



# U.S. Department of **JUSTICE**

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## U.S. Department of Justice

Justice Management Division

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Washington, D.C. 20530

### MEMORANDUM FOR ALL DEPARTMENT OF JUSTICE NON-CAREER EMPLOYEES

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for Administration  
Designated Agency Ethics Official



July 8, 2024

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 Department employees to 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 reminds employees of further restrictions that the Attorney General has determined are appropriate to avoid any appearance of political influence on the Department's activities.<sup>1</sup>

#### 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 Hatch 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 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 (CRM), the Federal Bureau of Investigation (FBI), and the National Security Division (NSD); and the Office of Law Enforcement in the Bureau of Alcohol, Tobacco, Firearms, and Explosives (ATF).

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<sup>1</sup> See Attorney General Merrick Garland's Memo dated August 30, 2022, *New Restrictions on Political Activities by Non-Career Employees*.

<https://www.justice.gov/jmd/media/1239621/dl>

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 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 a 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. Prior to August 2022, Department policy 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. In August 2022, the Attorney General determined that non-career appointees may not attend any partisan political events, even in their personal capacities. This Department policy remains in effect and 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 Associate Deputy Attorney General (ADAG) Bradley Weinsheimer. For any public appearance scheduled to occur after September 30, 2024 and prior to November 6, 2024, Presidentially appointed officials should consult with ADAG Weinsheimer prior to accepting a public appearance invitation or making a public appearance.

### Social Media

The rules governing political activity always apply, including when using social media (*e.g.*, Facebook, LinkedIn, X, 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.

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 ([Justice Management Division | Political Activities](#)). The Office of Special Counsel (OSC) has also issued social media specific Hatch Act guidance, which can be found at [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.

### Running for Office

Generally, federal employees may not be candidates in partisan elections, even if they run as a political independent. Only those federal employees residing in specific localities designated by

the Office of Personnel Management (OPM), as listed in 5 C.F.R. § 733.107, may run as independent candidates in local partisan elections.

Conversely, federal employees may be candidates in nonpartisan elections. A nonpartisan election is one in which none of the candidates is to be nominated or elected as representing a political party any of whose candidates for Presidential elector received votes in the last preceding election at which Presidential electors were selected.

In some instances, an election that is designated as nonpartisan can turn into a partisan election. Accordingly, if you plan to run as a candidate in any election, whether partisan or nonpartisan, you should contact your ethics official for guidance and coordination with the Departmental Ethics Office (DEO).

A summary of the Hatch Act can be found here: [Justice Management Division Fact Sheet: Political Activity and the Hatch Act](#). If you have questions concerning any of these rules or policies, please contact your Deputy Designated Agency Ethics Official (DDAEO). Check this link for a list of ethics officials across the Department ([Justice Management Division | Ethics Officials](#)).