an election.
may not solicit or receive political contributions (may be done in certain limited situations by Federal labor or other employee organizations).
may not solicit or discourage political activity of anyone with business before their agency.
may not engage in political activity while on duty (does not apply to PAS officials).
may not engage in political activity in any government office (does not apply to PAS officials).
may not use government property for political activity (does not apply to PAS officials).
may not use government vehicles for political activity (certain exceptions for the Secretary of the Interior).
may not engage in political activity while wearing an official uniform (does not apply to PAS officials).
may not wear political buttons while on duty or in government buildings.
may not mix official travel and political activities without written justification and prior authorization.

Federal employees should also be aware that certain political activities may also be criminal offenses under title 18 of the U.S. Code.

Frequently Asked Questions

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 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 in his or her personal capacity. This includes 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 such 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 of address 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 allow 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.

Permitted and Restricted Activities for all Department of the Interior employees who are career SES, Administrative Law Judges, or on the Contract Appeals Boards.

These employees . . .

may register and vote as they choose.

may assist in voter registration drives.

may express personal opinions about candidates and issues.

may participate in campaigns where none of the candidates represent a political party.

may contribute money to political organizations or attend political fundraising functions.

may attend political rallies and meetings.

may join political clubs or parties.

may sign nominating petitions.

may campaign for or against referendum questions, constitutional amendments, municipal ordinances, etc.

may not be candidates for public office in partisan elections.

may not campaign for or against a candidate or slate of candidates in partisan elections.

may not make campaign speeches.

may not collect contributions or sell tickets to political fund raising functions.

may not distribute campaign material in partisan elections.

may not organize or manage political rallies or meetings.

may not hold office in political clubs or parties.

may not circulate nominating petitions.

may not work to register voters for one party only.

may not wear political buttons at work.

Further information on acceptable political activities by Federal employees can be found in Hatch Act regulations in part 734 of title 5 of the Code of Federal Regulations. If you have any questions regarding any of these prohibitions and their applications, you should seek the advice of your servicing ethics counselor, a staff member of the Solicitor's Office or the Department Ethics Office on (202) 208-7960.

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