

In addition to the prohibitions discussed herein, federal employees in the following agencies, divisions, or positions are “further-restricted” under the Hatch Act and cannot take an active part in political management or political campaigns (i.e., engage in political activity in concert with a political party, candidate for partisan political office, or partisan political group):

- Election Assistance Commission
- Federal Election Commission
- Office of the Director of National Intelligence
- Central Intelligence Agency
- Defense Intelligence Agency
- National Geospatial Intelligence Agency
- National Security Agency
- National Security Council
- National Security Division (DOJ)
- Criminal Division (DOJ)
- Federal Bureau of Investigation
- Secret Service
- Office of Criminal Investigation (IRS)
- Office of Investigative Programs (Customs)
- Office of Law Enforcement (ATF)
- Merit Systems Protection Board
- U.S. Office of Special Counsel
- Career members of the Senior Executive Service
- Administrative law judges, administrative appeals judges, and contract appeals board members.

For further examples, sample advisory opinions, and frequently asked questions, please visit our website at www.osc.gov.

Who We Are...

The U.S. Office of Special Counsel (OSC) is an independent federal investigative and prosecutorial agency. Our basic authorities come from four federal statutes: the Civil Service Reform Act, the Whistleblower Protection Act, the Hatch Act, and the Uniformed Services Employment & Reemployment Rights Act (USERRA).

OSC promotes compliance with the Hatch Act by providing advisory opinions about the law. Every year, OSC’s Hatch Act Unit provides over a thousand advisory opinions, enabling individuals to determine whether their contemplated political activities are permitted under the Act. The Hatch Act Unit also enforces compliance with the Act by investigating alleged Hatch Act violations. Depending on the nature and severity of the violation, OSC may seek disciplinary action against an employee. OSC prosecutes Hatch Act violations before the Merit Systems Protection Board.

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A Guide to the Hatch Act for Federal Employees

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Understanding How the Hatch Act Applies to You

The Hatch Act generally applies to employees working in the executive branch of the federal government. The purpose of the Act is to maintain a federal workforce that is free from partisan political influence or coercion.

A Covered Employee:

- **May not** be a candidate for nomination or election to public office in a partisan election.
- **May not** use his or her official authority or influence to interfere with or affect the result of an election. For example:
 - > **May not** use his or her official title or position while engaged in political activity.
 - > **May not** invite subordinate employees to political events or otherwise suggest to subordinates that they attend political events or undertake any partisan political activity.
- **May not** knowingly solicit or discourage the participation in any political activity of anyone who has business before their employing office.
- **May not** solicit, accept, or receive a donation or contribution for a partisan political party, candidate for partisan political office, or partisan political group. For example:
 - > **May not** host a political fundraiser;
 - > **May not** invite others to a political fundraiser;
 - > **May not** sell tickets to a political fundraiser;
 - > **May not** use any e-mail account or social media to distribute, send, or forward content that solicits political contributions.

- **May not** engage in political activity — i.e., activity directed at the success or failure of a political party, candidate for partisan political office, or partisan political group — while the employee is on duty, in any federal room or building, while wearing a uniform or official insignia, or using any federally owned or leased vehicle. For example:
 - > **May not** distribute campaign materials;
 - > **May not** display campaign materials or items;
 - > **May not** perform campaign related chores;
 - > **May not** wear or display partisan political buttons, t-shirts, signs, or other items;
 - > **May not** make political contributions to a partisan political party, candidate for partisan political office, or partisan political group;
 - > **May not** post a comment to a blog or a social media site that advocates for or against a partisan political party, candidate for partisan political office, or partisan political group;
 - > **May not** use any e-mail account or social media to distribute, send, or forward content that advocates for or against a partisan political party, candidate for partisan political office, or partisan political group.

A Covered Employee:

- **May** be a candidate in a nonpartisan election.
- **May** register and vote as they choose.
- **May** assist in voter registration drives.
- **May** participate in nonpartisan campaigns.
- **May** contribute money to political campaigns, political parties, or partisan political groups.
- **May** attend political fundraising functions.
- **May** attend political rallies and meetings.
- **May** join political clubs or parties.

- **May** campaign for or against referendum questions, constitutional amendments, or municipal ordinances.
- **May** sign nominating petitions
- **May** circulate nominating petitions.*
- **May** campaign for or against candidates in partisan elections.*
- **May** make campaign speeches for candidates in partisan elections.*
- **May** distribute campaign literature in partisan elections.*
- **May** volunteer to work on a partisan political campaign.*
- **May** express opinions about candidates and issues. If the expression is political activity, however — i.e., activity directed at the success or failure of a political party, candidate for partisan political office, or partisan political group — then the expression is not permitted while the employee is on duty, in any federal room or building, while wearing a uniform or official insignia, or using any federally owned or leased vehicle.

* Further restricted employees, as described herein, may not engage in these activities.

What Happens if I Violate the Hatch Act?

An employee who violates the Hatch Act is subject to a range of disciplinary actions, including removal from federal service, reduction in grade, debarment from federal service for a period not to exceed 5 years, suspension, letter of reprimand, or a civil penalty not to exceed \$1000.