



Political Activity and The Hatch Act

**Department of Defense
Standards of Conduct Office
703-695-3422**

Coverage at DoD for Civilians

What Group Are You In?

Hatch Act Restrictions

Further Restricted

Group 1

- PAS
- Non-career SES

Group 2

- Career SES
- Contract Appeals Board
- NSA
- DIA
- NGA

Less Restricted

Group 3

- DoD Civilian Employees
- Schedule C Appointments

Always ask these two questions:

- **Is it political activity?**
- **What type of employee is asking?**
 - **Further restricted**
 - **Less restricted**

Federal Hatch Act

Political Activity is –

- An activity directed toward the success **or** failure of a:
 - Political Party
 - Candidate for Partisan Political Office, or a
 - Partisan Political Group

Is it political activity?

- Sharing a fundraising post of a candidate running for public office in a partisan election
- Using DoD email to forward an article about Congress cutting the budget
- Serving as an election judge for the county
- Receiving a political email on your Government email account

Facebook profile header for "Hatch Actor". Includes the Facebook logo, a profile picture placeholder, a cover photo of a classical building, and navigation tabs for Timeline, About, Photos, Friends (127), and More.

About

Overview

Work and Education

Places He's Lived

Contact and Basic Info

Family and Relationships

Details about Hatch Actor

CONTACT INFORMATION

Mobile Phones	555-555-5555
Address	123 Main Street
Email	HatchActor@faceb
Email	ilovethehatchact@

BASIC INFORMATION

Birthday	August 2, 1939
Political Views	Republican, Democrat, etc.

It is OKAY to fill in your political views on your Facebook profile, even if you also identify your place of work elsewhere on your profile.

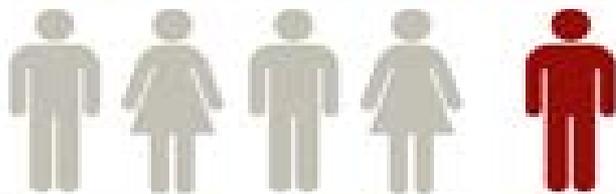
Federal Hatch Act

What is not political activity?

Activity not associated with a political party

- Legislation (Affordable Care Act, DOMA)
- Ballot Initiatives focused on issue-oriented campaigns (i.e., gay marriage, gun control, healthcare)
- Candidacy in a nonpartisan election (no political party affiliations)

4 IN 5 AMERICANS
SUPPORT RAISING THE FEDERAL MINIMUM WAGE
TO \$10.10 AN HOUR



NOW IT'S TIME FOR CONGRESS TO ACT.
PASS THE FAIR MINIMUM WAGE ACT OF 2013.

**On Feb. 11th, the Top 1% Stop Paying
Into Social Security for the Rest of 2015**



**It's Time for Millionaires and Billionaires
to Pay Their Fair Share. Scrap the Cap!**

SOCIAL SECURITY
WORKS.



ABOLISH
FEDERAL
GOVERNMENT

"WE THE
PEOPLE"
ARE THE
GOVERNMENT

NO TO
HEALTH
CARE
REFORM

WE HAVE NO
Idea what
we're talking
about!

Oh I'm Sorry
We Thought
Recoding the Bill
was UP Job

TERM
LIMITS
NOW

HEALTH
CARE
REFORM
IS
DRUG
TESTING
Pissin cup
First

JUST
US
SA
HE
PL
CO

Permitted Activities –Personal Expression

All DoD Employees May:

- Place a campaign sign in their yard
- Place A campaign bumper sticker on their personal car
- Make financial contributions to political parties or candidates running for partisan political office
- Express personal opinions on candidates and issues
- Attend political events
- Participate in nonpartisan elections
- Assist in nonpartisan voter registration drives
- Sign a nominating petition



Obama '08
BarackObama.com

Cuttle
Eighty Eight

Oldsmobile



OBX

Car becomes a “campaign vehicle”



12

5 U.S.C. § 7324; 5 C.F.R. § 734.306

Prohibited Political Activities

Applicable to all DoD Employees - 24/7

Solicit, Accept or Receive Political Contributions

- May not host or serve as the POC for a fundraiser
- May not ask for donations by mail, email, or social media
- May not invite others to a fundraising event
- May not solicit through a phone bank
- May not share or like a fundraising post on social media



May I “Like” or “Share” a political fundraising post (one that solicits a political contribution) on Facebook?



Marco Rubio

April 17 at 4:39pm · 🌐

It's been a busy day here on the campaign trail in New Hampshire today - I still need your help reaching our \$100,000 fundraising goal. Please donate here & share after you've given: <https://marcorubio.com/donate/century-fund/?sc=041315mm>



28,004 VIEWS

Like · Comment · Share

**You click
“Like” or
“Share” on a
post that
seeks
political
contributions**

Facebook interface showing a news feed. The top navigation bar includes the Facebook logo, a search bar, and the user's name 'Jane' with options for 'Home' and 'Find Friends'. The left sidebar shows navigation options: 'Jane Friendly Edit Profile', 'News Feed', 'Messages', 'Events', and 'Photos'. The main news feed contains several posts:

- A post from 'Hatch Actor' with the text 'Hatch Actor shared post.' circled in red.
- A post from 'Alexandria Animal Welfare League' with the text 'Alexandria Animal Welfare League added a new photo.'
- A post from 'Fairfax County Public Library' with the text 'Fairfax County Public Library shared a link.'
- A post from 'Jane Smith' with the text 'Jane Smith commented on Hatch Actor's status.'

The central post is from 'Hatch Actor' and features a video player for 'Fund For A New American Century'. The video player shows a map of the United States with a play button and the text '100 Years | 100K' and 'Moneybomb Ends Friday At Midnight'. Below the video player, it says '28,901 Views' and 'Like Comment Share'.

A blue box on the right contains the following text: 'Your "Like" or "Share" of the fundraising post appears on your friends' News Feed Ticker and in full on your friends' News Feed. The post will also appear on your Timeline.' A red arrow points from the circled 'Hatch Actor shared post.' notification to this blue box, and another red arrow points from the blue box to the fundraising video player.

This is **NOT OKAY** under the Hatch Act because you have distributed and shared the fundraising post with your Facebook friends through News Feed.



May I “Re-Tweet” a political fundraising post (one that solicits a political contribution) on Twitter?

Hillary Clinton @HillaryClinton

There's still time to become a founding donor of #Hillary2016: hrc.io/1OIAmlu

Retweet icon circled in red with an arrow pointing to the text box below.

Hillary Clinton

Support Hillary for America
Hillary Clinton is running for president to be a champion for everyday Americans. Support Hillary for America by donating today.

[View on web](#)

RETWEETS	FAVORITES
284	526

12:54 PM - 16 Apr 2015

You click “Retweet” on a tweet that seeks political contributions.



Hatch Act Lover
@ILovetheHatchAct

Tweets Tweets and replies



Retweeted by Hatch Act Lover

Your “Retweet” of the fundraising tweet appears here on your Twitter account page and is shared with your followers on their Twitter feeds.

 **Hillary Clinton** @HillaryClinton · Apr 16
There's still time to become a founding donor of #Hillary2016:
<http://hrc.io/1OIAmlu>

This is NOT OKAY under the Hatch Act because you have distributed and shared the fundraising post with your followers.

Social Media Guidance for All Employees

May Not:

- Tweet, Retweet, Share or Like a post or content that solicits political contributions.
- Engage in political activity via social media while on duty or in the workplace (e.g., share, like, or retweet a post from a candidate or partisan group; or post/tweet a comment directed at the success or failure of a candidate or partisan group).

188

Social Media Guidance for All Employees

May Not:

- Like or Follow the social media page of a candidate or partisan group while on duty or in the workplace
- Use a social media account in your official capacity to engage in political activity
 - **But** including your official title or position on the profile of your personal social media page is okay

199

Prohibited Political Activities

Applicable to all DoD Employees

May Not Run for Public Office in a Partisan Election

➤ Election where candidates are running with party affiliation

(Democrat, Republican, Green, etc.)

➤ Exception for designated communities

– see *5 C.F.R. 733*

Prohibited Political Activities

Applicable to all DoD Employees

May Not Use Official Authority to Affect the Outcome of an Election

- May not invite subordinates to campaign events
- May not use official title or position while engaging political activity
- May not use agency resources, e.g., official social media account while engaging in political activity
- May not use non-public information for political purposes

Misuse of Official Position

Employees may not use their official authority or influence to affect the outcome of an election

Examples:

- Inviting subordinates to a political event
- Using one's official title or position while engaging in political activity
- Requesting a contractor to make a political contribution

Prohibited Political Activities

Applicable to all DoD Employees

May Not Engage in Political Activity While:

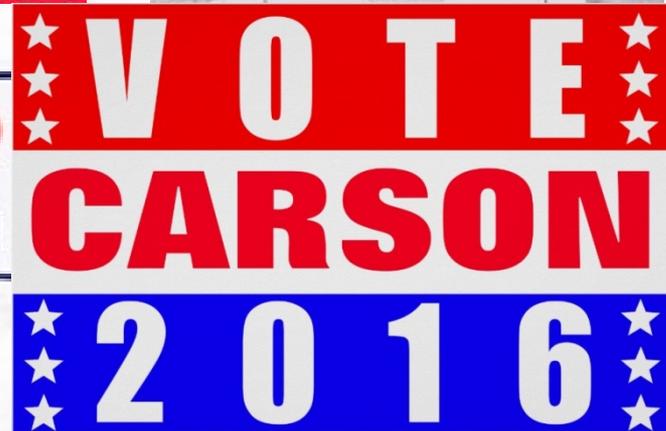
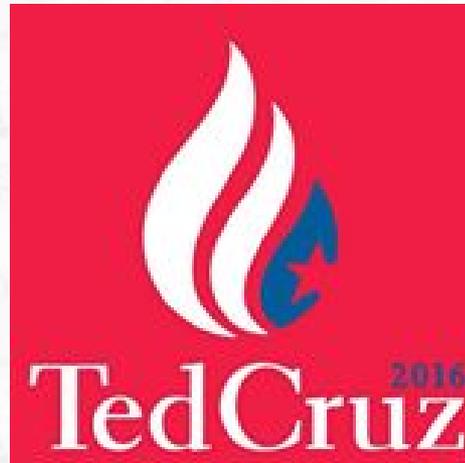
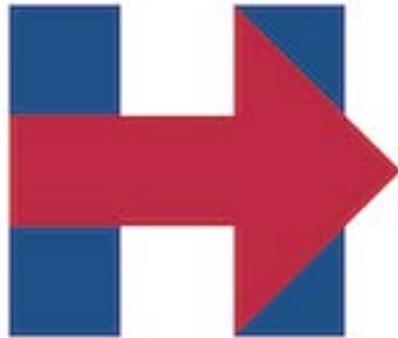
- On Duty (in a pay status or representing the agency)
- In a Federal Building (even when off-duty)
- Wearing a Uniform or Official Insignia
- Using a Government Vehicle

Examples of Prohibited Political Activity in the Workplace

- Buttons, Posters, Coffee Mugs, Screen Savers, etc., that support or oppose political parties or candidates running for partisan political office
- E-mailing, blogging, tweeting, posting to social media, prohibited:
 - Even if using a personal device or email account
 - Even if sharing or forwarding content which was authored by others
 - Even if sharing or forwarding to friends or like-minded coworkers

On Duty/In the Workplace

Display in Your Office?



5 U.S.C. § 7324; 5 C.F.R. § 734.306

On Duty/In the Workplace

Use at Work?

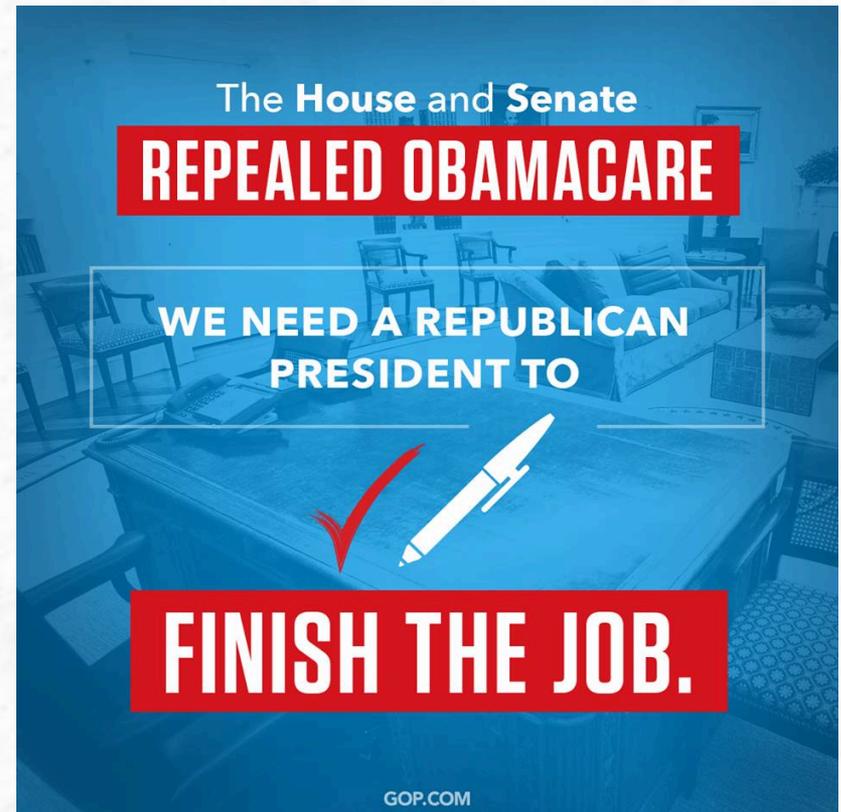


286

5 U.S.C. § 7324; 5 C.F.R. § 734.306

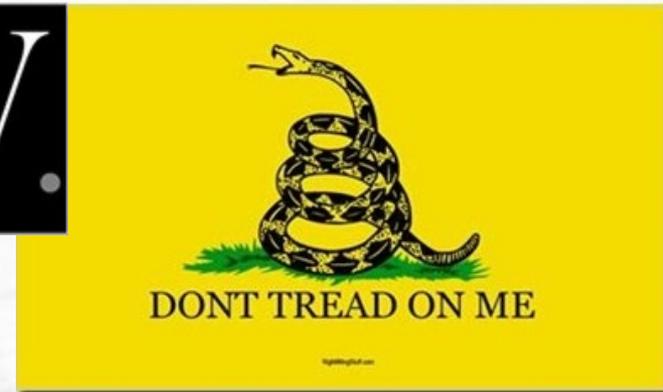
On Duty/In the Workplace

Share these posts while at work?



On Duty/In the Workplace

Display these signs at work?



5 U.S.C. § 7324; 5 C.F.R. § 734.306

Permitted Activities

Applicable to “Less Restricted” Employees

“Less Restricted” Employees May:

- Volunteer for the campaign of a candidate for partisan political office
- Attend and be active at political rallies and meetings
- Join and hold office in a political party or political organization
- Work at the polls on election day for a candidate for partisan political office
- Assist in partisan voter registration drives

Permitted Activities

Applicable to “Further Restricted” Employees

“Further Restricted” Employees May:

- Express personal opinions about candidates and issues
- Attend (but not be active at) political rallies and meetings
- Make a financial contribution to a political party or candidate running for partisan political office
- Participate in nonpartisan elections
- Assist in nonpartisan voter registration drives
- Sign a nominating petition
- Place a campaign sign in their yard
- Place a campaign bumper sticker on their personal car

Prohibited Activities

Applicable to “further restricted” employees

May Not:

- Make campaign speeches
- Distribute campaign literature
- Organize a political rally, meeting or fundraiser
- Hold political party office or be a party delegate
- Participate in partisan voter registration drives
- Circulate nominating petitions

Key: No activity in concert with a political party or candidate.

Penalties for Violating the Act

Merit Systems Protection Board

May Order An Employee's –

- Removal
- Reduction in grade
- Debarment from employment
- Suspension
- Civil penalty

Reference Materials

Political Activities - Civilian Employees

- The Hatch Act, 5 U.S.C. 7321-7326
- 5 C.F.R. Parts 733 & 734
- ECC Deskbook – Political Activities
- OSC FAQs Federal Employees and the Use of *Social Media*, Dec. 18, 2015

Hatch Act Information/Advice

Employees May:

- Obtain answers to specific questions about political activity by calling the Office of Special Counsel (OSC) at 800-85-HATCH or 202-254-3650
- Obtain written advisory opinions about the Hatch Act by contacting OSC by mail at:
U.S. Office of Special Counsel
1730 M Street NW (Suite 218)
Washington, DC 20036-4505
ATTN: HATCH ACT UNIT