



# Political Activities

# Hatch Act

- ▶ The Hatch Act, a federal law passed in 1939, limits certain political activities of federal employees, as well as some state, D.C., and local government employees who work in connection with federally funded programs. The law's purposes are to ensure that federal programs are administered in a nonpartisan fashion, to protect federal employees from political coercion in the workplace, and to ensure that federal employees are advanced based on merit and not based on political affiliation.
- ▶ *Political Activity: any activity directed toward the success or failure of a political party, candidate for partisan political office, or partisan political group.*

# Hatch Act

- ▶ Two types of employees:
  - **Further restricted employees:** PAS Officials and non-career and career members of the Senior Executive Service as well as others employed in the intelligence and enforcement-type agencies (e.g., NGIA, ODNI, CIA, NSC, NSA, MSPB, and OSC). Further restricted federal executive branch employees are prohibited from taking an active part in partisan political management or partisan political campaigns. Specifically, these employees may not campaign for or against candidates or otherwise engage in political activity *in concert* with a political party, a candidate for partisan political office, or a partisan political group.
  - **Less restricted employees:** Most federal executive branch employees (except those listed under Further Restricted Employees) are considered Less Restricted under the Hatch Act. Less Restricted employees may take an active part in partisan political management or partisan political campaigns.

## Hatch Act: At a Glance

	Less Restricted employees	More Restricted Employees
Attend partisan political club meetings	Yes and actively participate	Yes, but may not actively participate
Serve as an official of a partisan political club	Yes	No
Speak before a partisan political gathering	Yes	No
Perform any duties for a partisan political committee or candidate	Yes	No
Publish partisan political writings soliciting votes	Yes	No
Participate in partisan fundraisers and events (more than mere spectator)	Yes, but may not actually solicit or receive funds	No, but may attend a fundraiser
March in a partisan political parade or canvas for votes	Yes	No, but may be a spectator at a march

## Hatch Act: Penalties

- ▶ OSC has sole jurisdiction for investigating Hatch Act violation allegations.
  - If an allegation is substantiated, OSC will file a complaint for disciplinary action with MSPB.
- ▶ The penalty structure for violations of the Hatch Act by employees includes:
  - removal from federal service,
  - reduction in grade,
  - debarment from federal employment for a period not to exceed 5 years,
  - suspension, reprimand, or
  - civil penalty not to exceed \$1,288. (Civil penalty is increased periodically by MSPB).

# Political Activities by Members of the Armed Forces (DODI 1344.10)

- ▶ Active Duty cannot engage in partisan politics and should avoid inference that their activities imply endorsement
- ▶ Generally, May NOT:
  - Campaign for partisan candidate
  - Engage in partisan fundraising
  - Speak before a partisan gathering
- ▶ Generally, MAY:
  - Express personal opinion on political candidates and issues
  - Make \$ donations
  - Attend political events as spectator (NOT in uniform)
  - Join groups and go to meetings (NOT in uniform)
  - Serve as a NONpartisan election official
  - May have ONE bumper sticker on pov
- ▶ Lawful general regulation – violation subject to UCMJ Art 92