



U.S. Department of Justice

Justice Management Division

Washington, D.C. 20530

MEMORANDUM FOR ALL DEPARTMENT OF JUSTICE NON-CAREER EMPLOYEES

FROM: Jolene Ann Lauria
Acting Assistant Attorney General
for Administration

SUBJECT: Restrictions on Political Activities

All Department of Justice (Department) employees must be familiar with the rules governing participation in partisan political activities and ensure that politics does not compromise the integrity of our work. The public trusts that we will enforce the laws of the United States in a neutral and impartial manner, without the actual or apparent influence of political agendas. Therefore, the purpose of this memorandum is to remind employees of the Department's long-standing rules governing participation in political activities applicable to non-career appointees and set forth further restrictions that the Attorney General has determined are appropriate to avoid any appearance of political influence on the Department's activities.

Hatch Act

The Hatch Act, 5 U.S.C. §§ 7323(a) and 7324(a), generally prohibits Department employees from engaging in partisan political activity while on duty, in a federal facility or using federal property. An underlying purpose of the Act is to maintain a politically neutral workplace. Political activity under the Hatch Act is activity directed toward the success or failure of a political party, candidate for partisan political office, or partisan political group. The statute applies to all federal employees, with some variation in the specific restrictions that are based on an employee's position. "Less restricted" employees, which include most career employees in the executive branch, are able to participate actively in political management or partisan political campaigns, while off-duty and not in a government facility. "Further restricted" employees are held to stricter rules that preclude active participation in political activities. The following Department employees are "further restricted" by statute: all career Senior Executive Service (SES) employees; administrative law judges; employees in the Criminal Division, the Federal Bureau of Investigation, and the National Security Division; and criminal investigators and explosives enforcement officers in ATF.

In consideration of the Department's mission, Attorneys General have previously determined that, as a matter of Department policy, all political appointees will be subject to the rules that govern "further restricted" employees under the Hatch Act to ensure there is not an appearance that politics plays any part in the Department's day-to-day operations.

Restrictions on Political Activities

Non-career appointees may *not*:

- A. Engage in partisan political activity (for example, wearing a political button or displaying campaign materials) while on duty, while in a government-occupied office or building (or on video calls while teleworking), while wearing an official uniform or insignia, or while using a government vehicle. An employee may put a bumper sticker on a personal vehicle and park the vehicle in a government-owned or subsidized parking lot but may not use the vehicle in the course of official business. Employees may display signs on their lawns and in their residences.
- B. Use their official authority or influence to interfere with or affect the result of an election.
- C. Solicit, accept, or receive a political contribution; solicit, accept, or receive uncompensated volunteer services from an individual who is a subordinate; or allow their official titles to be used in connection with fundraising activities. This includes participating in any aspect of a fundraising event hosted by the employee's spouse. Further-restricted employees may not assist with the event behind the scenes or have their name appear on invitations to such events.
- D. Run for nomination or election to public office in a partisan election.
- E. Solicit or discourage the political activity of any person who is a participant in any matter before the Department.
- F. Distribute fliers or other campaign material provided by a candidate's campaign committee, a political party or partisan political group.
- G. Serve as an officer of a political party, a member of a national, state or local committee of a political party, an officer or member of a committee of a partisan political group, or be a candidate for any of these positions; this restriction includes advising a partisan political party or group on political strategies, areas of the law and policies.
- H. Organize or reorganize a political party organization or partisan political group.
- I. Serve as a delegate, alternate, or proxy to a political party convention.

- J. Address a convention, caucus, rally, or similar gathering of a political party or partisan political group in support of or in opposition to a candidate for partisan political office or political party office, if such address is done in concert with such a candidate, political party, or partisan political group.
- K. Organize, sell tickets to, promote, or actively participate in a campaign event, convention, or fundraising activity of a candidate for partisan political office or of a political party or partisan political group. Active participation includes making a speech at an event, appearing on the program, on the dais or in the receiving line of an event, or allowing your name to be used in connection with the promotion of the event.
- L. Canvass for votes in support of or in opposition to a candidate for partisan political office or a candidate for political party office, if such canvassing is done in concert with such a candidate, political party, or partisan political group.
- M. Endorse or oppose a candidate for partisan political office or a candidate for political party office in a political advertisement, broadcast, campaign literature, or similar material if such endorsement or opposition is done in concert with such a candidate, political party, or partisan political group.
- N. Initiate or circulate a partisan nominating petition.
- O. Act as recorder, watcher, challenger, or similar officer at polling places in consultation or coordination with a political party, partisan political group, or a candidate for partisan political office.
- P. Drive voters to polling places in consultation or coordination with a political party, partisan political group, or a candidate for partisan political office.

Attendance at Partisan Political Events

As you know, the Department's policy prohibits non-career appointees from attending partisan political events, e.g., fundraisers and campaign events, in their official capacities. In the past, Department policy had permitted non-career employees to attend such events in their personal capacities if their participation in the event was passive and they obtained approval prior to attending the event. The Attorney General has now determined that non-career appointees may not attend any partisan political events, even in their personal capacities. This new Department policy applies to all partisan political events, whether open to the public or not, including campaign events on Election Day.

Attendance at Official Events

Department officials must be vigilant to prevent the appearance that any of our official duties are an effort to influence the outcome of an election. Attendance at an official event, which includes a speech, grant announcement, or appearance with a candidate for partisan office, shortly before a primary or general election may be construed as partisan. Please consider, among other factors, the identity of the sponsor of the event, the group being addressed, the other participants, the timing of the event, and the subject of any speech to be given. Previous Attorneys General have made an effort and encouraged Presidentially appointed officials, or those acting in such positions, to avoid making public appearances in any state shortly before a primary or general election in that state, to the greatest extent practicable. The Attorney General has determined that this precedent should be followed. This policy is not meant to restrict the normal, day-to-day activities of political appointees. For example, United States Attorneys may still make public appearances related to a verdict, indictment, or investigation, and should still meet with community stakeholders, including the Department's law enforcement partners, as they normally would. If you have any doubt or questions regarding whether a particular event could be construed as partisan, please consult with Bradley Weinsheimer, Associate Deputy Attorney General.

Social Media

The rules governing political activity apply at all times, including when using social media (e.g., Facebook, LinkedIn, Twitter, etc.). In fact, violations of the Hatch Act committed on social media often have heightened visibility, so any employee using social media must be familiar with the rules on political activity. Violations of the Hatch Act have consequences, including fines and suspensions. Even an employee's appearance of violating the Hatch Act, while not damaging to the employee, can cause public distrust of the government.

In order to avoid Hatch Act violations in using social media, please review the specific, detailed guidance on use of social media in connection with political activities, which is available on the Department's website. <https://www.justice.gov/jmd/political-activities>. The Office of Special Counsel also has issued social-media specific Hatch Act guidance, which can be found at <https://osc.gov/>.

Candidate Photographs

Displaying photographs of candidates for partisan office is considered partisan political activity, and therefore is not permitted in the federal workplace. There are limited exceptions to this ban, including official photographs of the President (when the President is a candidate for re-election), and for some personal photographs of a candidate which generally include the employee in the photograph. Be cautious when using photo-based social media sites such as Instagram and Tumblr, as the Hatch Act restrictions may apply to photographs posted on those sites as well (and also may apply if posted while on duty, in a government workplace, or using government equipment).

If you have candidate photographs in your office or workspace and have any question whether you may display the photographs, please contact your ethics official.

If you have questions concerning any of these rules or policies, please contact your Deputy Designated Agency Ethics Official (DDAEO), or the Departmental Ethics Office, at (202) 514-8196.