



# Justice Management Division – FACT SHEET

# POLITICAL ACTIVITY AND THE HATCH ACT

Authored by [Departmental Ethics Office](#), January 2024

## What is the Hatch Act?

The Hatch Act generally prohibits federal employees from engaging in partisan political activity while on duty, in a federal facility, or using federal property. Political activity is defined as any activity directed toward the success or failure of a political party, candidate for partisan political office, or partisan political group.

The U.S. Office of Special Counsel (OSC) is an independent federal agency who investigates and prosecutes alleged Hatch Act violations. Violations of the Hatch Act carry serious penalties, including removal from federal employment. Employees should consult with their ethics official before engaging in any partisan political activity.

## Two Categories of Employees

The restrictions that apply under the Hatch Act vary based on your position. Most employees are “less restricted” employees, who can actively participate in political management and campaigns, so long as they do so while off-duty, outside of a federal facility, and not using federal property.

Some employees are “further restricted” and are subject to additional restrictions regarding active participation in partisan political management and campaigns. The following Department employees are “further restricted” by statute:

- Career Senior Executive Service (SES) employees
- Administrative Law Judges
- All employees in the Criminal Division, National Security Division, and FBI
- ATF’s Office of Law Enforcement

All political appointees are also subject to the rules that govern “further restricted” employees under the Hatch Act, as a matter of Department policy.

## What is Prohibited for All Employees?

All Department employees may not:

- Engage in partisan political activity while on duty (including teleworking), wearing an official uniform or insignia, in federal workspace, or while using a government vehicle.
- Solicit, accept, or receive political contributions, whether on or off-duty (absent limited exceptions for labor unions).
- Use official authority to interfere with or affect the results of an election.

- Be candidates in partisan elections.
- Solicit or discourage the political activity of a person with business before the Department.

Examples of prohibited partisan political activity:

- Using your DOJ position to endorse a candidate.
- Wearing a campaign button or displaying partisan materials (e.g., a campaign sign) in the office. Similarly, these items cannot be visible in your background during a Teams call.
- Using your personal phone to donate to a partisan campaign while on duty (e.g., using government time) or in the workplace.
- Hosting a political fundraiser.
- Working a phone bank, if asking for contributions.
- Using non-public agency information for political purposes.

## Further Restricted Employees

In addition, employees who are further restricted under the Hatch Act may not be active in partisan political management or partisan political campaigns. For example, further restricted employees may not:

- Volunteer for a partisan campaign.
- Distribute campaign materials, including via email or social media.
- Hold office in partisan groups.
- Circulate nominating petitions.
- Make campaign speeches.
- Assist in partisan voter registration drives.
- Organize or manage political rallies or meetings.
- Forward campaign or political party emails.

Furthermore, Department policy prohibits non-career appointees from attending partisan political events (e.g., fundraisers and campaign events), even if attending in their personal capacities.

## Running for Office

Generally, federal employees may not be a candidate in a partisan election.\* Therefore, an employee must resign from their federal position before taking any action to begin their candidacy in a partisan election, including:

- Collecting signatures for, and filing, nominating petitions.
- Fundraising for their campaign.
- Assembling a campaign committee.
- Announcing their candidacy.

You may run as candidate in a *nonpartisan* election; however, be aware that an election designated as nonpartisan may turn into a partisan election through action taken by a political party. For example, a nonpartisan school board election could become partisan if a candidate is endorsed by, or receives money from, a political party. Thus, you should seek guidance from your ethics official before beginning any campaign.

### **Candidate Photographs**

Displaying pictures of candidates for partisan political office in the federal workplace is prohibited. There are limited exceptions, including official photographs of the President (when running for re-election), and some clearly personal photographs of a candidate. Contact your ethics official for more guidance.

### **Social Media**

The Hatch Act rules apply while on social media, regardless of whether you use government equipment or a personal device, or whether your social media account is private, public, or uses an alias. For example, employees may not:

- Use a social media account in your official capacity to engage in political activity, at any time.
- Tweet, retweet, share, or like a post or content that solicits political contributions, including invitations to fundraising events, at any time.
- Use your official title or position to endorse a candidate, at any time.

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\* In some instances, you may run as an independent candidate in a local partisan election in a locality designated by OPM. Check with your local ethics official before beginning any campaign.

- Like or follow the social media page of a candidate for partisan office or partisan group while on duty or in the workplace.
- Engage in political activity via social media while on duty or in the workplace.
- Tweet or retweet content supporting or opposing a candidate or partisan group, while on duty or in the workplace.

In addition, further restricted employees may never:

- Link, share, or post the partisan material of a candidate, political party, or partisan group.
- Share or retweet the social media pages or posts of a candidate, political party, or partisan group.

### **Important things to remember:**

- The Hatch Act's purpose is to maintain a politically neutral workplace.
- The Hatch Act generally prohibits federal employees from engaging in partisan political activity while on duty, in a federal facility, or using federal property.
- The rules governing political activity always apply, including when using social media.
- Additional Hatch Act guidance is available on OSC's website ([Hatch Act Overview \(osc.gov\)](https://osc.gov)).

Do you have questions about the types of political activity you can engage in, or are you planning to run for political office? Contact your Ethics Official ([Ethics Officials](#))!

